

EXHIBIT 8

Anthem Highlands Community Association

Board of Directors Meeting

Wednesday, May 27, 2020

Zoom Teleconference

MINUTES

CALL TO ORDER

Ms. Norris called the meeting to order at 6:11 p.m. upon establishment of a quorum.

ROLL CALL:

President, Pennie Puhek – PRESENT
Vice President/ Treasurer, Sydney Woo – PRESENT
Secretary, Ken Brensinger – PRESENT
Director, Joe Osisek – PRESENT
Director, Greg Moore - PRESENT

OTHERS PRESENT

Felicia Norris, Community Manager PCM, FirstService Residential
Courtney Khan-Goetz, Assistant Community Manager, FirstService Residential

NOTICE OF EXECUTIVE SESSION

The Board met in executive session on May 27, 2020 at 5pm. The Board may meet in executive session to discuss delinquencies, legal matters, ARC applications, personnel issues, violations of the governing documents, conduct hearings and discuss any other private homeowner matter that may come before the Board.

HOMEOWNER'S OPEN FORUM – In accordance with NRS116.31083 this portion of the meeting is devoted to unit owners' comments and discussion of those items listed on the agenda directly. Comments are limited to three (3) minutes. Per NRS116.31068, the general substance of remarks made by unit owners during this time is shown as follows:

- Questions regarding clarification of Haddington working group requests.

REPORT(S)

- A. **Par 3 Landscape** – Reports were previously reviewed. No action needed
- B. **Management** – Ms. Norris gave an update to the board/homeowners present on items of interest and projects within the community.
 - i. **Monthly activity report** – Provided by Par3 and FirstService Residential.

APPROVAL OF MINUTES

Board of Directors Meeting March 11, 2020 and April 29, 2020 – A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to accept the minutes from the regular Board meeting held on March 11, 2020 and April 29, 2020 All in favor. Motion carried

APPROVAL OF FINANCIALS

March 2020 Financials – A motion was made by Mr. Woo, seconded by Ms. Puhek, to accept the March 2020 Financials. All in favor. Motion carried.

ACTION OUTSIDE OF A MEETING

The Board approved through written unanimous consent of all five directors to appoint Ms. Puhek as interim president beginning May 21, 2020 until a formal reorganization can take place in an open meeting.

UNFINISHED BUSINESS –

- A. Architectural Committee – appointments/Board Liaison– A motion was made by Ms. Puhek, seconded by Mr. Moore, to terminate all current committee member terms and have the board take over the arc approval process so it can put safe guards in place to ensure the completion forms and photos are submitted for review. The board will appoint members to the committee once again at its June 17th

meeting and at that time the arc committee will resume control of the architectural committee process. All in favor. Motion carried

- B. No trespassing, loitering sign replacement proposals – A motion was made by Ms. Puhek, seconded by Mr. Osisek, to **postpone** this item to the June 17, 2020 meeting. Management to solicit additional bids and follow up with pictures. All in favor. Motion carried
- C. Haddington Working Group -
 - i. Review camera bids for the gates – As the cameras were not in the 2020 budget they will need to be added to the 2021 budget.
 - ii. Request to match Earlstone entrance signs – management will receive the company information from Ms. Puhek to be contacted for proposal.
 - iii. Park renovation bids – Management to work with Ken and Haddington WG to get this on the July agenda. Park furniture will need to go into the 2021 budget.
 - iv. Request for speed table for the neighborhood – need to inquire on liability and city ordinances.
- D. Storage unit – re-evaluate as PAR3 has gone month to month - A motion was made by Ms. Puhek, seconded by Mr. Moore, to **postpone** this item to the June 17, 2020 meeting. Management to meet with Mr. Brensinger to verify all items in the storage unit. All in favor. Motion carried

NEW BUSINESS

- A. Insurance Renewal – Master, Edinburgh, Haddington - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **postpone** this item to the June 17, 2020 meeting. All in favor. Motion carried
- B. Par3 Weathermatic Smartlink Web access renewal proposal. - A motion was made by Ms. Puhek, seconded by Mr. Moore, to **deny** the Par3 Weathermatic Smartlink Web access renewal proposal All in favor. Motion carried
- C. Approve to suspend the previously approved Email Resolution pending modifications as it has the potential to violate board member and homeowner confidentiality.– A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to suspend the previously approved Email Resolution pending modifications by the board as it has the potential to violate board member and homeowner confidentiality. All in favor. Motion carried
- D. Approve to rescind Board Approval to allow homeowners to video record meetings. The meetings reveal the confidential financial and business information of the association, which should remain confidential and not be disseminated to the general public.– A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** to rescind Board Approval to allow homeowners to video record meetings. The meetings reveal the confidential financial and business information of the association, which should remain confidential and not be disseminated to the general public. All in favor. Motion carried.
- E. Approve to direct management to retrieve all emails from Anthem Highland board member email accounts established under anthemhighlands.org and through GoDaddy.com that management acknowledged were deleted under the GoDaddy.com policy. These emails are to be downloaded and placed on a flash drive for storage, since they are records of the association.- A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** to direct management to retrieve all emails from Anthem Highland board member email accounts established under anthemhighlands.org and through GoDaddy.com that management acknowledged were deleted under the GoDaddy.com policy. These emails are to be downloaded and placed on a flash drive for storage, since they are records of the association. All in favor. Motion carried.
- F. Approve to hire John Smith with Horticulture Consultants as a third party professional to advise the board and conduct a community landscape inspection on various and continuing landscape issues. The budgetary impact is expected to be between \$500-\$1500 and will be applied to account #77740. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to hire John Smith with Horticulture Consultants as a third party professional to advise the board and conduct a community

landscape inspection on various and continuing landscape issues. The budgetary impact is expected to be between \$500-\$1500 and will be applied to account #77740. All in favor. Motion carried

- G. Authorize board members Sydney Woo and Joe Osisek to engage in discussions to renegotiate the management contract and conduct a financial audit of the payroll and compensation paid to FirstService Residential. This authorization also allows for these board members to consult with the CPA as needed, gives full authorization for management to provide all data requested to conduct the audit, and allows the board to request all emails and/or written agreements or memos in managements possession relating to compensation, benefits, and hiring decisions of staff for the association. – A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to authorize board members Sydney Woo and Joe Osisek to engage in discussions to renegotiate the management contract and conduct a financial audit of the payroll and compensation paid to FirstService Residential. This authorization also allows for these board members to consult with the CPA as needed, gives full authorization for management to provide all data requested to conduct the audit, and allows the board to request all emails and/or written agreements or memos in managements possession relating to compensation, benefits, and hiring decisions of staff for the association. All in favor. Motion carried. A motion was made by Ms. Puhek, seconded by Mr. Moore, to **amend** the previous motion to add to send the management contract out to bid. All in favor. Motion carried.
- H. Appoint board member to the Anthem Council as representative for the association. Terms are renewed in November for 2 years. – A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **appoint** Ms. Puhek. to the Anthem Council as representative for the association. All in favor. Motion carried.
- I. Approve the following additional board meeting dates to be held virtually and noticed to homeowners via us mail with information on how to access the meetings. Regular session meeting to be held June 17 at 6:00 pm and two additional closed executive sessions to be held on June 3 at 4:30pm and June 17th at 4:30pm. - A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** the following additional board meeting dates to be held virtually and noticed to homeowners via us mail with information on how to access the meetings. Regular session meeting to be held June 17 at 6:00 pm and two additional closed executive sessions to be held on June 3 at 4:30pm and June 17th at 4:30pm. All in favor. Motion carried.
- J. Approve to direct management to place a hold on moving any new homeowner assessment or fine accounts to the collection company until the board has the opportunity to review and approve the placement. Management will continue to process accounts for pre-collection in accordance with the adopted collection policy. - A motion was made by Ms. Puhek, seconded by Mr. Osisek, to **approve** to direct management to place a hold on moving any new homeowner assessment or fine accounts to the collection company until the board has the opportunity to review and approve the placement. Management will continue to process accounts for pre-collection in accordance with the adopted collection policy. All in favor. Motion carried.
- K. Approve to rescind recently approved collection policy resolution approved at the April 29, 2020 meeting. - A motion was made by Ms. Puhek, seconded by Mr. Osisek, to **approve** to rescind recently approved collection policy resolution approved at the April 29, 2020 meeting. All in favor. Motion carried.
- L. Approve for management to engage with Collection Company to request a discount of their collection costs on homeowner fine accounts in order for the association to negotiate settlements with owners. - A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** to for management to engage with Collection Company to request a discount of their collection costs on homeowner fine accounts in order for the association to negotiate settlements with owners. All in favor. Motion carried.
- M. Approve to seek bids for painting of light poles and ironwork fencing and gates in Haddington and Edinburgh. Management will work with the board to create an RFP and will solicit bids from at least 4 vendors of the boards choosing. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to seek bids for painting of light poles and ironwork fencing and gates in Haddington and

Edinburgh. Management will work with the board to create an RFP and will solicit bids from at least 4 vendors of the boards choosing. All in favor. Motion carried.

- N. Approve to cancel the cell phone reimbursement for managers and approve for the association to purchase a cell phone and cellular services to be provided to the manager. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to cancel the cell phone reimbursement for managers and approve for the association to purchase a cell phone and cellular services to be provided to the manager. All in favor. Motion carried.
- O. Approve to terminate the collection contract with the Leach Law Firm and approve to place collection accounts with Association Recovery Services. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to suspend forwarding any more collection accounts to the Leach Law Firm and approve to place collection accounts with Association Recovery Services. Additionally to restrict management from having any conversation with the Leach Law firm. All in favor. Motion carried.

HOMEOWNERS FORUM – This open forum session is reserved for general homeowner comments. General comments / subject matter was as follows:

- Questions about cameras being a capital improvement and not being in the reserves budget
- Will the new signs be coming out of the Master budget and the Haddington Budget

HOMEOWNER CORRESPONDANCE –

- A. Ms. Puhek correspondence re: alleged violations of NRS 116.3103 through NAC 116.405 1, 2 ,3, 5(c), 5 (e), NRS 116.31183, CCR 3.6

NEXT MEETING DATE(S)

The next Board meeting is scheduled for Wednesday, June 17, 2020 at 6:00 p.m. at via Zoom teleconference.

ADJOURNMENT – A motion was made by Ms. Puhek, seconded by Mr. Osisek, to adjourn the meeting, at 8:01p.m. All in favor. Motion carried

Respectfully submitted by:
Felicia Norris, Community Manager PCM, FirstService Residential

Accepted By:



Secretary

7-3-2020

Date

Anthem Highlands Community Association

Board of Directors Meeting
Wednesday, June 17, 2020
Zoom Teleconference
MINUTES

CALL TO ORDER

Ms. Puhek called the meeting to order at 6:07 p.m. upon establishment of a quorum.

ROLL CALL:

President, Pennie Puhek – PRESENT
Vice President/ Treasurer, Sydney Woo – PRESENT
Secretary, Ken Brensinger – PRESENT
Director, Joe Osisek – PRESENT
Director, Greg Moore - PRESENT

OTHERS PRESENT

Felicia Norris, Community Manager PCM, FirstService Residential
Courtney Khan-Goetz, Assistant Community Manager, FirstService Residential

NOTICE OF EXECUTIVE SESSION

The Board met in executive session on June 17, 2020 at 5:04pm. The Board may meet in executive session to discuss delinquencies, legal matters, ARC applications, personnel issues, violations of the governing documents, conduct hearings and discuss any other private homeowner matter that may come before the Board.

HOMEOWNER'S OPEN FORUM – In accordance with NRS116.31083 this portion of the meeting is devoted to unit owners' comments and discussion of those items listed on the agenda directly. Comments are limited to three (3) minutes. Per NRS116.31068, the general substance of remarks made by unit owners during this time is shown as follows:

- Questions about security concerns and neighborhood watch.

REPORT(S)

- A. **Par 3 Landscape** – Reports were previously reviewed. No action needed
- B. **Management** – Ms. Norris gave an update to the board/homeowners present on items of interest and projects within the community.
 - i. **Monthly activity report** – Provided by Par3 and FirstService Residential.

APPROVAL OF MINUTES

Board of Directors Meeting May 27, 2020 – A motion was made by Mr. Brensinger, seconded by Mr. Osisek to accept the minutes from the regular Board meeting held on May 27, 2020, all in favor. Motion carried.

APPROVAL OF FINANCIALS

April 2020 Financials – A motion was made by Mr. Woo, seconded by Mr. Moore, to accept the April 2020 Financials. All in favor. Motion carried.

ACTION OUTSIDE OF A MEETING

The Board approved through action outside of a meeting to appoint the law firm of Boyack, Orme, Anthony as association general legal counsel.

UNFINISHED BUSINESS –

- A. Insurance Renewal – Master, Edinburgh, Haddington – A motion was made by Mr. Osisek, seconded by Ms. Puhek, to **approve** the 2020 – 2021 insurance proposal for the Master provided by LaBarre/Oksnee Insurance in the amount of \$26,927.00. All in favor. Motion carried.

- B. No trespassing, loitering sign replacement proposals – A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** the HD supply proposal to purchase 15 signs for the community in the amount of \$1302.45 and to hire Buckeye to install the signs at a cost not to exceed \$600.00 All in favor. Motion carried.
- C. Architectural Committee – appointments/Board Liaison - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **appoint** the following members to the Arc Committee for one year; Frank Capello- Chairman and Liaison, Jon Johnson, Michael Stein, Joe Osisek and Gregory Moore. All in favor. Motion carried.

NEW BUSINESS

- A. Management Company Proposals- Sealed Bids to be opened by law firm of Boyack, Orem, Anthony – Four bids were received from the following companies; Camco, FirstService Residential, The Management Trust and Terra West. All bids were presented by Ms. Sametra Albert of Boyak, Orem and Anthony. Bids were read as follows:
1. Camco –
 - Inclusive agreement is \$7398.00 a month
 - \$4.49 per door
 - Fulltime dedicated licensed community manager \$72,000.00 - \$78,000.00 per year
 - Fulltime dedicated Administrative assistant \$42,000 - \$47,000 per year
 - Plus 14% payroll overhead
 - Monthly and year ending financials for Haddington \$125.00
 - Monthly and year ending financials for Edinburgh \$125.00
 2. First Service Residential –
 - Management fee is \$7232.00 per month
 - Edinburgh Accounting fee is \$90.00 per month
 - Haddington Accounting fee \$112.00 per month
 - Licensed CAM fulltime work week hrs and a 25% labor burden
 - Assistant association manager XX hours per week 25% labor burden
 - Administrative assistant XX hours per week 25% labor burden
 3. The Management Trust –
 - All-inclusive agreement with dedicated employees
 - Monthly proposed pricing of \$4.00 per door/ \$6588
 - Additional financial services for Haddington 73 units \$2.00 per door
 - Additional financial services for Edinburgh 92 units \$2.00 per door
 - *the standard agreement provides full service management with reimbursable expenses outlined in the attached schedule A please note that salary and wages are not included.
 - Dedicated staffing actual cost and compensation for each employee plus 7%
 4. Terra West – 2 options
 - Option A is an all-inclusive contract
 - \$2.95 per door \$4858.65 per month
 - base monthly management fee excluding payroll and benefits
 - Option B is an all-inclusive contract
 - Base monthly management fee including payroll and benefits
 - \$16,600.00 per month
 - Community Manager - \$3541.67.00, annually \$85,000.00
 - Medicare/ health insurance/ workers comp – 7% administration fee
 - Community Assistant - \$1473.33, annually \$35,360.00
 - Monthly and year ending financials for Haddington \$100.00 per month
 - Monthly and year ending financials for Edinburgh \$80.00 per month

- B. A motion was made by Ms. Puhek, seconded by Mr. Moore, to **postpone** this item to the July 8, 2020 meeting. All in favor. Motion carried.
- C. Draft 2019 Audit - A motion was made by Ms. Puhek, seconded by Mr. Woo, to **approve** the 2019 draft audit as presented. All in favor. Motion carried.
- D. Reserve Study – Proposal for Level 1 update from Complex Solutions. A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** the proposal for a level one reserve study update to be completed by Complex Solutions at a cost of \$3800.00 for the Master, \$550.00 for Haddington and \$550.00 for Edinburgh. All in favor. Motion carried.
- E. Authorize Landscape Maintenance Update by John Smith.- A motion was made by Ms. Puhek, seconded by Mr. Moore, to **authorize** Mr. John Smith to update the landscape maintenance agreement at a cost of \$125.00/ hr. All in favor. Motion carried.
- F. Approve - Closing the Sommerville Playground for renovations and to approve new playground equipment. - A motion was made by Ms. Puhek, seconded by Mr. Woo, to **approve** closing the Sommerville Playground for renovations and to **approve** new play ground equipment at a cost not to exceed \$50,000.00. All in favor. Motion carried.
- G. Approve proposal for temporary Fencing Sommerville Park - A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** the proposal from Tiberti Fence to place temporary fencing around the Sommerville Park play structure at a cost of \$780.00. All in favor. Motion carried.
- H. Tree Irrigation proposals for the Master and Haddington. – A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **postpone** this item to the July 8, 2020 meeting. All in favor. Motion carried.
- I. Schedule new board member orientation. – No action needed as this item can be discussed via email.
- J. Approve proposal from Buckeye to repaint curbs and fire hydrants in Haddington and Edinburgh. - A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** proposal #E179 for Haddington at a cost of \$890.00 and proposal #E180 for Edinburgh at a cost of \$580.00. All in favor. Motion carried.

HOMEOWNERS FORUM – This open forum session is reserved for general homeowner comments. General comments / subject matter was as follows:

- Crime in Glengarry, informing HPD about all the current activity
- Cars parked on the sides of roads and curbs
- Trees and shrubs need water
- Captur HPD camera sharing

HOMEOWNER CORRESPONDANCE – none

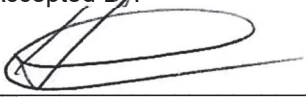
NEXT MEETING DATE(S)

The next Board meeting is scheduled for Wednesday, August 12, 2020 at 6:00 p.m. via Zoom teleconference.

ADJOURNMENT – A motion was made by Ms. Puhek, seconded by Mr. Moore, to adjourn the meeting, at 7:55p.m. All in favor. Motion carried

Respectfully submitted by:
Felicia Norris, Community Manager PCM, FirstService Residential

Accepted By:



Secretary

7/20/2020

Date

Anthem Highlands Community Association

Board of Directors Meeting

Wednesday, July 8, 2020

Zoom Teleconference

MINUTES

CALL TO ORDER

Ms. Puhek called the meeting to order at 6:06 p.m. upon establishment of a quorum.

ROLL CALL:

President, Pennie Puhek – PRESENT
Vice President/ Treasurer, Sydney Woo – PRESENT
Secretary, Ken Brensinger – PRESENT
Director, Joe Osisek – PRESENT
Director, Greg Moore - PRESENT

OTHERS PRESENT

Felicia Norris, Community Manager PCM, FirstService Residential
Courtney Khan-Goetz, Assistant Community Manager, FirstService Residential

NOTICE OF EXECUTIVE SESSION

The Board met in executive session on July 8, 2020 at 5:08pm. The Board may meet in executive session to discuss delinquencies, legal matters, ARC applications, personnel issues, violations of the governing documents, conduct hearings and discuss any other private homeowner matter that may come before the Board.

HOMEOWNER'S OPEN FORUM – In accordance with NRS116.31083 this portion of the meeting is devoted to unit owners' comments and discussion of those items listed on the agenda directly. Comments are limited to three (3) minutes. Per NRS116.31068, the general substance of remarks made by unit owners during this time is shown as follows:

- None

REPORT(S)

- A. **Par 3 Landscape** – Reports were previously reviewed. No action needed
- B. **Management** – Ms. Norris gave an update to the board/homeowners present on items of interest and projects within the community.
 - i. **Monthly activity report** – Provided by Par3 and FirstService Residential.

APPROVAL OF MINUTES

Board of Directors Meeting June 17, 2020 – A motion was made by Mr. Brensinger, seconded by Mr. Moore to accept the minutes from the regular Board meeting held on June 17, 2020, with the addition of the amounts for the management company proposals. All in favor. Motion carried.

APPROVAL OF FINANCIALS

May 2020 Financials – A motion was made by Mr. Woo, seconded by Mr. Brensinger, to accept the May 2020 Financials. All in favor. Motion carried.

ACTION OUTSIDE OF A MEETING

- None

UNFINISHED BUSINESS –

- A. A motion was made by Ms. Puhek, seconded by Mr. Brensinger to postpone the unfinished business to the end of the meeting. All in favor. Motion carried.

NEW BUSINESS

- A. Approve proposals for the Haddington Park Demo and the Haddington Park breezeway demo.– A motion was made by Ms. Puhek, seconded by Mr. Osisek to **postpone** this item to the July 22, 2020 meeting. All in favor. Motion carried.
- B. Approve proposal for the Earlstone paseo: tree removals/ tree trimming for safety concerns - A motion was made by Ms. Puhek, seconded by Mr. Osisek to **approve** the proposal for the Earlstone/ Clermont paseo tree removals in the amount of \$2490.00. All in favor. Motion carried.
- C. Approve to have former legal counsel provide all email exchanges with management and former President from March 2019-May 2020 in order to determine accuracy and authorization of billing. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** to have former legal counsel provide all email exchanges with management and former President from March 2019-May 2020 in order to determine accuracy and authorization of billing. All in favor. Motion carried.
- D. Rescind Email policy due to potential unlawful access of individual board member emails.– A motion was made by Ms. Puhek, seconded by Mr. Osisek, to **rescind** the Email policy that was previously created earlier this year. All in favor. Motion carried.
- E. Holbrook Seal Crack Proposals- Approve seal crack proposals for Edinburgh, Haddington, and power line trail to be scheduled in October. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** the seal crack proposals for Edinburgh in the amount of \$4,119.96, and Haddington in the amount of \$4,590.72. to be scheduled for mid to late October. And to **postpone** the proposal for the power line trail to the July 22nd, 2020 meeting pending more information. All in favor. Motion carried.
- F. Insurance Proposals Haddington and Edinburgh Approve insurance proposals that expire 7-31-2020.- A motion was made by Ms. Puhek, seconded by Mr. Osisek, to **postpone** the insurance proposals for Haddington and Edinburgh to the July 22nd,2020 meeting. All in favor. Motion carried.
- G. Staffing Level-Approve reduction in staffing level.– A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** to reducing the staffing level to one manager from July 18th to July 31st. All in favor. Motion carried.
- H. Budget Variance- Approve variance to Budget Line Item 60005- SBW Administrative. A motion was made by Ms. Puhek, seconded by Mr. Moore, to **approve** move \$85,000.00 from line #60005 – SBW Administrative to line item #77200 management fees, so that there is a proper adjustment to the staffing level. All in favor. Motion carried.
- I. Meeting Date Changes- Meetings to be held the third Wednesday of the month to allow additional time each month for review of the financials. Add additional meeting date for July 22, 2020 at 3pm to address playground proposals and any other matters that need immediate attention. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** the meeting date changes. Meetings to be held the third Wednesday of the month to allow additional time each month for review of the financials. Add additional meeting date for July 22, 2020 at 3pm to address playground proposals and any other matters that need immediate attention All in favor. Motion carried.
- J. Approve proposal for Anthem Highlands Dr. at Dewar Highlands -Pine tree Irrigation. - A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to **approve** proposal #203-2062601 for Anthem Highlands Dr. at Dewar Highlands -Pine tree Irrigation at a cost of \$305.00. All in favor. Motion carried.

UNFINISHED BUSINESS –

- A. Management Proposals- Approve management contract for 8-1-2020 to 7-31-2021 based on previously received sealed bids from First Service, Terra West, Camco, The Management Trust.– A motion was made by Ms. Puhek, seconded by Mr. Woo, to **approve** the management contract with its addendums for Terra West from August 3rd, 2020 to July 31st, 2021 in the amount of \$16,600.00 per month and to approve the proposal to prepare monthly and year end financials for Haddington at \$100 per month and for Edinburgh at \$80.00 per month. All in favor. Motion carried.

A motion was made by Ms. Puhek, seconded by Mr. Brensinger, to terminate FirstService's contract and give their 30day notice effective tomorrow, July 9th and will terminate on August 9th. All in favor. Motion carried.

HOMEOWNERS FORUM – This open forum session is reserved for general homeowner comments. General comments / subject matter was as follows:

- Stop sign at Culloden needed
- Thanks to management for all their work

HOMEOWNER CORRESPONDANCE – none

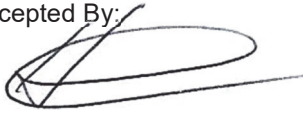
NEXT MEETING DATE(S)

The next Board meeting is scheduled for Wednesday, July 22nd, 2020 at 3:00 p.m. via Zoom teleconference.

ADJOURNMENT – A motion was made by Ms. Puhek, seconded by Mr. Osisek, to adjourn the meeting, at 6:51p.m. All in favor. Motion carried

Respectfully submitted by:
Felicia Norris, Community Manager PCM, FirstService Residential

Accepted By:



Secretary

7-27-2020

Date

EXHIBIT 9

**ANTHEM HIGHLANDS COMMUNITY ASSOCIATION BOARD OF DIRECTORS
CANDIDATE NOMINATION & DISCLOSURE FORM**

This form is provided for candidates who wish to serve on the Board of Directors. The membership will be voting on **three (3) open positions, each with a 2 year term from May 2021 – May 2023**. Nevada State Law requires the following disclosures in order for a candidate to qualify for Board membership of a Common Interest Community. **Write-in candidates are not permitted.**

NAME OF NOMINEE: Pennie Massett-Puhak
 PROPERTY ADDRESS: 2740 Hildrummie ST

Are you a unit owner? yes no

(NOTE: Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, **the units' owners shall elect an executive board of at least three members, all of whom must be units' owners.**)

Per NRS 116.31034.9 (a) and (b), please complete the following information regarding your candidacy:

9. Each person whose name is placed on the ballot as a candidate for a member of the executive board must: (a) make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board:

I have potential conflict(s) of interest: (check) Please explain on a separate sheet of paper.

I have no potential conflict(s) of interest: (check)

And, (b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any **unpaid and past due assessments or construction penalties** that are required to be paid to the association.

I am a candidate in good standing as defined above: yes no

Per NRS 116.31034.10 a person may not be a candidate for or a member of the executive board or an officer of the association if either of the following apply. (Note: there may be an exception for uncontested elections). To comply with this requirement, please complete the following:

I reside in a unit with, am married to, domestic partners with, or am related by blood, adoption or marriage within the third degree of consanguinity or affinity to another person who is also a member of the executive board or is an officer of the association. yes no
 (If yes, please explain on a separate sheet of paper)

I, my spouse or parent or child, by blood, marriage or adoption, performs the duties of community manager for the association. yes no

Please explain why you wish to serve as a Board member and what your goals are for the Association: (a separate Candidate Statement may be attached) Please See attached Statement. Thank You.

Per NRS 116.31034 additional information provided is voluntary and NOT a requirement of the law. The Candidate Statement (if provided) a) **must be no longer than an additional single, typed page**; b) must not contain any defamatory, libelous or profane information and c) may be sent in its entirety with the secret ballot mailed. Responses may be edited. Consent for editing is implied by returning this form.

The candidate must make all disclosures required pursuant to NRS 116 in writing to the association with his candidacy information. The association shall distribute the disclosures to each member of the association with the ballot in the manner established by the bylaws of the association and NRS. However, the association is not obligated to distribute any disclosure pursuant to (NRS 116.31034) if the disclosure contains information that is believed to be defamatory, libelous or profane. Any additional information provided by the candidate for the executive board is voluntary and is not a requirement under NRS 116.31034. NOTE: Nothing cited in this disclosure is intended to be used to prevent a potential candidate from running for the board of directors. Further, the board will not prohibit a candidate from appearing on the ballot for failure to provide a disclosure statement, or for providing an inaccurate one or one with content that is defamatory, libelous or profane. Should a candidate not complete a disclosure statement, or should it contain content believed to be defamatory, libelous or profane, the board will note the fact in a statement to be included with election-related mailings. Further, a complaint may be filed with the Real Estate Division against the candidate who does not comply with the disclosure requirement.

Signature of Nominee: [Signature] Date: 4-26-21
 Email Address: Pennieahca@gmail.com Phone: 702-808-8917

MAIL NOMINATION FORM TO: 6655 S. Cimarron Rd., Ste. 200, Las Vegas, NV 89113 or FAX: (702) 998-6083 or Scan and Email to: anthemhighlands@terrawest.com. Deadline: April 26, 2021 by 5:00 PM

EXHIBIT 10

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY - REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS
3300 West Sahara Avenue, Suite 350 * Las Vegas, NV 89102
(702) 486-4480 * Toll free: (877) 829-9907 * Fax: (702) 486-4520
CICombudsman@red.nv.gov <http://www.red.nv.gov>

ALTERNATIVE DISPUTE RESOLUTION (ADR) SUBSIDY APPLICATION FOR MEDIATION

IMPORTANT: Subsidization of any Mediator fees is limited to actual Mediator fees only and may not exceed \$250.00 per side not to exceed \$500 per Mediation, **to the extent that funds are available**. Specific costs not subsidized include, but are not limited to, the \$50 filing fee required to accompany any claim or response and any attorney fees incurred by the parties.

Date Form is Completed: 7/26/23 **Claim Number:** _____

This form is being completed on behalf of Claimant Respondent
The above-indicated party is Unit Owner Homeowners Association

Subsidy is based on the unit address the claim is filed in reference to.

For subsidy to be approved for either party, the primary unit address involved in this claim is required:

Unit Owner's Name: Andrea Collier, as trustee of the JACT Trust

Unit Address: 2822 Culloden Ave., Henderson NV 89044

**If the Respondent is completing this form, please list the primary unit address involved in this claim.*

Contact Information for the Party Applying for Subsidy:

Name: Andrea Collier, as trustee of the JACT Trust

Law Firm and Attorney Name (if applicable): Timothy Elson of The Law Offices of Timothy Elson

Contact Address: 8965 S. Eastern Ave., Suite 382, Las Vegas, NV 89123

Contact Phone: (702) 874-8600 **Fax Number:** _____ **Email Address:** tim@elsonlawoffices.com

Claimant's Acknowledgements:

Initial here confirming your claim was filed within one year of discovery.
For subsidy to be approved, the claim form must be filed within 1 year from the date of discovery of the issue(s) listed on the claim form.

Claimant's and Respondent's Acknowledgments:

If subsidy is denied, I acknowledge I will be responsible for the cost of the Mediation.

I acknowledge that the Subsidy application will **ONLY** be accepted and reviewed prior to the claim being assigned to a Mediator/Referee.

Yes No Have you received a subsidy during the State's current fiscal year? (The fiscal year is July 1 – June 30)

If yes, indicate: Claim Number: _____ Claimant Name: _____ Unit Address: _____

Association's Acknowledgments:

Yes No Is the association in "Good Standing" with both the Office of the Ombudsman and the Secretary of State?

If the association is "Not in Good Standing" with the Office of the Ombudsman and/or the Secretary of State, I acknowledge the subsidy will be denied.

FOR DIVISION USE ONLY – MEDIATOR

Date claim assigned to mediator: _____ **Date form received by Division:** _____

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR OWNERS IN
COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

3300 W. Sahara Ave., Suite 350, Las Vegas, Nevada 89102

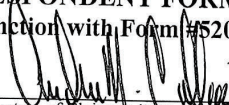
(702) 486-4480 * Toll free: (877) 829-9907

E-mail: CIOmbudsman@red.nv.gov <http://red.nv.gov>

ALTERNATIVE DISPUTE RESOLUTION (ADR)
ADDITIONAL RESPONDENT FORM

This form should only be used in conjunction with Form #520 - ADR Claim Form

Date: 7/26/23



Signature of Claimant (if Homeowner, must be owner of record)

(<http://nvsos.gov/sos>)
If filed on behalf of the Association, provide the Association's Entity Number as it appears on the Secretary of State's website.

Respondent: Carmen Eassa # _____
If individual provide full name. If Association, provide COMPLETE Association name and Entity Number as it appears on the Secretary of State's website.

Contact Address: 1016 Windhook St, Las Vegas, NV 89144
Street City State Zip Code

Contact Phone: _____ **Fax:** _____ **E-Mail:** _____

Respondent: _____ # _____
If individual provide full name. If Association, provide COMPLETE Association name and Entity Number as it appears on the Secretary of State's website.

Contact Address: _____
Street City State Zip Code

Contact Phone: _____ **Fax:** _____ **E-Mail:** _____

Respondent: _____ # _____
If individual provide full name. If Association, provide COMPLETE Association name and Entity Number as it appears on the Secretary of State's website.

Contact Address: _____
Street City State Zip Code

Contact Phone: _____ **Fax:** _____ **E-Mail:** _____

Respondent: _____ # _____
If individual provide full name. If Association, provide COMPLETE Association name and Entity Number as it appears on the Secretary of State's website.

Contact Address: _____
Street City State Zip Code

Contact Phone: _____ **Fax:** _____ **E-Mail:** _____

For office use only:
Receipt number: _____ Claim number: _____ Date received: _____

STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY – REAL ESTATE DIVISION
OFFICE OF THE OMBUDSMAN FOR COMMON-INTEREST COMMUNITIES AND CONDOMINIUM HOTELS

3300 West Sahara Avenue, Suite 350, Las Vegas, Nevada 89102
(702) 486-4480 / Toll free: (877) 829-9907 / Fax: (702) 486-4520
E-mail: CICOmbudsman@red.nv.gov / <http://red.nv.gov>

ALTERNATIVE DISPUTE RESOLUTION (ADR) CLAIM FORM

Date: 7/26/23

Signature of Claimant: _____

***Only one claimant per claim form is allowed for tracking purposes.**

Claimant: Andrea Collier, as trustee of the JACT Trust

**If individual, provide full name as it appears with the assessor's office in order to verify that you are a Unit Owner. If an Association, provide COMPLETE Association name as it appears on the Secretary of State's website.*

Law Firm and Attorney (if applicable): Timothy Elson of The Law Offices of Timothy Elson

Please provide the name of the law firm and the name of the attorney. An attorney is not required.

Mailing Address: 8965 S. Eastern Ave., Suite 382, Las Vegas, NV 89123

Street and number, city, state, and zip code

Phone Number: (702) 874-8600 Fax Number: _____ Email Address: tim@elsonlawoffices.com

Respondent: K.G.D.O. Holding Company, LLC, d/b/a Terra West Management Services

**If individual, provide full name. If an Association, provide COMPLETE Association name as it appears on the Secretary of State's website.*

Please list only one party. Attach an Additional Respondent Form 520B if there is more than one Respondent.

Mailing Address: 801 S. Rampart Blvd., #200, Las Vegas, NV 89145

Street and number, city, state, and zip code

Phone Number: _____ Fax Number: _____ Email Address: _____

PLEASE SELECT YOUR METHOD OF RESOLUTION: Mediation Referee Program*

**Claims involving multiple parties may be excluded from the Referee Program.*

***If all parties agree to the Referee Program, the cost will be fully subsidized by the Division, if funds are available.*

Yes No Has the above-listed Claimant filed an Intervention Affidavit (Form 530) regarding the same or similar issues? *If yes, provide the file number(s):* _____

INITIAL

AC

I have read and agree to the policies stated in the ADR Overview (Form 523).

INITIAL IF APPLICABLE

I acknowledge that if an Intervention Affidavit (Form 530) has been filed with the Division based upon the same issues, by filing an ADR claim; the Division will not move forward with investigating the Intervention Affidavit pursuant to NAC 116.630.

If the Referee Program is selected, and the Respondent chooses Mediation, the claim will default to mediation.

For office use only

Receipt Number: _____ Claim Number: _____ Date Received: _____

Address of unit related to this claim: 2822 Culloden Ave., Henderson NV 89044

- Your explanation must start below. You may attach additional pages, if more space is needed. Please, do not write "SEE ATTACHMENT" in the space below IT IS NOT ACCEPTABLE.
- If this claim is being filed based on a referral from the Intervention process, please ensure that you explain the issue below. Do not refer to your original complaint.

The allegations include, but are not limited to, the following: Eassa and TerraWest engaged in conduct in violation of NRS 116.31183 and NRS 116.31184; Eassa and TerraWest breached various statutory obligations, duties, and otherwise fell below the standard of care engaging in the course of conduct against Collier and by otherwise failing to properly manage the Association, Anthem Highlands Community Association; Eassa and TerraWest conspired with or otherwise engaged in concerted actions with Mossett-Puhek and Anthem Highlands against Collier; and that Eassa and TerraWest otherwise violated Nevada law, which Collier reserves her right to address at the mediation or in a legal action.

IDENTIFY THE SECTION OF GOVERNING DOCUMENTS PERTAINING TO THE DISPUTE:

The following sections may apply, but do not necessarily include and are not necessarily limited to: CC&R 4.1.4 and CC&R 4.3.

In order for the claim to be considered filed, the following must be submitted, if applicable.

Please indicate that you acknowledge and will follow through with completing each of the items below. Initial that the following steps have been completed:

INITIAL

AC

Forms:

One (1) Original Claim Form (Form 520)

Two (2) copies of the Claim Form and supporting documents

- *Supporting documents may be provided directly to the Mediator or Referee once assigned and are not required with this Claim Form. Should you choose to submit your documents, you must submit three (3) copies of the supporting documents.*

AC

NONREFUNDABLE Filing Fee of \$50.00 payable to "NRED" in the form of:

- Cash (exact change; please do not mail cash)
- Check
- Money Order

AC

I acknowledge that the Subsidy Application will ONLY be accepted and reviewed prior to the claim being assigned to a Mediator or Referee.

INITIAL IF APPLICABLE

AC

ADR Subsidy Application for Mediation (Form 668). Subsidy is awarded based on the following:
For a Unit Owner, once during each fiscal year of the State for each unit owned.

For an Association, once during each fiscal year of the State for each unit located within each individual association. Association must be "in good standing" with Secretary of State and Office of the Ombudsman.

I acknowledge that the Claimant will **NOT** be applying for Subsidy for this claim.

SERVING THE CLAIM

Please be advised, the Claimant will be responsible to have the Respondent(s) served within **45 days** from the date the Division processes the Claimant's 520 claim form. The packet will contain instructions on how to serve the claim.

The packet that the Claimant will receive in the mail will contain:

- A claim opening letter (keep this letter for your records).
- A receipt for **the non-refundable** \$50.00 filing fee (keep for your records).
- Affidavit of Services Form
 - This form must be filled out by the person that serves the claim.
 - The form **MUST** be notarized and returned to the Division within 10 days of the claim being served.
 - The packet cannot be served by anyone associated with the claim.

The following items from the packet are required to be served:

- ADR Overview, Form 523
- Copy of the claim that was processed, Form 520
- A blank Response, Form 521
- A blank Subsidy Application, Form 668
- *If the Claimant listed more than one Respondent on the Claim Form (520). The Claimant will be responsible to make copies of the packet, so that each Respondent can be served.*
- *One (1) Affidavit of Service will have to be notarized and submitted for each Respondent listed on the Claim Form (520/520B).*
- *Pursuant to NAC 38.350(2)(a) – The Affidavit of Service MUST be submitted to the Division within 10 days of being served.*

INITIAL

AC

I acknowledge that all forms listed above will be served pursuant to NRS 38.320.

AC

I acknowledge that if the claim is not served within the timeframe set forth by Nevada Administrative Code (NAC) 38.350 (1), the claim will be closed.

AC

I acknowledge if the Affidavit of Service (AOS) is not submitted to the Division within the timeframe set forth by Nevada Administrative Code (NAC) 38.350 (2)(a), the Division has the authority to close the claim.

How service must be made:

- **Service on a Nevada Corporation:** Service shall be made upon the president or other corporate head, secretary, cashier, managing agent or resident agent. However, if this is not possible, then upon the Secretary of State in the manner described in Rule 4 of the Nevada Rules of Civil Procedure.
- **Service on a Non-Nevada Corporation:** Service shall be made upon the agent designated for service of process, in Nevada, or its managing agent, business agent, cashier, or secretary within this State. However, if this is not possible, then upon the Secretary of State in the manner described in Rule 4 of the Nevada Rules of Civil Procedure.
- **In all other cases (except service upon a person of unsound mind, or upon a city, town or county):** Service shall be made upon the respondent personally, or by leaving copies at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.
- **If all the above are not possible because of the absence from the state or inability to locate the respondent: An Affidavit of Due Diligence can be provided to the Division. If the Division determines adequate efforts were made to serve the respondent(s), the Division will provide a letter to the claimants acknowledging their unsuccessful efforts to participate in the ADR program.**

"Service by Publication" is not a valid form of service for the ADR Program.

The following is a listing of the Mediators and Referees for the Alternative Dispute Resolution program. Before making your selection, you may view the resumes of the Mediators and Referees, and their location availability.

- If the parties do not agree on the selection of Mediator or Referee, the Division will assign a Mediator/Referee at random.
- *This is a requirement, please indicate the Mediator/Referee by initialing next to the party selected.*

SOUTHERN NEVADA

MEDIATOR LISTING

- Barbara Fenster*
- Dee Newell, JD*
- Donald E. Lowrey, Esq.*
- Eric Dobberstein, Esq.*
- Henry Melton*
- Janet Trost, Esq.*
- Malcolm Doctors*
- Phillip A. Silvestri, Esq.*

REFEREE LISTING

- Donald E. Lowrey, Esq.*
- Janet Trost, Esq.*

NORTHERN NEVADA

MEDIATOR LISTING

- Paul H. Lamboley, Esq.

REFEREE LISTING

- Paul H. Lamboley, Esq.

* *Mediator/Referee available for virtual proceedings for Northern Nevada residents.*

Once a claim has been received and processed by the Division an opening packet will be mailed out to the mailing address provided on page 1 of this form. This packet will include instructions on the next step in this process (serving the claim).

Submit the required forms and documents to:

**Nevada Real Estate Division
ADR Facilitator
3300 West Sahara Avenue, Ste. 350
Las Vegas, NV 89102**

P

US POSTAGE & FEES PAID
PRIORITY MAIL
ZONE 1 FLAT-RATE ENVELOPE
ComBasPrice

062S0001443253
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FROM 89141



stamps
endicia
07/31/2023

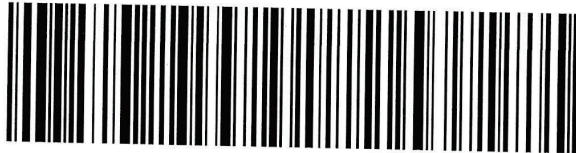
USPS PRIORITY MAIL®

Social Butterfly World, LLC
10620 Highlands Pkwy Suite 431
LAS VEGAS NV 89141

C030

SHIP TO: MS. RHONDA GALVIN NRED
Admin. Assistant III
Ombudsman Office
NRED
LAS VEGAS, NEVADA 89102
3300 W SAHARA AVE STE 325
LAS VEGAS NV 89102-3220

USPS TRACKING #



9405 5112 0620 3279 6805 54

ATTN: RHONDA GALVIN,

EXHIBIT 11

1 Case No. 17TPH399
2 Dept. No. 1

HENDERSON JUSTICE
CLERK
2011 OCT -3 A 10:02

3 IN THE JUSTICE COURT OF HENDERSON TOWNSHIP
4 COUNTY OF CLARK, STATE OF NEVADA

5
6 FirstService Residential, Nevada, LLC

7 Employer,

8 vs.

9 Pennie Puhek

10 Adverse Party.

) APPLICATION FOR TEMPORARY
) ORDER FOR PROTECTION AGAINST
) HARASSMENT IN THE WORKPLACE
) (NRS 33.250)

11 (NOTE: There can only be one Adverse Party.)

12 HARASSMENT IN THE WORKPLACE— Under NRS 33.240, harassment in the
13 workplace occurs when:
14 1. A person knowingly threatens to cause or commits an act that causes:
15 (a) Bodily injury to himself or another person;
16 (b) Damage to the property of another person; or
17 (c) Substantial harm to the physical or mental health or safety of a person;
18 2. The threat is made or the act is committed against an employer, an employee of the
19 employer while the employee performs his duties of employment or a person present
20 at the workplace of the employer; and
21 3. The threat would cause a reasonable person to fear that the threat will be carried
22 out or the act would cause a reasonable person to feel terrorized, frightened,
23 intimidated or harassed.

19 PLEASE TYPE OR PRINT CLEARLY.

20 COMPLETE THE APPLICATION TO THE BEST OF YOUR KNOWLEDGE.

21 I state the following facts under penalty of perjury:

- 22 I am the employer.
23 I am the authorized agent of the employer.
24 I am not the employer or authorized agent of the employer. (If this box is
25 checked, you may not file this form.)

1 I reasonably believe that the Adverse Party has threatened or committed an act or act(s) of
2 harassment in the workplace as defined above. The event(s) occurred as follows:

3 **NOTE: BE SPECIFIC AS TO WHO THREATENED OR COMMITTED WHAT ACT OR**
4 **ACTS AND AGAINST WHOM. INDICATE APPROXIMATE DATE(S) AND**
5 **LOCATION(S). ALSO LIST SPECIFIC EMPLOYEE(S)/PERSON(S) PRESENT AT THE**
6 **WORKPLACE WHO ARE THE FOCUS OF THE HARASSMENT OR WHOM THE**
7 **ADVERSE PARTY SHOULD BE DIRECTED NOT TO CONTACT.**

8 **THIS FORM IS A PUBLIC RECORD**

9 Mrs. Puhek is the owner of the property located at 2740 Kildrummie St., Henderson,
10 Nevada, which is found within Anthem Highlands Community Association ("Anthem
11 Highlands"). FirstService Residential, Nevada, LLC ("FSR") is the management
12 agent for Anthem Highlands. FSR employs Marlina Short, who is the Community
13 Manager for Anthem Highlands. Mrs. Puhek has initiated an extremely
14 inappropriate and intentionally harmful harassment campaign against Ms. Short in
15 connection with her management role at Anthem Highlands. For reasons unknown,
16 Mrs. Puhek has been personally attacking and circulating inappropriate and
17 negative comments to the Anthem Highlands President and Board.

18 Mrs. Puhek has made additional attacks online at nextdoor.com, in emails, in board
19 meetings and other correspondence to FSR/Anthem Highlands personnel. Attached
20 as Exhibits 1 and 2 are emails from Mrs. Puhek. Exhibit 2 shows an online post
21 where Mrs. Puhek is harassing and making false allegations and defamatory
22 content. Attached as Exhibits 3, 4, and 5 contain three groundless demand letters
23 Mrs. Puhek sent to Ms. Short from April and May, 2017.

24 In addition, on December 7, 2016, Mrs. Puhek openly accused the Board President,
25 General Counsel, and Community Manager of conspiracy to violate the law. On
February 22, 2017, Mrs. Puhek attacked and accused Ms. Short of misappropriation
of funds, violation of state law, and made additional threats to Ms. Short. These
emails, demands, and conduct in public meetings are just a small sample showing
her pattern and practice of harassment.

26 **NOTE: PLEASE DO NOT WRITE ON THE BACKS OF ANY PAGES;**
27 **CHECK BOX IF YOU ARE USING ADDITIONAL PAGES.**

28 *Check if you use a continuation page (to be incorporated by reference)*

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NOTICE REQUIREMENTS

(Complete either A or B, not both)

A. I HAVE given notice of this Application to the Adverse Party by the following method(s):

- In Person E-mail Fax
 Telephone Overnight Carrier First Class Mail
 Other: _____

Date: _____ Time: _____

- I have received confirmation that the Adverse Party has received my Application for a Temporary Order for Protection Against Harassment in the Workplace. Confirmation of receipt is attached (i.e., fax, e-mail, postal mail, etc.).
 I have not received confirmation.

B. I HAVE NOT given notice of this Application to the Adverse Party because immediate and irreparable injury, loss, or damage will result to the employer, an employee of the employer while the employee performs the duties of his employment, or a person who is present at the workplace of the employer, before the matter can be heard on notice. The irreparable injury, loss, or damage that may result is: _____

It is irreparable because of:

- Possible economic or property damage which may include the following: _____
 Continuous threat of stalking/harassment
 Assault/Battery (personal injury)
 Possible death to specified individuals named in the Application
 Other: _____

1. What efforts, if any, have been made to give notice to the Adverse Party? _____

2. Facts supporting waiver of notice requirements: _____

GENERAL INFORMATION

1. a) This matter does not have to be reported to law enforcement; however, has a related report ever been filed? Yes No
 (Please complete information, if known. You may attach available copies)

Approximate date of report(s): _____

Name(s) of law enforcement agencies: _____

Case number(s): _____

b) For purposes of this form, a "TPO Action" is defined to include the following **Justice Court** actions:

- (1) An Order for Protection Against Stalking and Harassment (NRS 200.591);
- (2) An Order for Protection of Children (NRS 33.400);
- (3) An Order for Protection Against Harassment in the Workplace (NRS 33.270). A "TPO Action" is also defined to include the following **Justice/Family/District** action:
 - (a) An Order for Protection Against Domestic Violence (NRS 33.020)

Please Check the Appropriate Box Below:

In the last 2 years, Applicant or any party seeking protection has not filed a TPO action against the Adverse Party anywhere in the State of Nevada, and the Adverse Party has not filed a TPO action against Applicant or any party seeking protection anywhere in the State of Nevada.

In the last 2 years, the following TPO action(s) in the State of Nevada have been filed involving Applicant and the Adverse Party:

Case # (if known)	Court (Justice/Family)	Place of Filing	Approx. Date Filed	Outcome (TPO granted, denied, rescinded, etc.)

2. a) Employer's name (if applicable, d/b/a): FirstService Residential, Nevada, LLC

b) The workplace is located in, and the employees primarily perform their duties at the following address: Anthem Highlands Community Association

Town/City of Henderson, County of Clark, State of Nevada

Phone #: 702-564-3847

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3. PLEASE CHECK THE APPROPRIATE BOX(ES) BELOW, IF APPLICABLE.

Employee(s) also work at the additional specific locations that need to be enumerated in the Order:

Street Address: 2401 Somersworth Dr.

Town/City of Henderson, County of Clark, State of Nevada

Phone #: _____

Street Address: 8290 Arville St.

Town/City of Las Vegas, County of Clark, State of Nevada

Phone #: 702-215-5077

(If you wish to designate more specific addresses, please list them in this format on a separate sheet.)

The employees perform their duties statewide.

Other comments on locations where protection is needed: _____

4. Authorized agent for employer: _____

5. Phone number for authorized agent: _____

6. Is employer represented by an attorney? Yes No

Attorney name: Steven B. Scow, Esq. Bar #: 9906

Address: 11500 S. Eastern Ave., Ste. 210, Henderson, NV 89052

Phone # for attorney: 702-318-5040 Fax # for attorney: 702-318-5039

7. Are there additional safety concerns that the Court should know (i.e., firearms, dangerous conditions, hazardous premises, nature of business, etc.)? Yes No

If yes, please briefly explain: Unknown

1 8. Have there been any other Court actions or any other relationships between the employer
2 and the Adverse Party? Yes No

3 If yes, please describe: No court action, but sent 2 response letters to groundless
4 demands and a cease and desist letter, dated August 17.

5 **RELIEF REQUESTED**

6 **I THEREFORE REQUEST** that a Temporary Order for Protection Against Harassment in
7 the Workplace be issued against the Adverse Party so that the Adverse Party will be prohibited from
8 contacting, intimidating, threatening, or otherwise interfering with the employer's business and/or its
9 employees and/or any person present at the workplace, and that the Adverse Party will be ordered to stay
10 away from the employer's workplace. I also request that the Court prohibit the Adverse Party from
11 violating this Order via e-mail, correspondence, telephone, or by an agent.

12 **I FURTHER REQUEST** the following other conditions: _____
13 the Court hold a hearing to issue an extended, year-long protective order against Mrs.
14 Puhek.

15 I FURTHER REQUEST that this Court set a hearing date for an Extended Order
16 as soon as possible.

16 Yes No

17 If yes, complete the Application for Extended Order for Protection Against
18 Harassment in the Workplace. **NOTE: THIS HEARING WILL BE HELD WITHIN
19 TEN (10) JUDICIAL DAYS PURSUANT TO NRS 33.270(6)(c), UNLESS
20 COMPELLING REASONS REQUIRE OTHERWISE.**

21 **DECLARATION**
22 **(NRS 53.045)**

23 **I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAW OF THE STATE OF NEVADA**
24 **THAT: (1) I AM THE EMPLOYER OR AUTHORIZED AGENT HEREIN, (2) I HAVE READ THE**
25 **STATEMENTS CONTAINED HEREIN OR HAVE HAD THEM READ TO ME, (3) I BELIEVE THESE**
STATEMENTS TO BE TRUE, AND (4) THE REQUESTED ORDER IS NEEDED.

23 **Dated:** September 22, 2017


SIGNATURE

Steven B. Scow
PRINT NAME

EXHIBIT 12

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**BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA**

JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA,

Case Nos. 2015-291

FILED

JUL 27 2016

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

Petitioner,

vs.

ANTHEM HIGHLANDS COMMUNITY
ASSOCIATION, PENNIE PUHEK, JAMES
LAUTH, and CHARLES HERNANDEZ,

Respondents.

**REPLY TO RESPONDENT PENNIE PUHEK'S
OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND
OPPOSITION TO REQUEST FOR TIME TO CONDUCT DISCOVERY PER NRCP §56(f)**

The Real Estate Division of the Department of Business and Industry, State of Nevada (the "Division"), by and through its counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Michelle D. Briggs, Senior Deputy Attorney General, hereby files its Reply to Respondent Pennie Puhek's Opposition to Motion for Summary Judgment and Opposition to Request for Time to Conduct Discovery Per NRCP §56(f). This reply and opposition is made and based on the following memorandum of points and authorities as well as any and all pleadings on file herein and any oral argument that may be heard at the time of the hearing of this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

PUHEK submitted her opposition to the Division's motion for summary judgment, but fails to establish any material issues of fact. In addition, PUHEK requests discovery pursuant to NRCP §56(f), but such discovery is not provided for in NAC 116.557, and therefore, not required. The Nevada Rules of Civil Procedure do not specifically apply to administrative proceedings. Moreover, PUHEK fails to identify any need for the extensive discovery

1 requested. It is not clear what additional facts need to be determined that would be material
2 to this matter. PUHEK does not believe she violated the law by posting the disparaging
3 comments about another homeowner. She made the postings and she was a board member
4 at that time. This Commission can determine based on those facts whether her conduct
5 violated the law. In the interests of an efficient resolution to this matter, the Division requests
6 summary adjudication.

7 PUHEK'S opposition tries to take the Commission's attention away from the specific
8 language PUHEK used to attack a fellow homeowner by blaming the Division and its counsel
9 for doing their job. The Division is a regulatory agency charged with investigating and
10 pursuing complaints before this Commission for violations of NRS 116 and NAC 116. As
11 unimportant as PUHEK thinks her conduct is; the Division takes board member retaliation
12 against a homeowner very seriously. This sort of behavior fosters animosity and distrust and
13 can lead to significant financial losses to the Association. The Division's administrator tried to
14 discuss his concerns with her, but PUHEK, as she continues to do, refused to accept that her
15 conduct violated NRS 116. This matter could have been resolved in 2015 if PUHEK would
16 have conceded that her behavior was inappropriate. Her refusal left the Division with no other
17 option, but to bring this matter to the Commission for adjudication. PUHEK'S attacks on the
18 Division and its counsel for simply prosecuting this case are childish and inappropriate. This
19 Commission should not tolerate such behavior.

20 II. LEGAL ARGUMENT

21 A. PUHEK FAILED TO IDENTIFY ANY MATERIAL ISSUES OF FACT TO BE DECIDED 22 BY THIS COMMISSION.

23 The motion for summary judgment requests that this matter be heard based on the
24 material facts as agreed to by PUHEK in her answer to the complaint. The motion states
25 those facts. There are no material factual allegations that need to be determined by this
26 Commission. PUHEK fails to raise any material disputed facts.

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1 **1. PUHEK alleges she was not acting in the capacity of a board member.**

2 PUHEK alleges the violations of law require a finding that she was acting *in the*
3 *capacity* of a board member. That was not alleged as a fact and need not be shown.
4 Retaliating against a homeowner is by definition not acting in the capacity of a board
5 member. Board members should not be retaliating against owners. It is against the law. The
6 complaint does not state that PUHEK'S conduct was board action or directed by the board.
7 But her action was taken as a board member. The comments she made were based on her
8 experience as a board member against a homeowner, and her comments were directed to
9 other homeowners in the Association.

10 Being a board member is not a hat that you can take on and off when it's convenient
11 for you. Being a board member includes a fiduciary duty to *always* do what is in the best
12 interests of the Association. As that relates to communications with other homeowners, the
13 Division expects board members to be respectful and professional. When their conduct
14 violates NRS 116.31183 – it violates their fiduciary duty.

15 The conduct of a board member is under the jurisdiction of the Division and this
16 Commission. To argue that jurisdiction is limited only to when the board member is *acting in*
17 *their capacity as a board member* would lead to absurd results. A board member is not acting
18 in their capacity as a board member when they take petty cash from the Association, but it
19 would be a violation of their fiduciary duty, and they would be subject to discipline. A board
20 member is not acting in their capacity as a board member when they fail to hold meetings or
21 file annual registration forms with the Division, but they are held accountable, because they
22 are board members.

23 Similarly, retaliation is prohibited by NRS 116.31183. The language of the statute does
24 not require that the board member's actions be in their capacity as a board member.
25 Retaliatory action does not necessarily occur at a board meeting. The language of the statute
26 prohibits taking action or directing or encouraging another person to take any retaliatory
27 action against a homeowner because the homeowner has complained about the association.
28 PUHEK'S comments violated NRS 116.31183 and her fiduciary duty as a board member.

1 **2. PUHEK alleges the administrator's previous testimony supports her posting.**

2 PUHEK'S support for her posting based on the administrator's testimony in June is
3 misplaced. Mr. Decker testified that he met with the complainant, Robert Stern, and PUHEK
4 to discuss this complaint among others. PUHEK'S comment had already been made when
5 Mr. Decker met with Stern and when he met with PUHEK. She could not have known on
6 January 16, 2015, when she made the post, what the Division was going to do with other
7 complaints Stern had filed.

8 What she did already know about; however, is the Informal Conference Agreement
9 ("ICA"). The ICA speaks for itself. It says Stern was paid over \$30,000 by the Association,
10 and that it resolved 10 complaints that are listed by number. PUHEK'S post that the Division
11 "shut him down by basically dismissing his petty complaints" is not true and misleading. She
12 wrote it to discredit Stern and encourage other owners to dislike him as well.

13 **3. PUHEK alleges she was not on the board at all times during the conflict with**
14 **Stern.**

15 It is true that PUHEK was elected to the board, resigned from the board and was
16 reappointed to the board at various times in 2014, but she also had personal knowledge of
17 the Association's civil cases against Stern, and the complaints he filed with the Division. The
18 posts she made are evidence of her intense feelings about Stern. To claim she was not
19 interested in what was happening with Stern is laughable.

20 The Association's records reflect the following:

21 Jan. 22, 2014 – PUHEK was on the board. At this time, the board was in litigation with
22 Stern. It was approved by the board that PUHEK would serve to consult with legal counsel
23 regarding the litigation with Stern.¹

24 Jan. 25, 2014 – PUHEK submitted her resignation to the Association and it was
25 accepted at its meeting on February 26, 2014.²

26 Mar. 18, 2014 – PUHEK attended an executive session of the board just to discuss
27

28 ¹ See Association Executive Session Minutes dated January 22, 2014 at Ex A.

² See Association Meeting Minutes dated February 26, 2014 at Ex. B.

1 rescinding the ICA settlement with Stern that had just been approved in February. According
2 to the minutes, PUHEK'S presence at the executive session was challenged by one board
3 member, but because she was previously appointed by the board "as agent of the board to
4 act on behalf of the board to consult and work with all legal matters associated with litigation
5 regarding Robert Stern and all accompanying legal matters including but not limited to the
6 state of Nevada Real Estate Division and has complete authority to do same and work with
7 any third parties in furtherance of same,"³ the other board members did not object to her
8 being there.

9 PUHEK also serves on virtually all of the subcommittees of the Board and reported
10 back to the board at its March regular session meeting. She also submitted written public
11 comment about Stern and her dislike of him.⁴

12 Sept. 10, 2014 – PUHEK was appointed to the board for the unexpired term ending
13 May 27, 2015.⁵ She then became the vice-president.⁶

14 Jan. 16, 2015 – PUHEK made the posts on Nextdoor about Stern which became the
15 basis for the complaint in this matter.

16 Jan. 28, 2015 – PUHEK and the rest of the board discuss in executive session taking
17 action against Stern and litigation against Stern is on-going.⁷

18 PUHEK'S knowledge of and participation in the conflicts with Stern are very clear from
19 a reading of the Association's meeting minutes. She was certainly on the board in January of
20 2015 when she made the disparaging comments. To claim that she was not concerned about
21 Stern or the complaints he filed against the Association is in direct conflict with the language
22 in her posts, as well as the minutes from the Association's meetings. PUHEK writes in her
23 post that Stern has "terrorized" the community, and she even mentions that he filed a number
24 of complaints that the Division dismissed.⁸ It is clear from PUHEK'S own words that she

25 ³ Association Executive Session Meeting Minutes dated March 18, 2014 at Ex. C.

26 ⁴ See Association Meeting Minutes dated March 26, 2014 at Ex. D.

27 ⁵ See Association Meeting Minutes dated September 10, 2014 at Ex. E.

28 ⁶ See *id.*

⁷ See Association Executive Session Meeting Minutes dated January 28, 2015 at Ex. F.

⁸ See Complaint at 3, In 7-10.

1 dislikes Stern immensely based on her own personal experiences. This case is not about
2 PUHEK'S comments being rude or impolite. This case is about her comments constituting
3 retaliatory action, and as a result, she violated NRS 116.

4 **4. PUHEK alleges Stern's residence is not confidential based on his book which**
5 **gave her consent to disclose his primary residence.**

6 PUHEK states that Stern consented to her disclosing his primary residence in North
7 Carolina; and therefore, she could not have violated the law regarding revealing confidential
8 information about a unit owner. As evidence of Stern's consent, PUHEK uses an excerpt from
9 his book. First of all, the law does not say that information that can be obtained in a way other
10 than through the Association's records is no longer confidential. For example, the names of
11 owners may not be revealed to candidates running for a board seat. The names of the
12 owners are confidential. But anyone could research the public records to find the owner's
13 name. Just because the owner's name is available through the public records does not make
14 the Association's records public or any less confidential as it relates to a board member
15 releasing that information. The Division would also take the position that consent must be
16 given to the board, and done so knowingly. In the case of an owner requesting a fine hearing
17 at an open board meeting, the owner knowingly consents to the disclosure of confidential
18 information about that owner. Stern's book does not give the Association or its board
19 members consent to disclose any of his personal information, no matter how much
20 confidential information is mentioned in his book.

21 Furthermore, PUHEK'S use of Stern's book as evidence of his consent to disclose his
22 primary residence is not logical. Her posts were made the day the book was released. She
23 could not have received the book, read the book, and accepted the book as consent from him
24 to release his primary residence prior to her posting.

25 The real issue here is not so much that she mentioned his primary residence. It is that
26 her post is trying to use that information against him. She is trying to use the information
27 against him by telling other owners that he really lives in North Carolina only coming to "Las
28

1 Vegas during election time to terrorize our community so he can write more books.⁹ She
2 wants the owners to believe that Stern does not care about the Association, so they will think
3 the same way she does. She knows where he lives based on her experience as a board
4 member. She provides nothing else to establish consent by Stern to allow her to release his
5 primary residence. She had no right to release the information or to use it in retaliation for the
6 complaints he made about the Association.

7 **5. PUHEK misuses the Division's advisory opinion regarding retaliatory conduct to**
8 **claim she did not violate NRS 116.31183.**

9 PUHEK includes one excerpt from the Division's advisory opinion on retaliatory
10 conduct. The entire advisory opinion is attached hereto.¹⁰ What is stated in the advisory
11 opinion is that retaliatory action "is the harmful, punitive action taken by an Association or its
12 representatives against another person that would not have been taken but for such person
13 having," among other things, complained about a violation of NRS 116.¹¹ PUHEK'S post is
14 nothing if not punitive and harmful. She intends to cause harm by telling owners how terrible
15 he is and telling them not to buy his book, or vote for him or anyone he endorses. She states
16 in her post the reason for it – all the complaints he's made against the Association and its
17 managers. There is no clearer case of retaliatory conduct.

18 PUHEK'S argument that she has a First Amendment free speech right to say whatever
19 she wants to say about another homeowner as a board member is just wrong. Everything you
20 say is not protected by the First Amendment. NRS 116.31183 and other provisions of
21 NRS 116 and NAC 116 limit the speech of a board member. If board members do not want to
22 limit their free speech rights, they should not be board members. But to the extent PUHEK
23 wants to make a constitutional challenge of NRS 116.31183 – she can do that in court. It is
24 not appropriate in this proceeding. This Commission enforces the law as adopted by the
25 Nevada Legislature. PUHEK violated NRS 116.31183 based on the language of the statute.

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27 ⁹ Complaint at 3, In 4-5.
28 ¹⁰ See NRED Advisory Opinion 15-02 at Ex. G.
¹¹ Id. at 1.

1 **B. PUHEK IS NOT ENTITLED TO DISCOVERY AS REQUESTED.**

2 PUHEK argues that she needs time for discovery. She cites to caselaw and
3 NRCP 56(f) that is simply not applicable to this proceeding. Dutchess Business Services tried
4 to make a similar argument to the Nevada Supreme Court in 2008 and failed.¹² The Court
5 found that there is no constitutional right to discovery in administrative proceedings.¹³ In fact,
6 Nevada Rules of Civil Procedure do not apply to administrative proceedings and the Nevada
7 Administrative Procedures Act does not contain any provision for discovery.¹⁴ The only
8 discovery permitted would be what is set forth in the statutes and regulations for the
9 commission.¹⁵ This Commission's only applicable regulation is NAC 116.557.

10 NAC 116.557 sets forth the purposes of a prehearing conference. Puhek previously
11 requested a pre-hearing conference, which is not opposed by the Division. Of course for
12 matters like simplifying the issues for the hearing, obtaining admissions of fact and
13 stipulations, exchanging documents, and identifying witnesses, Puhek could discuss those
14 matters at any time with the Division. The prehearing conference is also intended to have the
15 Commission rule on pending motions and establish a schedule for the completion of
16 discovery. In terms of discovery, the issue is what facts need to be explored. PUHEK does
17 not identify any specific need for the discovery. There is nothing that would be relevant to this
18 matter. PUHEK's prior requests are for confidential investigative files and depositions of
19 Division staff. PUHEK seems to be trying to make a case that the Division did something
20 wrong or has a vendetta against her. There is nothing PUHEK could find that would justify her
21 making the retaliatory posts. Additional discovery is not required by the law, and it is not
22 necessary.

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26 ¹² Dutchess Business Services, Inc. v. Nevada State Board of Pharmacy, 124 Nev. 701, 191
27 P.3d 1159 (2008).

27 ¹³ See Dutchess, 124 Nev. at 713-14, 191 P.3d 1167-68.

28 ¹⁴ See id.

¹⁵ See id.

1 III. CONCLUSION

2 PUHEK'S opposition to the Division's motion for summary judgment fails to
3 demonstrate any material fact at issue in this matter. The discovery requested is not required
4 in administrative proceedings, and she failed to establish any need for the extensive
5 discovery requested, including access to unrelated confidential investigative files and four
6 depositions of Division staff.

7 The only matter this Commission needs to determine if is PUHEK'S disparaging posts
8 violated NRS 116.31183 and NRS 116.3103 as a matter of law. All the relevant facts are
9 undisputed. For the foregoing reasons, the Division respectfully requests summary judgment
10 in favor of the Division be granted as to the violations of law against PUHEK.

11 DATED this 26th day of July, 2016.

12
13
14 ADAM PAUL LAXALT
Attorney General

15
16
17 By: 

18 MICHELLE D. BRIGGS
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Las Vegas, Nevada 89101

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of the Office of the Attorney General and that on
3 the 7th day of July, 2016, I served the foregoing REPLY TO RESPONDENT PENNIE
4 PUHEK'S OPPOSITION TO MOTION FOR SUMMARY JUDGMENT AND OPPOSITION TO
5 REQUEST FOR TIME TO CONDUCT DISCOVERY PER NRCP §56(f) by causing a true and
6 correct copy thereof to be served via U.S. Mail, Postage Prepaid addressed to the following:

7 Edward D. Boyack, Esq.
8 Boyack Orme & Taylor
9 401 N. Buffalo Drive #202
10 Las Vegas, Nevada 89145
11 *Attorney for Anthem Highlands Community Association and Charles Hernandez*

12 Gregory P. Kerr, Esq.
13 3556 E. Russell Rd., 2nd Floor
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16 John B. Marcin, Esq.
17 Marcin Lambirth LLP
18 3960 Howard Hughes Parkway, 5th Floor
19 Las Vegas, NV 89169
20 *Attorney for Pennie Puhek*

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An Employee of the Office of the Attorney General

EXHIBIT 13

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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

VIDEOCONFERENCE DEPOSITION OF CARMEN EASSA

Taken remotely via Zoom
on Wednesday, September 13, 2023
By a Certified Court Reporter
at 9:15 a.m.

Reported by: Trina K. Sanchez, CCR No. 933, RPR
Job No.: 1015731, Firm No.: 026F

CARMEN EASSA - 09/13/2023

<p style="text-align: right;">Page 2</p> <p>1 REMOTE APPEARANCES: 2 For the Plaintiff: 3 4 TIMOTHY P. ELSON, ESQ. 5 THE LAW OFFICES OF TIMOTHY ELSON 6 8965 South Eastern Avenue 7 Suite 382 8 Las Vegas, Nevada 89123 9 (702) 874-8600 10 tim@elsonlawoffices.com 11 12 For the Defendant: 13 14 EDWARD D. BOYACK, ESQ. 15 BOYACK ORME ANTHONY & MCKIEVER 16 7432 West Sahara Avenue 17 Suite 101 18 Las Vegas, Nevada 89117 19 (702) 562-3415 20 ted@boyacklaw.com 21 22 For the Defendants: 23 24 DEREK R. NOACK, ESQ. 25 FREEMAN MATHIS & GARY, LLP 770 East Warm Springs Road Suite 360 Las Vegas, Nevada 89169 (725) 258-7360 derek.noack@fnglaw.com Also present: Andrea Collier</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">2 WITNESS:</td> <td style="width: 30%;"></td> <td style="width: 20%; text-align: right;">PAGE</td> </tr> <tr> <td>3 CARMEN EASSA</td> <td></td> <td></td> </tr> <tr> <td>4 Examination by Mr. Timothy Elson</td> <td></td> <td style="text-align: right;">06</td> </tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td></td><td></td></tr> <tr><td>7</td><td></td><td></td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr> <td></td> <td style="text-align: center;">E X H I B I T S</td> <td></td> </tr> <tr> <td>10 EXHIBITS</td> <td style="text-align: center;">DESCRIPTION</td> <td style="text-align: right;">PAGE</td> </tr> <tr> <td>11 EXHIBIT 1</td> <td>P00220 through P00244</td> <td style="text-align: right;">143</td> </tr> <tr> <td>12 EXHIBIT 2</td> <td>Email dated June 9, 2021</td> <td style="text-align: right;">148</td> </tr> <tr> <td>13 EXHIBIT 3</td> <td>DFT1615 through DFT1616</td> <td style="text-align: right;">158</td> </tr> <tr> <td>14 EXHIBIT 4</td> <td>DFT1658</td> <td style="text-align: right;">161</td> </tr> <tr> <td>15 EXHIBIT 5</td> <td>P00245</td> <td style="text-align: right;">169</td> </tr> <tr> <td>16 EXHIBIT 6</td> <td>P00256 through P00260</td> <td style="text-align: right;">208</td> </tr> <tr> <td>17 EXHIBIT 7</td> <td>Email dated June 18, 2021</td> <td style="text-align: right;">208</td> </tr> <tr> <td>18 EXHIBIT 8</td> <td>DFT1641 through DFT1642</td> <td style="text-align: right;">211</td> </tr> <tr> <td>19 EXHIBIT 9</td> <td>DFT1673 through DFT1674</td> <td style="text-align: right;">221</td> </tr> <tr> <td>20 EXHIBIT 10</td> <td>P00208 through P00213</td> <td style="text-align: right;">228</td> </tr> <tr> <td>21 EXHIBIT 11</td> <td>DFT283 through DFT288</td> <td style="text-align: right;">235</td> </tr> <tr> <td>22 EXHIBIT 12</td> <td>DFT1159 through DFT1165</td> <td style="text-align: right;">254</td> </tr> <tr> <td>23 EXHIBIT 13</td> <td>DFT1576 through DFT1577</td> <td style="text-align: right;">264</td> </tr> <tr><td>24</td><td></td><td></td></tr> <tr><td>25</td><td></td><td></td></tr> </table>	2 WITNESS:		PAGE	3 CARMEN EASSA			4 Examination by Mr. Timothy Elson		06	5			6			7			8			9				E X H I B I T S		10 EXHIBITS	DESCRIPTION	PAGE	11 EXHIBIT 1	P00220 through P00244	143	12 EXHIBIT 2	Email dated June 9, 2021	148	13 EXHIBIT 3	DFT1615 through DFT1616	158	14 EXHIBIT 4	DFT1658	161	15 EXHIBIT 5	P00245	169	16 EXHIBIT 6	P00256 through P00260	208	17 EXHIBIT 7	Email dated June 18, 2021	208	18 EXHIBIT 8	DFT1641 through DFT1642	211	19 EXHIBIT 9	DFT1673 through DFT1674	221	20 EXHIBIT 10	P00208 through P00213	228	21 EXHIBIT 11	DFT283 through DFT288	235	22 EXHIBIT 12	DFT1159 through DFT1165	254	23 EXHIBIT 13	DFT1576 through DFT1577	264	24			25		
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<p style="text-align: right;">Page 4</p> <p>1 ALL PARTIES APPEARING REMOTELY; 2 WEDNESDAY, SEPTEMBER 13, 2023; 3 9:15 A.M. 4 -000- 5 6 (In an off-the-record discussion held prior to the 7 commencement of the deposition proceedings, counsel 8 agreed to waive the court reporter requirements 9 under Rule 30 (b) (5) (A) and 30 (b) (5) (C) of the 10 NRCP/FRCP.) 11 12 MADAM REPORTER: Good morning. My name is 13 Trina Sanchez. I am a Nevada Certified Court 14 Reporter. Today's date is September 13th, 2023. 15 The time is approximately 9:15 a.m. 16 This is the deposition of Carmen Eassa. 17 This case is venued in the District Court for the 18 State of Nevada and in the County of Clark. The 19 case number is A-22-852032-C. 20 At this time, I will ask counsel to 21 identify yourselves, state whom you represent, and 22 agree on the record that there is no objection to 23 this deposition officer administering a binding oath 24 to the witness through Zoom. Let's begin with the 25 noticing attorney.</p>	<p style="text-align: right;">Page 5</p> <p>1 MR. ELSON: Yes. Good morning. My name 2 is Tim Elson. I represent Plaintiff Andrea Collier 3 as the trustee of the JACT Trust, the plaintiff in 4 the matter, and I have no objection. 5 MR. BOYACK: Edward Boyack representing 6 Anthem Highlands; the witness, Carmen Eassa; and 7 Terra West. No objection. 8 MR. NOACK: Derek Noack representing 9 Defendant Pennie Mossett-Puhek. No objection. 10 MADAM REPORTER: And I'll just note for 11 the record that Andrea Collier is on the Zoom 12 deposition as well. 13 MS. COLLIER: Yes, I am. 14 MADAM REPORTER: Thank you. 15 16 Whereupon, 17 CARMEN EASSA, 18 having been first duly sworn to testify to the 19 truth, the whole truth, and nothing but the truth, 20 was examined and testified as follows: 21 22 MR. ELSON: Just to verify, is there 23 anybody else listening in or attending today's 24 deposition that hasn't made an appearance so far? 25 THE WITNESS: No.</p>																																																																											

Page 6

1 MR. BOYACK: Not to my knowledge.
 2 MR. ELSON: Derek?
 3 MR. NOACK: Yeah, not to my knowledge as
 4 well, but -- or I guess besides Ms. Collier, who I
 5 understand is present on the line.
 6 MR. ELSON: That's correct, who identified
 7 herself.
 8 EXAMINATION
 9 BY MR. ELSON:
 10 Q. All right. Good morning. My name is Tim
 11 Elson, and I represent Ms. Collier in this matter.
 12 Before we begin this deposition, could you
 13 please state and spell your legal name? Ms. Eassa?
 14 A. Oh, Carmen Eassa.
 15 Q. Could you spell that for the record for
 16 me?
 17 A. Sure. Carmen, C-A-R-M-E-N. Eassa, E-A,
 18 double S, as in Sam, A.
 19 Q. Ms. Eassa, have you ever been sworn to
 20 tell the truth before?
 21 A. I believe so.
 22 Q. On how many occasions?
 23 A. Once.
 24 Q. And what did that involve?
 25 A. I believe it was a construction defect

Page 8

1 12 hours?
 2 A. Nope. No.
 3 Q. Have you consumed any prescription drugs
 4 in the last 24 hours?
 5 A. Yes.
 6 Q. Would any of those prescription drugs
 7 preclude you from providing your best testimony here
 8 today?
 9 A. I -- not -- not sure.
 10 Q. Well, what prescription medication are you
 11 on, Ms. Eassa?
 12 A. I don't know how to pronounce -- it's for
 13 cholesterol. It starts with an A.
 14 Q. Understood.
 15 And does that affect your memory, your
 16 ability to recall facts, or is it mind altering,
 17 anything like that?
 18 A. I'm not a doctor, so I'm not sure.
 19 Q. Okay. Do you feel like you're under the
 20 influence of any medication currently?
 21 A. Not that I'm aware of.
 22 Q. Okay. Do you believe you're able to
 23 provide me your best testimony here today?
 24 A. Yes.
 25 Q. Are you on any non-prescription

Page 7

1 case.
 2 Q. In that matter, was your role as a
 3 community manager?
 4 A. Yes.
 5 Q. And how long ago was that?
 6 A. Oh, boy.
 7 Q. Just do your best to provide me an
 8 estimate.
 9 A. It might have been 2010, 2009 or...
 10 Q. So about 15 years ago?
 11 A. I believe so. I'm not sure, but, yeah, it
 12 was quite a few years ago.
 13 Q. Understood.
 14 Well, let me go back over the basic rules
 15 of a deposition so that there's no confusion here
 16 today.
 17 Do you understand you are under oath today
 18 and that's the same oath you would take as if you
 19 were in front of a judge and jury?
 20 A. Yes.
 21 Q. And you understand anything you say here
 22 today carries the same penalty of perjury that it
 23 would in front of a judge and jury; is that correct?
 24 A. Yes.
 25 Q. Have you consumed any alcohol in the last

Page 9

1 medication?
 2 A. I only took ibuprofen last night.
 3 Q. Would that affect your ability to give me
 4 your best testimony here today?
 5 A. No.
 6 Q. Do you know of any reason why this
 7 deposition cannot go forward?
 8 A. No.
 9 Q. Okay. One of the basic rules of a
 10 deposition is only one of us speak at a time. The
 11 reason why is we have the court reporter who's
 12 taking down everything that we're saying, and it
 13 becomes very difficult to create a clean and
 14 accurate record if we're speaking over one another.
 15 This is only compounded by the fact that we're
 16 taking this deposition by Zoom and there's delays,
 17 so I would just ask that you wait for me to finish
 18 asking my question before you answer, and I'll
 19 provide you the same courtesy.
 20 Is that fair?
 21 A. Yes.
 22 Q. And you've been doing a great job so far.
 23 Sometimes in ordinary language, we do things like
 24 "uh-huhs" or "uh-uhs" or nodding our head "yes" or
 25 "no." And while that's perfectly fine in ordinary

Page 10

1 language, it makes it very difficult to create a
 2 clean and accurate record. So from time to time, I
 3 may say, Is that a "yes," or, Is that a "no"? I'm
 4 not trying to be rude. I'm just trying to create a
 5 clean and accurate record.
 6 Do you understand?
 7 A. Yes.
 8 Q. I don't want you to guess today, but I am
 9 entitled to your best estimate.
 10 Do you know the difference between a guess
 11 and an estimate?
 12 A. Can you be clear on that?
 13 Q. Sure. Let me help provide you an example.
 14 A. Okay.
 15 Q. If I asked you to estimate the length of
 16 the table that you're sitting behind -- it's my
 17 understanding you're sitting behind either a desk or
 18 a table where your laptop is on; is that correct?
 19 A. Yes.
 20 Q. You could look at that table using your
 21 everyday experiences, tell me you think it's "X"
 22 amount of feet long. However, if I asked you to
 23 estimate the length of my desk, which you cannot
 24 see, that would be a pure guess.
 25 Do you understand?

Page 12

1 not an issue. I try and take breaks every hour or
 2 so just to allow everybody the chance to do so. The
 3 only thing that I would ask is you answer any
 4 question that's pending before you before we take a
 5 break or maybe I finish my line of questioning
 6 before we take a break. But if at any time you need
 7 to take a break, just let me know.
 8 Do you understand?
 9 A. Yes.
 10 Q. Do you have any questions before we start?
 11 A. No.
 12 Q. Let's start with a little bit of your
 13 background, Ms. Eassa. Do you have a high school
 14 degree?
 15 A. Yes.
 16 Q. Where did you attend high school?
 17 A. Oak Lawn, Illinois.
 18 Q. And when did you graduate high school?
 19 A. 1972.
 20 Q. After high school, did you attend post
 21 high school schooling?
 22 A. Yes.
 23 Q. What type of schooling did you attend?
 24 A. I attended a university.
 25 Q. What university?

Page 11

1 A. Yes.
 2 Q. Okay. Your testimony will come in a typed
 3 booklet format. You will have the opportunity to
 4 review it and make any changes that you wish to
 5 make. Please be cautious, however, that if you wish
 6 to make a material change to your deposition, anyone
 7 will have the right to comment or opine as to
 8 whether or not you were telling the truth from one
 9 time or another. So it's very important that we get
 10 your best testimony here today.
 11 Do you understand?
 12 A. Yes.
 13 Q. Okay. As such, I want you to understand
 14 my questions before you answer them. If you don't
 15 understand my question, please tell me, and I'll be
 16 happy to rephrase it as many times as necessary
 17 until you understand the question. Please be
 18 cautious, however, that if you answer a question,
 19 everyone will have the right to presume that you
 20 completely understood the question before you
 21 answered.
 22 Is that fair?
 23 A. Yes.
 24 Q. Okay. If at any time you need to take a
 25 break, stretch your legs, use the restroom, that's

Page 13

1 A. Illinois State University.
 2 Q. Did you obtain a degree from Illinois
 3 State University?
 4 A. Yes.
 5 Q. And what was that degree in?
 6 A. It was a degree in bachelor's of science
 7 in education.
 8 Q. After you attended Illinois State
 9 University, did you attend any other college,
 10 vocational, or post-bachelor schooling?
 11 A. I attended a post university. I don't
 12 recall the name.
 13 Q. And what was that for?
 14 A. For teaching. It was taking additional
 15 credits towards my degree, like a continued
 16 education class.
 17 Q. Do you recall how long ago that was?
 18 A. Oh, boy. Let's see.
 19 Q. Was it more than 20 years ago, Ms. Eassa?
 20 A. Yes.
 21 Q. Any other schooling that you can recall
 22 attending?
 23 A. Just to get -- for my community management
 24 license.
 25 Q. And when did you attend schooling to

Page 14

1 obtain your community management license?
 2 A. Like, 2008 or '9, maybe.
 3 Q. And where did you attend schooling for
 4 that?
 5 A. P Realty school. P Realty.
 6 Q. And so it would be fair to say that you
 7 also obtained your community management license in
 8 2008 or 2009; is that correct?
 9 A. Yes.
 10 Q. How long was the schooling with P Realty?
 11 A. I believe it was -- I can't recall if it's
 12 60 or 90 hours of -- I went at night after work,
 13 maybe two or three days a week.
 14 Q. How many months was the schooling?
 15 A. I don't recall. Maybe -- they have a
 16 program. See, I don't know how many months it
 17 lasted. Maybe three to -- I want to say maybe three
 18 to five months. I'm not sure.
 19 Q. Any other schooling that you can think of
 20 that you attended?
 21 A. No. Just continuing education classes for
 22 the license, and those are, you know, held
 23 throughout the year.
 24 Q. For the community management license?
 25 A. Yes.

Page 16

1 I'm trying to remember how far back that was. Yeah,
 2 when they started public school.
 3 Q. So that would have been maybe sometime in
 4 the '80s; is that fair?
 5 A. Yes. It probably -- early -- maybe early
 6 '90s, late '80s.
 7 Q. And what did you do when you entered back
 8 into the workforce?
 9 A. Well, actually, I was volunteering at the
 10 school when the kids were at school and --
 11 Q. I'm sorry. I didn't mean to interrupt.
 12 Please continue.
 13 A. That's all. I just volunteered at the
 14 school where they went.
 15 Q. Okay. And was there a time that you
 16 obtained either part-time or full-time employment?
 17 A. Yes.
 18 Q. And what job was that?
 19 A. I worked -- it was back to teaching for
 20 substitute teacher.
 21 Q. And how long did you do that for?
 22 A. I believe -- I think it was for a couple
 23 of years maybe.
 24 Q. All right. And then after -- did you ever
 25 become a full-time teacher again?

Page 15

1 Q. All right. Anything else that you can
 2 think of?
 3 A. No.
 4 Q. So let's talk a little bit about your
 5 employment background.
 6 Sounds like you went to school to be a
 7 teacher; is that correct?
 8 A. Yes.
 9 Q. Did you ever become a teacher?
 10 A. Yes.
 11 Q. For how long?
 12 A. Let's see. Probably about -- maybe about
 13 four -- four years.
 14 Q. And where was that? Was that in Illinois?
 15 A. Yes.
 16 Q. And would that have been shortly after you
 17 graduated college?
 18 A. Yes.
 19 Q. And what did you do after you were a
 20 teacher?
 21 A. I had my children, stayed home to raise
 22 them.
 23 Q. Okay. And when did you enter back into
 24 the workforce?
 25 A. I'd say when they started public school.

Page 17

1 A. Just full-time substitute.
 2 Q. Is that what you were doing when you went
 3 to community management school?
 4 A. No. Then I started -- I left -- when I
 5 moved to Las Vegas, I started working for the
 6 developer.
 7 Q. And what did you do for the developer?
 8 A. Worked in the -- administrative work for
 9 various departments, like planning, things like
 10 that.
 11 Q. What developer did you work for?
 12 A. The Howard Hughes Corporation.
 13 Q. And when did you move to Las Vegas?
 14 A. In 1997 or '8. One of those.
 15 Q. And did you work for the Howard Hughes
 16 Corporation for the next ten years until you became
 17 a community manager?
 18 A. I worked for the Howard Hughes Corporation
 19 for -- I can't remember how many years that was.
 20 Because then I went to another developer. I
 21 followed my boss and went to another developer after
 22 that, and then went to the -- for community
 23 management.
 24 Q. After you obtained your license for
 25 community manager, who did you work for after that?

Page 18

1 A. Terra West Management.
 2 Q. And you've been with Terra West ever
 3 since?
 4 A. Yes. Up until 2015.
 5 Q. What happened in 2015?
 6 A. Decided to change course and work for --
 7 work as a legal assistant.
 8 Q. And how long did you do that for?
 9 A. I believe it was four-and-a-half years.
 10 Q. And who did you work for?
 11 A. Ted Boyack. Boyack Orme & Anthony.
 12 Q. And why did you leave Mr. Boyack?
 13 A. Oh, let's see. Because I have all this
 14 development background and I still was -- kind of
 15 still liked that field, so I went ahead and decided
 16 to get back into development.
 17 Q. And you went back to Terra West; is that
 18 correct?
 19 A. First, I went to Lennar. They were the
 20 developers, and I worked in the HOA area.
 21 Q. And how long did you do that for?
 22 A. Just under a year, until COVID hit.
 23 Q. COVID hit and then you went back to Terra
 24 West?
 25 A. Then I was offered -- I was offered a

Page 20

1 Q. Well, would it be fair to say that you
 2 worked with Ms. Mossett-Puhek for more than one
 3 year?
 4 A. Not directly with her.
 5 Q. Would it be fair to say that you and
 6 Ms. Mossett-Puhek were both employees with
 7 Mr. Boyack for more than one year?
 8 A. Yes.
 9 Q. For more than two years?
 10 A. I believe so.
 11 Q. For more than three years?
 12 A. I don't recall now.
 13 Q. Okay. So your best estimate would be two
 14 or three years, something within that time frame; is
 15 that fair?
 16 A. Yes.
 17 Q. Okay.
 18 A. I guess. I mean...
 19 Q. Would you see Ms. Mossett-Puhek in the
 20 office from time to time?
 21 A. Yes.
 22 Q. What type of relationship -- well, strike
 23 that. Let me take a step back.
 24 And just to clarify, you heard an
 25 objection from Mr. Noack. From time to time, an

Page 19

1 position from Terra West.
 2 Q. And when were you offered a position from
 3 Terra West? How long after COVID?
 4 A. September of 2020.
 5 Q. When you were at -- when you were employed
 6 with Mr. Boyack, did you also work with
 7 Ms. Mossett-Puhek?
 8 A. She was at the office, but we worked on
 9 two different things, two different areas.
 10 Q. But she was also employed with Mr. Boyack;
 11 is that correct?
 12 A. Yes.
 13 Q. Okay. How long was she employed with
 14 Mr. Boyack?
 15 MR. NOACK: I'm going to object. It may
 16 call for speculation.
 17 But you can answer.
 18 BY MR. ELSON:
 19 Q. What is your -- how long do you recall
 20 Ms. Mossett-Puhek being employed with Mr. Boyack?
 21 A. Until -- oh, gosh. I -- I want to say I
 22 think she left before me. I'm trying to think now.
 23 Because like I said, she was in a different
 24 department, but -- and worked, not always at the
 25 office there, so...

Page 21

1 attorney may object to a question that I pose,
 2 Ms. Eassa. In fact, I don't think I've ever been in
 3 a deposition where someone didn't object to a
 4 question that I posed. And the reason why is the
 5 attorney's preserving the record because we don't
 6 have a judge here to rule on the objection. So
 7 unless somebody instructs you to not answer the
 8 question, feel free to just go ahead and just answer
 9 the question after the attorney records their
 10 objection for the record.
 11 Do you understand?
 12 A. I'm confused. I'm sorry. I'm not
 13 understanding. I'm --
 14 Q. What don't you understand, Ms. Eassa?
 15 A. Well, first of all, I'm not -- I'm not
 16 even sure, like, how many years Ms. Puhek worked
 17 at --
 18 Q. That's not -- right now, I'm talking only
 19 about the objection.
 20 Do you understand?
 21 A. Oh. Oh, the objection. Okay. Yes.
 22 Q. Okay. So when did you first meet
 23 Ms. Mossett-Puhek?
 24 A. I would say when I worked for Terra West.
 25 Q. In what capacity did you meet

Page 22

1 Ms. Mossett-Puhek?
 2 A. She attended a board meeting for
 3 Earlstone.
 4 Q. Did Ms. Mossett-Puhek ever serve on the
 5 board for Terra West while you were the community
 6 manager between 2009 and 2015?
 7 A. No.
 8 Q. So your interactions with
 9 Ms. Mossett-Puhek would have been one where
 10 Ms. Mossett-Puhek was a unit owner within Anthem
 11 Highlands; is that correct?
 12 A. Yes.
 13 Q. When you first became aware of
 14 Ms. Mossett-Puhek, what was your interaction with
 15 her at that time?
 16 MR. NOACK: Objection. It's overbroad.
 17 THE WITNESS: What -- can you clarify that
 18 specifically?
 19 BY MR. ELSON:
 20 Q. Sure.
 21 How did you meet her?
 22 A. At a board meeting she attended.
 23 Q. Okay. And what did she do to make herself
 24 known to you?
 25 A. Well, the unit owners have to sign in and

Page 24

1 A. Just when I started working for
 2 Mr. Boyack.
 3 Q. Okay. So in your role as community
 4 manager, you remember one interaction with
 5 Ms. Mossett-Puhek where she asked the board a
 6 question, and then the next time you recall
 7 interacting with Ms. Mossett-Puhek is when you were
 8 employed with Mr. Boyack; is that correct?
 9 A. You're -- are you referencing still the
 10 2015? Is that what it was?
 11 Q. I'm just trying to understand what your
 12 initial relationship was with Ms. Mossett-Puhek.
 13 A. Oh.
 14 Q. When you first met her, what type of
 15 interactions you had.
 16 A. Oh.
 17 Q. So you just had one interaction with her
 18 when you were a community manager and she was a unit
 19 owner; correct?
 20 A. Mm-hmm. Yes.
 21 Q. And then I understand the next interaction
 22 you had with her was when you were employed with
 23 Mr. Boyack; is that correct?
 24 A. Yes.
 25 Q. Okay. Was that interaction -- the next

Page 23

1 say their -- they just attend. It was an open
 2 session.
 3 Q. Okay. And was there something specific
 4 that Ms. Mossett-Puhek did that drew your attention
 5 to her?
 6 A. She was asking the board a question, I
 7 believe.
 8 Q. Okay. And what was Ms. Mossett-Puhek's
 9 demeanor like at that time?
 10 MR. NOACK: Objection. Argumentative.
 11 BY MR. ELSON:
 12 Q. You can go ahead and answer the question.
 13 A. So when there's an objection, I still
 14 answer? Is that what you're saying?
 15 Q. That's correct, unless someone instructs
 16 you not to, which is a pretty rare occurrence.
 17 A. Okay. It was -- it was good. Just asked
 18 a question.
 19 Q. And was there anything else that drew your
 20 attention to Ms. Mossett-Puhek at that board
 21 meeting?
 22 A. No, nothing. Hmm-mm.
 23 Q. Prior to leaving Terra West in 2015, did
 24 you have any other interactions with
 25 Ms. Mossett-Puhek at that time?

Page 25

1 interaction you had with her, was that when
 2 Ms. Mossett-Puhek was also employed with Mr. Boyack?
 3 A. Oh, a working relationship, I guess.
 4 Is that --
 5 Q. I'm asking: Was she also an employee of
 6 Mr. Boyack's at that time?
 7 A. Oh, gosh, I don't recall when she started.
 8 Q. Okay. Could she have been -- was your
 9 interaction with her when she was a unit owner or
 10 when she was at Mr. Boyack's office?
 11 A. My interaction -- I'm kind of confused
 12 because my interaction with Ms. Puhek, she was a
 13 unit owner in Earlstone and, you know, other unit
 14 owners asked questions, you know, but other than
 15 that, when I worked for Mr. Boyack, I don't know
 16 when Ms. Puhek actually started --
 17 Q. Okay.
 18 A. -- but working relationship when she did.
 19 Q. I understand that. But what I'm trying to
 20 figure out is how many interactions did you have
 21 with Ms. Mossett-Puhek --
 22 A. Oh.
 23 Q. -- before she started to work for
 24 Mr. Boyack?
 25 A. Oh, before?

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1 Q. Yes.

2 A. Okay. Just from -- I'm going to have to

3 say any questions as a unit owner that she may send

4 in. That's about it. It was more

5 association-related things.

6 Q. Okay.

7 A. Yeah.

8 Q. So you interacted with her on more than

9 one occasion while you were a community manager for

10 Terra West, your first time being employed with

11 Terra West?

12 A. Yes, I believe so. I -- through

13 correspondence or questions.

14 Q. Was she a fairly active member of the

15 community?

16 A. That's a tough -- that's hard. I'm not

17 really sure. I had -- I had a portfolio of accounts

18 to work on, so that's -- you know, I'm not focused

19 just on one account. It's hard for me to remember

20 all that. I have quite a few associations.

21 Q. Did anything else stand out to you about

22 Ms. Mossett-Puhek during the first time you were

23 employed by Terra West?

24 A. Nothing -- nothing out of the ordinary,

25 no.

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1 about what she's saying or how you interpret what

2 she's saying. She's not understanding some of these

3 questions. I'm simply trying to make them clearer

4 to her. That's all I'm trying to do.

5 MR. ELSON: Well, if she's not

6 understanding, she can tell me and I can rephrase

7 them.

8 MR. BOYACK: Fair enough.

9 MR. ELSON: But she's answering these

10 questions, and her testimony is already changing and

11 it's going to drag this --

12 MR. BOYACK: I'm going to object. You're

13 making comments. Her testimony is not changing.

14 She's not --

15 MR. ELSON: Don't interrupt me.

16 MR. BOYACK: You're already trying to

17 confuse her and say that she's somehow changing her

18 testimony.

19 MR. ELSON: Ted --

20 MR. BOYACK: She's not understanding your

21 questions. Please let me finish and make my record.

22 MR. ELSON: You interrupted me, Ted. Are

23 you kidding me? I was talking. You're about to

24 interrupt me again. Don't do it.

25 MR. BOYACK: All right,

Page 27

1 Q. And, again, I want to be clear, did

2 Ms. Mossett-Puhek ever serve on the board or in any

3 official capacity during the first time you were

4 employed by Terra West?

5 A. She did, yes. Yes.

6 Q. Okay. Because I'd asked that question

7 before and you told me no. So I just need you to be

8 very careful on how we're answering these questions.

9 So when did Ms. Mossett-Puhek first serve

10 on the board?

11 A. Oh, boy.

12 MR. BOYACK: We're talking about the

13 Anthem board; right? Or the --

14 MR. ELSON: Any board that Ms. Eassa

15 worked with, I guess. I mean, Ted, I'm trying to

16 figure out what her relationship was. My first

17 understanding was she interacted with her one time

18 before she worked for you. Then I'm finding out

19 that there were more interactions. Now I'm finding

20 out that Ms. Mossett-Puhek served on the board. I

21 mean, this is --

22 MR. BOYACK: Tim, I'm just trying to help

23 clarify this. The witness is obviously having a

24 hard time understanding all the questions you're

25 asking. I don't need a diatribe by you and comment

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1 MR. ELSON: You asked that this deposition

2 be conducted by Zoom over my objection. I wanted in

3 person. Do not interrupt me again.

4 MR. BOYACK: Unbelievable.

5 MR. ELSON: I wanted it for in person. I

6 noticed it for in person. I was hesitant to have it

7 be done by Zoom given the nature of this case.

8 You're already interrupting me. There's already

9 issues with the witness on having confusion on

10 different issues.

11 I am not trying to confuse the witness. I

12 am asking very basic questions on when this witness

13 first met Ms. Puhek, how many times she interacted

14 with Ms. Puhek, and I'm getting very different

15 answers as this thing goes on. So I have concerns,

16 again, about conducting this deposition by Zoom,

17 which I told you about. So please don't interrupt

18 me. If you want to speak, go ahead.

19 MR. BOYACK: Thank you. I would like to

20 speak. Number 1, you never objected to doing it on

21 Zoom. We asked you for it as the witness requested.

22 You didn't state there was some big objection to

23 that. Secondly, you're asking questions -- I

24 understand you're doing the best you can to get the

25 record right. She's just simply not understanding

Page 30

1 some of the questions, and I just want to pose an
 2 objection that your comment that somehow she's
 3 changing her testimony is totally disingenuous
 4 considering the fact that she's just simply trying
 5 to remember facts and information from years ago,
 6 and she's just trying to make the record clear, as I
 7 was just trying to do.

8 Now, if you're concerned that this is not
 9 going to work on Zoom, we can have that
 10 conversation, but I'm just -- I want to make the
 11 record clear that you're, you know, indicating --

12 MR. ELSON: I'm 100 percent concerned this
 13 isn't going to work on Zoom, which I told you, and
 14 you told me that you want it -- look, I already had
 15 this deposition noticed last month. I moved it once
 16 for you. Then you asked me to move it to Zoom, and
 17 I am concerned about doing this deposition by Zoom.
 18 And I told you I think it's going to take a lot
 19 longer by Zoom than what it would in person.

20 So I want to move forward with the
 21 deposition and utilize what time I have today. But
 22 my questions are not confusing. They are very
 23 straightforward and basic questions. We are still
 24 in background information at this time.

25 MR. BOYACK: All right. So at this

Page 32

1 MR. BOYACK: Objection. Vague and
 2 ambiguous.

3 THE WITNESS: Do you want me to answer
 4 that now?

5 BY MR. ELSON:

6 Q. Yes, please.

7 A. As I'm -- I'm recalling, I did manage
 8 Earlstone. That's -- and so through the course of
 9 being a manager of Earlstone, many -- quite a few
 10 years ago, you know, just correspondence as a unit
 11 owner from Ms. Puhek would be more likely all I
 12 would have.

13 Q. Okay. Did Ms. Puhek ever serve as a board
 14 member on any board prior to you working with
 15 Mr. Boyack?

16 MR. NOACK: Objection. Speculation.
 17 Overbroad.

18 BY MR. ELSON:

19 Q. Are you aware if Ms. Mossett-Puhek ever
 20 served on any board that you either managed or that
 21 an association that you managed interacted with?

22 A. Ms. Mossett had served on the Earlstone
 23 board.

24 Q. Did you manage the Earlstone board?

25 A. Yes.

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1 point --

2 MR. ELSON: Let me go back to my
 3 deposition. I'm going to move forward.

4 MR. BOYACK: Very good.

5 BY MR. ELSON:

6 Q. I want to be very clear on this question.
 7 How many times did you interact with
 8 Ms. Puhek before you were employed with Mr. Boyack?

9 MR. BOYACK: Let me pose an objection to
 10 the question as to how many times. She can
 11 describe, what she's trying to, as far as her
 12 interactions, but when you say "How many times,"
 13 that's a specific question about --

14 What time period are you talking about?

15 MR. ELSON: This is an inappropriate
 16 speaking objection in violation of Administrative
 17 Order 22-08.

18 Ted, you should pull it up and read it
 19 while we conduct this deposition because I'm not
 20 going to let you engage in these types of
 21 objections.

22 MR. BOYACK: Okay. Objection. Vague and
 23 ambiguous.

24 BY MR. ELSON:

25 Q. Go ahead and answer the question.

Page 33

1 Q. Okay. So you interacted with Ms. Puhek in
 2 a professional capacity before you were employed by
 3 Mr. Boyack; is that correct?

4 A. As a board member, yes.

5 Q. You didn't previously state that,
 6 Ms. Eassa, which is --

7 A. I -- I'm having a hard time understanding
 8 some of that, so I apologize. I should have asked
 9 for clarification.

10 Q. How many times did you interact with
 11 Ms. Puhek -- strike that.

12 It would be fair to say that you
 13 interacted with Ms. Puhek on a regular basis before
 14 you were employed with Mr. Boyack; is that correct?

15 A. What do you mean, "on a regular basis"?

16 Q. Did you interact with her at board
 17 meetings?

18 A. Oh, yes.

19 Q. How often would you talk to her?

20 A. Well, we have -- let's see. I believe the
 21 board meetings, if I recall, were quarterly.

22 Q. Okay. Would you talk to her via email
 23 between the board meetings?

24 A. If there was anything that I needed to
 25 follow up on for the community, I would get either

Page 34

1 probably an email or a phone call.

2 Q. And how often would you get those types of

3 emails or phone calls from Ms. Puhek?

4 A. I don't even remember that. Sorry.

5 Q. Was it less often than you get them now?

6 A. Oh, yes.

7 Q. Because you get a lot of communications

8 from Ms. Puhek now; correct?

9 A. In the -- as a board liaison, yes, I get

10 that.

11 Q. Yeah. She's in communication with you

12 probably almost weekly.

13 Is that fair to say?

14 A. Yes.

15 Q. Okay. Was she in communication with you

16 almost weekly before you were employed by

17 Mr. Boyack?

18 A. I'm trying to remember. My memory is

19 like -- because I had so many accounts back then.

20 Maybe -- maybe weekly.

21 Q. How many accounts did you have back then?

22 A. We had about 9 or 11.

23 Q. How many accounts do you have now?

24 A. I have one master with 11 communities in

25 the master.

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1 a few more than that; is that correct?

2 A. Correct.

3 Q. When you were employed with Mr. Boyack,

4 how often would you interact with Ms. Mossett-Puhek?

5 A. When she comes in the office.

6 Q. How often would she come in the office?

7 A. I don't believe it was every day. Like I

8 said, she worked on different things than I did.

9 Q. Was she in the office weekly?

10 A. I can't recall.

11 Q. Did you ever go to lunch with

12 Ms. Mossett-Puhek around this time frame?

13 A. I don't remember. We -- sometimes I had

14 lunch in the office.

15 Q. Would you ever socialize with

16 Ms. Mossett-Puhek?

17 A. No.

18 Q. Have you ever socialized with

19 Ms. Mossett-Puhek?

20 A. No.

21 Q. Have you ever been to any family

22 gatherings or has she been to any family gatherings

23 on your end?

24 A. No.

25 Q. Have you ever been out to lunch with her?

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1 Q. And what master is that?

2 A. Anthem Highlands Community Association.

3 Q. Okay. Did you have the master prior to

4 2015?

5 A. Yes.

6 Q. How many other communities in total would

7 you say that you've been a community manager for?

8 A. Let's see. 11 or 12, maybe more. Or let

9 me --

10 Can I get a clarification? Is that with

11 Terra West or -- with Terra West?

12 Q. You served as a community manager for.

13 A. Okay. So probably about -- maybe over 20.

14 Q. Well, because right now, you have 1 master

15 and 11 subs; is that correct?

16 A. That's correct. Or 11 communities, 3

17 subs.

18 Q. I'm sorry?

19 A. It's 11 communities with 3 gated

20 subassociations within that.

21 Q. Okay. So are you counting that as a total

22 of 11 communities?

23 A. Yes. Yes.

24 Q. So then you've worked as a community

25 manager for roughly nine other communities, possibly

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1 A. Is this with -- when is this? Is this

2 with -- when we were working?

3 Q. At any point in time.

4 A. Oh, any point? Yes.

5 Q. How many times have you gone to lunch with

6 Ms. Mossett-Puhek?

7 A. It was only with BrightView Landscape, the

8 vendor. We met with the landscapers.

9 Q. Any other times you recall going to lunch

10 with Ms. Mossett-Puhek?

11 A. I don't know.

12 Q. What about dinner, have you ever gone to

13 any dinners with Ms. Mossett-Puhek?

14 A. No. Hmm-mm. That I can remember, I don't

15 think so.

16 Q. Was your relationship with Mr. Boyack

17 purely professional?

18 A. Yes.

19 Q. And I don't mean to insinuate that there

20 was anything romantic or anything like that,

21 Ms. Eassa. I just meant, did you have -- did you

22 think of Mr. Boyack as a friend? Did you go to

23 lunch with Mr. Boyack? Did you ever go to any

24 family gatherings or anything like that?

25 A. No. Just company gatherings.

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1 Q. Do you know why Ms. Mossett-Puhek left
 2 Mr. Boyack's employment?
 3 MR. NOACK: Objection. Speculation.
 4 THE WITNESS: Probably finished -- I
 5 believe, finished the project she was working on.
 6 I'm not sure.
 7 BY MR. ELSON:
 8 Q. Are you aware of any issues that
 9 Ms. Mossett-Puhek had with other personnel within
 10 Mr. Boyack's office?
 11 MR. NOACK: Objection. Vague.
 12 Speculation.
 13 MR. BOYACK: I'd like to pose an objection
 14 as to relevance.
 15 MR. NOACK: It's argumentative.
 16 BY MR. ELSON:
 17 Q. Go ahead and answer the question.
 18 A. I don't recall. No, not that I'm aware
 19 of.
 20 Q. When you started back with Terra West in
 21 2020, was Anthem one of your communities that you
 22 managed?
 23 A. Yes.
 24 Q. Prior to you starting with Terra West, did
 25 Terra West manage Anthem at that time?

Page 40

1 A. Let's see. What was her name? Her name
 2 was Dawn Marshall, I believe.
 3 Q. Were there issues with how Dawn was
 4 managing Anthem?
 5 A. I wasn't -- not that I'm aware of.
 6 Q. What is your understanding of why Terra
 7 West would just, I mean, almost call you out of the
 8 blue and say, Hey, Ms. Eassa, we need you to come
 9 back over here and manage Anthem for us?
 10 A. I just thought the manager had other
 11 things or something. I didn't really ask.
 12 Q. Did that seem weird to you?
 13 A. I can't even recall, to tell you the
 14 truth, what -- trying to remember. Other than
 15 working -- I don't want to speculate why, you know.
 16 Q. Okay. I just asked you if it seemed weird
 17 to you. I didn't -- so did it seem weird or
 18 abnormal?
 19 A. Managers change a lot there. It's not
 20 really that unusual. Kind of like CPA firms,
 21 turnovers and things. It happens.
 22 Q. What is your current role at Anthem?
 23 A. Well, I'm part-time community manager.
 24 Q. When did you become part time?
 25 A. The beginning of this year.

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1 A. Yes.
 2 Q. How long prior to you starting at Terra
 3 West did Terra West manage Anthem?
 4 A. Can you be specific as to the time? I'm
 5 not --
 6 Q. I'm trying to figure out -- it's my
 7 understanding that Terra West took over the
 8 management of Anthem from FirstService Residential;
 9 is that correct?
 10 A. Yes.
 11 Q. Okay. When did Terra West take over the
 12 management from FirstService Residential?
 13 A. I wasn't there. Also, I'm not sure when
 14 that started. I got the call in September, so...
 15 Q. And Terra West reached out to you; is that
 16 correct?
 17 A. Yes.
 18 Q. Okay. And what did Terra West say to you?
 19 A. They asked me if I would manage Anthem
 20 Highlands, the master.
 21 Q. Okay. So are you sure that there was a --
 22 was there a community manager at Terra West that
 23 managed Anthem before you started managing Anthem?
 24 A. Yes.
 25 Q. And who was that at Terra West?

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1 Q. Is there a reason why you became part
 2 time?
 3 A. I'm trying to retire.
 4 Q. Well, congratulations, Ms. Eassa.
 5 A. Thank you.
 6 Q. I hope one day to be there myself.
 7 A. Yeah. I want to spend some more time with
 8 my kids.
 9 Q. As you should. And hopefully, your
 10 grandchildren with it.
 11 A. Yeah.
 12 Q. And so this was just a voluntary choice
 13 for you to start working part time; is that correct?
 14 A. Yes.
 15 Q. So how was your day-to-day role or --
 16 well, let me rephrase.
 17 How has your current role changed with
 18 Anthem since you became part time?
 19 A. Can you be a little more specific on that
 20 so I can answer it properly?
 21 Q. Sure.
 22 Well, let me ask you this: Before you
 23 became part time, what was your role with Anthem?
 24 A. Oh. I would handle the business affairs
 25 of the association, check the invoices, meet with

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1 vendors, just basically association business, handle
2 that, things like that.

3 Q. Are you still engaged in all of that
4 activity now that you're part time?

5 A. Yes. I still work on those things, on
6 financial matters and invoices and -- it's kind of
7 split up because I'm part time now.

8 Q. So how is it split up? How is it
9 different?

10 A. Well, not really split up. I just don't
11 do compliance. I haven't done compliance since I
12 managed. And I don't do any architectural things,
13 ARC stuff. But I do handle the finances of the
14 association and meet with vendors, pay with -- pay
15 invoices and check that for accuracy and coding,
16 things like that.

17 Q. So when you say you're not involved in
18 compliance, what do you mean by that?

19 A. Well, I don't -- that's done by the
20 assistant and the compliance department, that any
21 issues or anything that needs to be taken care of in
22 the association, any violations, things like that, I
23 don't get involved in that.

24 Q. So who handles -- has that always been the
25 case since September of 2020?

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1 A. No. I just want to make sure I answer you
2 correctly because --

3 Q. Yeah. I'm not -- I'm just -- to me,
4 compliance and violation seem like the same thing.
5 So I wanted to make sure that they are the same
6 thing and that you weren't involved in either
7 compliance or violations issues in 2021; is that
8 correct?

9 A. That's correct, yeah.

10 Q. And just to be even more clear, you
11 weren't involved in it in 2020 and 2021 or 2022; is
12 that correct?

13 A. That's correct.

14 Q. And then just two more questions and then
15 we'll take a break.

16 What is Ashleigh's last name and what is
17 Mia's last name?

18 A. Oh.

19 Q. If you recall.

20 A. Ashleigh -- I just don't recall. Oh, my
21 gosh.

22 Q. Okay. Well, why don't we do this. Why
23 don't we take a break. Why don't you think about it
24 off the record, and if you think of their names, you
25 can tell me when we come back on the record.

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1 A. Yes.

2 Q. Okay. So who handled violations back in
3 2020 and 2021?

4 A. That would be the assistant and
5 compliance.

6 Q. And who was your assistant back in 2020
7 and 2021?

8 A. I believe that was -- there was -- what's
9 her name? Oh, gosh. Ashleigh. Ashleigh. And Mia.

10 MR. BOYACK: Hey, Tim, just when you get a
11 minute in the next few minutes, maybe take a break?

12 MR. ELSON: Okay. Sure.

13 MR. BOYACK: I've been pounding too many
14 liquids.

15 MR. ELSON: I completely understand. I
16 handled that while we were dealing with the Dropbox
17 issue earlier.

18 BY MR. ELSON:

19 Q. But just to be clear, you weren't involved
20 in compliance issues in 2021; is that correct?

21 A. Yes.

22 Q. And you weren't involved in violation
23 issues in 2021; is that correct? If there's a
24 difference, I'm not trying to trick you. I just
25 want to make sure we're clear.

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1 Is that okay?

2 A. Okay.

3 MR. ELSON: Off the record.
4 (A short break was taken.)

5 BY MR. ELSON:

6 Q. Ms. Eassa, we're now back on the record.
7 You understand you're still under oath?

8 A. Yes.

9 Q. Prior to you -- prior to Terra West
10 reaching out to you in September of 2020, or I guess
11 around that same time, did Ms. Mossett-Puhek contact
12 you?

13 A. No.

14 Q. Do you know what role Ms. Mossett-Puhek
15 had in you being -- in you being the community
16 manager for Anthem around that time frame?

17 A. I received a call from Kathy Matheson, the
18 owner from Terra West. That's who communicated with
19 me.

20 Q. Do you know what type of communications
21 Ms. Puhek had with Ms. Matheson?

22 A. I wasn't made aware of any in that -- in
23 that area.

24 Q. Do you think you would have been approved
25 as the community manager for Anthem without

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1 Ms. Puhek's consent?
 2 A. I'm not sure. I was just answering Kathy
 3 at the time.
 4 Q. Is there much that happens with Anthem,
 5 with the Anthem board, without Ms. Puhek's consent?
 6 MR. NOACK: Object. Argumentative.
 7 BY MR. ELSON:
 8 Q. Go ahead and answer the question.
 9 MR. BOYACK: Calls for speculation.
 10 Vague.
 11 THE WITNESS: It -- it depends, you know.
 12 Being -- if you can be more specific.
 13 BY MR. ELSON:
 14 Q. Why don't you be more specific for me?
 15 What does it depend on?
 16 A. Well, it's the manage -- it depends on the
 17 management contract, how it's set up.
 18 Q. Were you able to take a -- well, let me
 19 ask this: Have you had the same cell phone number
 20 for a long period of time, Ms. Eassa? How long have
 21 you had this cell phone number?
 22 A. Since I've been in Vegas, probably.
 23 Q. Do you ever use this cell phone to
 24 communicate with Ms. Mossett-Puhek?
 25 A. If I'm on property, you know, yes.

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1 MR. NOACK: Objection. Misstates
 2 testimony. It's argumentative.
 3 THE WITNESS: I don't understand. I'm
 4 sorry. I'm still not understanding this.
 5 BY MR. ELSON:
 6 Q. Ms. Eassa, this is a very simple question.
 7 How often do you communicate with Ms. Mossett-Puhek
 8 using your cell phone? Do you do so on a weekly
 9 basis?
 10 A. Yes.
 11 Q. What is your cell phone number?
 12 A. (XXX)XXX-7647.
 13 MR. ELSON: Madam Reporter, you can block
 14 out all but the last four digits of that number.
 15 Is that okay? Thank you, Ms. Madam
 16 Reporter.
 17 MADAM REPORTER: You're welcome.
 18 BY MR. ELSON:
 19 Q. Who's your cell phone carrier?
 20 A. This is -- this is my private -- well, I
 21 use it, I guess, for work too.
 22 Q. Who's your cell phone carrier, Ms. Eassa?
 23 A. Verizon.
 24 Q. How long have you utilized Verizon for?
 25 A. Many years.

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1 Q. Have you ever used this cell phone to make
 2 telephone calls either to or from Ms. Mossett-Puhek?
 3 A. Yes.
 4 Q. Have you ever received text messages
 5 either to or from Ms. Mossett-Puhek on this cell
 6 phone?
 7 A. Regarding Anthem?
 8 Q. At any point in time.
 9 A. I don't understand the question.
 10 Q. At any point in time, regarding anything,
 11 Ms. Eassa.
 12 A. Oh, yes.
 13 Q. How often?
 14 A. Just maybe when I'm not -- when I can't be
 15 reached at the office.
 16 Q. Doesn't really tell me how often.
 17 Is this a weekly? Monthly? Have you
 18 exchanged five text messages with her in the last
 19 decade? Have you exchanged 25,000 text messages
 20 with her in the last decade?
 21 A. It all depends when I'm not in the office.
 22 I'm not clear on what you're asking here.
 23 Q. Okay. So it would be fair to say that you
 24 use this cell phone to routinely communicate with
 25 Ms. Mossett-Puhek?

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1 Q. Ms. Eassa, did you think of either
 2 Ashleigh's or Mia's last name while we were off the
 3 record?
 4 A. Mia, I believe it was -- what year was
 5 that you want -- I'm trying to remember now what
 6 year you wanted the -- that you were referencing at
 7 the times that -- for the assistant.
 8 Q. 2020 and 2021.
 9 A. 2020 and 2021. Okay.
 10 Q. I guess, early 2022 as well.
 11 A. Early 2022. Because I've had -- let's
 12 see. It would be Mia Hook. 2022. And let's see.
 13 Ashleigh -- gosh. I think it's Grove, but I'm not
 14 sure.
 15 Q. How are inspections conducted at Anthem?
 16 A. Monthly.
 17 Q. Who conducts the inspections?
 18 A. The -- oh, my gosh. The inspector. The
 19 compliance inspector.
 20 Q. Who's the inspector?
 21 A. Daniel.
 22 Q. What's Daniel's last name?
 23 A. I believe it's Phillips.
 24 Q. How long has Daniel been the inspector?
 25 A. Good question. He came on, I think,

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1 for -- I think there were a couple of them. He was
 2 on maybe a couple of years. Two, three years. I'm
 3 not sure.

4 Q. Okay. Who else was conducting inspections
 5 at Anthem?

6 A. I don't remember the first person's name.

7 Q. Are you able to get that and provide that
 8 to your attorney?

9 A. Sure.

10 MR. ELSON: Ted, will you agree to provide
 11 that?

12 MR. BOYACK: That's fine. We'll get you
 13 the names of everyone in the compliance department
 14 during the relevant time period.

15 MR. ELSON: I just want to know who was
 16 conducting inspections at Anthem.

17 MR. BOYACK: Yeah. That's fine.

18 BY MR. ELSON:

19 Q. Have you ever conducted inspections at
 20 Anthem?

21 A. I do common area inspections, so I check
 22 common area things.

23 Q. How often do you visit the property?
 24 Well, let me rephrase.
 25 How often do you visit the Anthem

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1 Ms. Mossett-Puhek has any role with the inspections
 2 conducted by Terra West or Anthem. So you tell me,
 3 Ms. Eassa. This is your testimony.

4 A. Okay. So she has any -- yes, I believe
 5 so.

6 Q. Okay. Has she ever attended any
 7 inspection with you?

8 A. Yes.

9 Q. How often?

10 A. Let's see. I want to say we -- maybe
 11 twice a year.

12 Q. Has she ever attended inspections with
 13 Mr. Phillips?

14 A. I'm not sure on that.

15 Q. Has she ever attended inspections with any
 16 other inspector for Terra West?

17 A. They would get -- yes, for explaining the
 18 scope of what needs to be done basically.

19 Q. How many inspections has she attended with
 20 other inspectors at Terra West that you're aware of?

21 A. Probably -- I believe, two.

22 Q. How many other members of the board have
 23 attended inspections with you?

24 A. What I can recall is when we meet with the
 25 vendors, a couple of the board members come out,

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1 community?

2 A. Maybe twice -- it all depends on what I
 3 have to work on, but maybe twice a month and
 4 sometimes monthly -- I mean, weekly.

5 Q. Have you ever driven by Ms. Collier's
 6 residence?

7 A. Yes.

8 Q. How many times have you driven by
 9 Ms. Collier's residence?

10 A. I'd say once, twice a month maybe.

11 Q. And that's been since September of 2020;
 12 is that correct?

13 A. Yes, but not consecutively. You know, it
 14 just all depends.

15 Q. What is Ms. Mossett-Puhek's role as it
 16 relates to inspections?

17 A. If -- well, anybody can call. You know,
 18 if she sees anything in the property, she just calls
 19 management.

20 Q. Does Ms. Mossett-Puhek ever attend
 21 inspections?

22 A. I believe -- let's see. Might have --
 23 when you say "attend inspections," you mean meet
 24 with the inspector?

25 Q. I'm trying to figure out if

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1 going over some scope of work --

2 Q. Okay.

3 A. -- in the common areas.

4 Q. I'm talking about your common area
 5 inspections.

6 A. Right, my common area inspections.

7 Q. Okay. How many other board members have
 8 attended those common area inspections?

9 A. Oh, none. They don't normally attend just
 10 going out to do inspection, you know, just a
 11 standard inspection.

12 Q. So the only person that's attended your
 13 common area inspections -- well, let me rephrase.
 14 The only member of the board that's
 15 attended your common area inspections has been
 16 Ms. Mossett-Puhek; is that correct?

17 MR. NOACK: Just going to object. It
 18 misstates prior testimony.

19 MR. ELSON: If it misstates her testimony,
 20 she can tell me.

21 BY MR. ELSON:

22 Q. Go ahead and answer the question,
 23 Ms. Eassa.

24 A. You're asking if -- I need some
 25 clarification. I'm sorry.

<p style="text-align: right;">Page 54</p> <p>1 What exactly am I --</p> <p>2 Q. Your common area inspections; right?</p> <p>3 A. Right.</p> <p>4 Q. With me?</p> <p>5 A. Mm-hmm.</p> <p>6 Q. Okay. Ms. Mossett-Puhek has attended</p> <p>7 those; is that correct?</p> <p>8 A. Not -- we've -- let me clarify what we</p> <p>9 actually meet on. And that is we do wall leeching</p> <p>10 inspections, and those aren't in the common area.</p> <p>11 So just want to get clear on that.</p> <p>12 Q. Okay. Well, then let me ask this from a</p> <p>13 broader level, because this should be very easy</p> <p>14 questioning, Ms. Eassa, that I feel you're being</p> <p>15 very evasive with me on, just as you have throughout</p> <p>16 this deposition.</p> <p>17 MR. BOYACK: You're badgering the witness</p> <p>18 at this point, Tim. She's having a hard time</p> <p>19 understanding your very overly broad vague</p> <p>20 questions. And she's trying to consolidate a memory</p> <p>21 of years ago and answer your question properly.</p> <p>22 BY MR. ELSON:</p> <p>23 Q. They're very simple questions.</p> <p>24 Ms. Eassa, how often --</p> <p>25 MR. BOYACK: Thank you for --</p>	<p style="text-align: right;">Page 55</p> <p>1 BY MR. ELSON:</p> <p>2 Q. How often do you --</p> <p>3 MR. BOYACK: Thank you interrupting me</p> <p>4 again.</p> <p>5 BY MR. ELSON:</p> <p>6 Q. Ms. Eassa, how often do you inspect the</p> <p>7 Anthem community?</p> <p>8 A. At least twice a month.</p> <p>9 Q. For official inspections, not meetings</p> <p>10 with the vendors. I'm talking only about official</p> <p>11 inspections.</p> <p>12 A. Are you talking common area inspection?</p> <p>13 Q. Whatever inspections you're conducting,</p> <p>14 Ms. Eassa.</p> <p>15 A. There's a difference.</p> <p>16 Q. What's the -- what's the difference</p> <p>17 between an inspection and a common area inspection,</p> <p>18 and do you do both?</p> <p>19 A. No.</p> <p>20 Q. Okay. So I'm talking about the</p> <p>21 inspections that you do.</p> <p>22 What inspections do you do?</p> <p>23 A. I go out and check the parks. That's a</p> <p>24 common area. Make sure I check the furniture,</p> <p>25 lighting, you know, things like that, see if there's</p>
<p style="text-align: right;">Page 56</p> <p>1 any issues, things that need to be repaired, check</p> <p>2 the dog waste stations, all common-area-related</p> <p>3 things.</p> <p>4 Q. And how often do you do those inspections?</p> <p>5 A. I'm trying to -- I'm trying to do them</p> <p>6 weekly, but it's been pretty busy at work, so I'd</p> <p>7 say --</p> <p>8 Q. Has Ms. Mossett-Puhek ever attended any of</p> <p>9 those inspections?</p> <p>10 A. Yes, at first, just to show what to check</p> <p>11 for, basically.</p> <p>12 Q. I just need you to answer the question.</p> <p>13 A. Oh.</p> <p>14 Q. How many inspections has Ms. Mossett-Puhek</p> <p>15 attended?</p> <p>16 A. Once or twice.</p> <p>17 Q. Has any other member of the board attended</p> <p>18 any other -- any of these inspections?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Who else from the board?</p> <p>21 A. Let's see. Ken Brensinger, the president.</p> <p>22 Q. Who else?</p> <p>23 A. I can't recall who else. Yeah, I</p> <p>24 believe -- that's all I can remember right now.</p> <p>25 Q. Was Mr. Brensinger the president at the</p>	<p style="text-align: right;">Page 57</p> <p>1 time he attended the inspection?</p> <p>2 A. Yes, I believe so.</p> <p>3 Q. When did Mr. Brensinger become the</p> <p>4 president?</p> <p>5 A. Oh, gosh. I don't have that in front of</p> <p>6 me. Was it -- he became -- let's see. Was it 20 --</p> <p>7 let's see. It's a two-year term, so he's been --</p> <p>8 his term -- I believe his term is up next May, if I</p> <p>9 check. So it's a two-year term for a president.</p> <p>10 Q. So you're saying May of 2022; is that</p> <p>11 correct?</p> <p>12 A. Yeah, May of 2022.</p> <p>13 Q. Okay. Prior to May of 2022, did</p> <p>14 Mr. Brensinger attend any inspections?</p> <p>15 A. I can't remember.</p> <p>16 Q. Prior to May of 2022, did</p> <p>17 Ms. Mossett-Puhek attend any inspections?</p> <p>18 A. I really don't recall.</p> <p>19 Q. And as you sit here today, being under</p> <p>20 oath and under the penalty of perjury --</p> <p>21 A. Mm-hmm.</p> <p>22 Q. -- are you aware of any inspections that</p> <p>23 Ms. Mossett-Puhek attended with any other persons at</p> <p>24 Terra West?</p> <p>25 MR. NOACK: Object. Calls for Litigation Services, a Veritext Company 800-330-1112</p>

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1 speculation.
 2 BY MR. ELSON:
 3 **Q. Go ahead and answer the question.**
 4 A. Can you repeat that?
 5 MR. ELSON: Madam Reporter, please repeat
 6 the question for the witness.
 7 (Record read.)
 8 THE WITNESS: Okay. So let me -- let me
 9 ask you. You're saying "any other inspections." So
 10 it's either -- you're talking common area or
 11 other -- what other inspections are we -- because
 12 there's different types of inspections.
 13 BY MR. ELSON:
 14 **Q. Any inspections at all, Ms. Eassa.**
 15 A. I don't -- I can't recall. I really --
 16 you know, I've already answered about the common
 17 area.
 18 **Q. And you have no knowledge of any other**
 19 **inspections conducted by Anthem -- conducted by**
 20 **Terra West regarding Anthem?**
 21 A. I already mentioned that we have monthly
 22 inspections.
 23 **Q. And you have no knowledge of**
 24 **Ms. Mossett-Puhek attending those inspections?**
 25 A. The only thing I know is that she'll

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1 Ms. Eassa doesn't. Because Mr. Woo was very clear
 2 at his deposition, Ted, and testified that
 3 Ms. Mossett-Puhek routinely attended inspections.
 4 And now I'm getting a completely different answer
 5 from the community manager, and I'm trying to figure
 6 out why.
 7 MR. BOYACK: All right. Let me just,
 8 without you interrupting, make the record that it's
 9 not a completely different answer. She told you she
 10 did not have a recollection and does not know, based
 11 on her recollection. And so that's Number 1.
 12 Number 2, I'm really getting concerned
 13 with the way you're badgering this witness with all
 14 of these statements about her being deceptive and
 15 everything else. I just think it's overly
 16 argumentative and completely inappropriate.
 17 If this continues this way -- I understand
 18 that you're frustrated because you're trying to get
 19 information. I recognize that. But I'm just going
 20 to say, at some point, this is going to go too far
 21 and I'm going to ask that this deposition end; all
 22 right?
 23 I understand your frustration here, but
 24 this is just getting -- just --
 25 MR. ELSON: Ted, I agree.

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1 explain -- explain, you know, the property, you
 2 know, so that the inspectors are aware.
 3 **Q. This is very simple.**
 4 **Are you aware of Ms. Mossett-Puhek**
 5 **attending any other inspections?**
 6 A. I'm going to say no, based on if she's
 7 attending them with the inspector all the way
 8 through. I'm going to say no.
 9 **Q. Any point -- Ms. Eassa, you're being**
 10 **extremely evasive.**
 11 MR. BOYACK: Here's the thing --
 12 MR. ELSON: No, no. Please let me finish.
 13 BY MR. ELSON:
 14 **Q. Has Ms. Mossett-Puhek attended any portion**
 15 **of any inspection conducted by anyone of Terra West**
 16 **other than the ones that you've already described**
 17 **for me?**
 18 MR. BOYACK: Could you maybe clarify, Tim,
 19 and say, To her knowledge? She already answered the
 20 question by saying she couldn't remember. But if --
 21 maybe just ask to her knowledge.
 22 MR. ELSON: She's answered many questions
 23 in many different ways, changing her testimony
 24 throughout. I'm trying to make this abundantly
 25 clear as to what Ms. Eassa recalls and what

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1 MR. BOYACK: She's having a hard time
 2 understanding them.
 3 MR. ELSON: I agree that this is getting a
 4 little ridiculous. I've never had a witness in my
 5 career act this evasive with such basic questions.
 6 I am on page 2 of my outline with literally 12 more
 7 pages to go. We are going to be here all day.
 8 There's going to be Day 2, Day 3. These are very
 9 basic questions on whether or not the witness has
 10 any knowledge on inspections, and I can't get basic
 11 answers from the witness.
 12 MR. BOYACK: You are getting --
 13 MR. ELSON: I need to move on, but I want
 14 the witness to answer the last question I posed, and
 15 then I'm going to move on.
 16 MR. BOYACK: Fair enough. I just want --
 17 for the record, she's not being evasive. She's
 18 struggling to remember and she's answering your
 19 questions as best she can, and you are just simply
 20 being --
 21 MR. ELSON: This is --
 22 MR. BOYACK: There you go interrupting me
 23 again.
 24 MR. ELSON: Ted, you were done speaking.
 25 With all due respect, this is a professional that

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1 was in charge of a master association, 11
 2 subassociations. These are not difficult questions
 3 to answer.
 4 MR. BOYACK: And I would contend that's
 5 absolutely your misunderstanding. She has a master
 6 association and 11 subassociations for which you're
 7 asking specific questions on memory, specific issues
 8 that she may not remember in a very vague fashion.
 9 That's pretty damn reasonable under the
 10 circumstances. I'm sorry. So I --
 11 MR. ELSON: Please don't raise your voice
 12 at me and please don't swear at me.
 13 Madam Reporter, will you repeat last --
 14 will you repeat back the last question for the
 15 witness?
 16 (Record read.)
 17 MR. NOACK: Objection. Calls for
 18 speculation. Overbroad.
 19 MR. BOYACK: To the best of your memory,
 20 Carmen.
 21 MR. ELSON: I asked her to answer as to
 22 her understanding.
 23 BY MR. ELSON:
 24 Q. Go ahead, Ms. Eassa.
 25 A. I don't -- I honestly don't remember any

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1 not the format that's creating these issues.
 2 A. No. No.
 3 Q. I'll repeat it again.
 4 What type of conflicts are board members
 5 supposed to reveal to the community? What is your
 6 understanding?
 7 MR. NOACK: Objection. Overbroad.
 8 THE WITNESS: What type of conflicts?
 9 BY MR. ELSON:
 10 Q. Let me ask it this way first: Are board
 11 members or potential board members required to
 12 reveal potential conflicts of interest as part of
 13 their candidacy?
 14 A. Yes, if there's a conflict of interest.
 15 Q. Okay. What do you consider to be a
 16 conflict of interest that a board member is supposed
 17 to reveal?
 18 A. If they're not in good standing.
 19 Q. Okay. What about relationships with
 20 vendors?
 21 A. I would think so.
 22 Q. What about ownership interests with
 23 vendors?
 24 A. Yes.
 25 Q. Okay. Did Ms. Mossett-Puhek reveal any

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1 of this type of thing. I don't.
 2 Q. What types of conflicts are board members
 3 supposed to reveal to the community?
 4 A. Can you -- I'm sorry. Can you repeat
 5 that?
 6 Q. What types of conflicts are board members
 7 supposed to reveal to members of the community?
 8 MR. BOYACK: Objection. Vague. Calls for
 9 a legal conclusion.
 10 MR. ELSON: Witness can answer as to her
 11 understanding.
 12 THE WITNESS: What type of conflicts to
 13 the board -- what is that -- the board...
 14 BY MR. ELSON:
 15 Q. Are you having problems hearing me because
 16 we're doing this deposition via Zoom, Ms. Eassa?
 17 A. Yeah. No, not because of Zoom. I just
 18 have -- sometimes I've got problems with my hearing,
 19 so I'm trying to turn the other ear here so I can
 20 hear you.
 21 Q. Would it be better if we did this in
 22 person?
 23 A. Well, I'm still going to have to have you
 24 repeat, unfortunately.
 25 Q. Okay. I just want to make sure that it's

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1 conflicts of interest on her candidacy statements?
 2 A. That was reviewed by our counsel.
 3 Q. I'm asking you: Did Ms. Mossett-Puhek
 4 reveal any conflicts of interest on her candidacy
 5 statements?
 6 A. I don't believe so.
 7 Q. Do you believe Ms. Mossett-Puhek should
 8 have disclosed that she had prior employment
 9 relationships with you on her candidacy statement?
 10 MR. NOACK: Objection. Argumentative.
 11 THE WITNESS: No.
 12 BY MR. ELSON:
 13 Q. Do you believe Ms. Mossett-Puhek should
 14 have disclosed that she was previously employed with
 15 Mr. Boyack on her candidacy statement?
 16 A. Not that I'm aware of.
 17 Q. That's not the type of personal
 18 relationship with a vendor that should be disclosed?
 19 A. That -- it wasn't a continued -- oh. I'm
 20 not really sure how to -- I'm not really sure on
 21 this.
 22 Q. Okay. So then it's possible that that may
 23 be a type of personal relationship that should have
 24 been disclosed?
 25 A. I'm not an attorney on this kind of stuff.

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1 Q. Ms. Eassa, you are a licensed community
 2 manager --
 3 A. I don't --
 4 Q. -- correct?
 5 A. I don't interpret the law.
 6 Q. Are you a licensed community manager?
 7 A. Yes.
 8 Q. As you sit here today, do you have any
 9 concerns about Ms. Mossett-Puhek not disclosing
 10 these relationships on her candidacy statement?
 11 A. No.
 12 Q. As you sit here today, are you going to go
 13 back and discuss these issues internally with Terra
 14 West about whether or not the failure to disclose
 15 these potential conflicts is an issue?
 16 A. I can -- I will discuss, yes.
 17 Q. As you sit here today, do you believe that
 18 these are the types of personal relationships that
 19 should have been disclosed on the candidacy
 20 statement?
 21 MR. NOACK: Objection. It's
 22 argumentative.
 23 THE WITNESS: It's -- it's not --
 24 everything is professional. I don't understand. I
 25 guess I'm confused by your question here with why --

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1 Q. Ms. Eassa, as you sit here today, is it
 2 fair to say that you are unclear on whether or not
 3 Ms. Mossett-Puhek should have disclosed these
 4 personal relationships on her candidacy statement?
 5 A. I can't answer that question.
 6 Q. Okay. Did you reveal any conflicts of
 7 interest when you became the community association
 8 manager for Anthem?
 9 MR. BOYACK: Objection as to vague as to
 10 whom she would reveal that to, homeowners or board
 11 members.
 12 BY MR. ELSON:
 13 Q. Go ahead and answer the question,
 14 Ms. Eassa.
 15 A. The board knew where -- I mean, it
 16 wasn't -- that didn't come up when I accepted --
 17 Q. Let me ask this again.
 18 Before you became the community manager
 19 for Anthem, did you reveal any potential conflicts
 20 of interest?
 21 A. Terra West already knew what I -- where,
 22 you know, my work, so there was -- it didn't come
 23 up. It didn't come up.
 24 Q. Before Mr. Boyack was retained again as
 25 the general counsel, did Mr. Boyack reveal any

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1 BY MR. ELSON:
 2 Q. Ms. Eassa, should these have been
 3 disclosed or should they not have been disclosed, in
 4 your professional opinion?
 5 A. I can't say for sure, because I'm not an
 6 expert on this particular question here. I'm not --
 7 I don't want to, you know, sit here -- until I can
 8 really understand what's going on.
 9 Q. What don't you understand?
 10 A. Well, you know, our counsel is our
 11 counsel.
 12 Q. Who's your counsel?
 13 A. Mr. Boyack.
 14 Q. Mr. Boyack is Anthem's counsel?
 15 A. Yes.
 16 Q. Is Mr. Boyack Terra West's counsel?
 17 A. For this particular -- isn't that
 18 representing Terra West? Are you talking about
 19 representing us for this --
 20 Q. When you said your "counsel," who are you
 21 referring to?
 22 A. Well, you -- that's what I'm going back
 23 trying to get clarification from your question. You
 24 asked about, you know, disclosure from the -- about
 25 the working relationship with the counsel.

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1 potential conflicts of interest?
 2 MR. BOYACK: I'm just going to oppose the
 3 line of questioning here as to relevance.
 4 But go ahead. You can answer.
 5 THE WITNESS: Not that I'm aware of.
 6 BY MR. ELSON:
 7 Q. What types of conflicts of interest are
 8 community managers supposed to reveal?
 9 A. Any services -- accepting services, a
 10 certain amount, I guess, from any vendors, you know.
 11 Q. Are community managers supposed to
 12 disclose any relationships with other vendors?
 13 A. I'm not aware of that to that degree. I
 14 mean, I'd have to look that -- look into that.
 15 Q. Are community managers supposed to
 16 disclose any relationships with board members?
 17 A. Relationships. You're talking about
 18 personal?
 19 Q. I'm talking about any type of
 20 relationship. You tell me if it matters.
 21 A. I'm just -- I'm a community manager. I'm
 22 just doing my job. I have to communicate with the
 23 board, so I'm getting confused here. I'm trying,
 24 you know, to just do my job as a community manager.
 25 Q. Ms. --

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1 MR. BOYACK: Tim, when you say
 2 "relationship" -- let me pose an objection to vague.
 3 Relationship of any kind. All right. Professional,
 4 personal. You can be more specific and ask what
 5 type of relationship you're referring to.
 6 MR. ELSON: Ted, these are my questions.
 7 I believe they're appropriate. I'm going to reask
 8 the question. This is a professional, a licensed
 9 professional. You ask me what type of relationship
 10 I'm supposed to disclose as an attorney, I can
 11 answer that question. So I'm going to, again, ask a
 12 licensed professional what her understanding is of
 13 what relationships she is required to disclose.
 14 BY MR. ELSON:
 15 Q. Ms. Eassa, what relationships are you
 16 required to disclose as a community manager?
 17 A. I don't know how to answer that question
 18 because relationships don't come up like that. I'm
 19 just confused by the wording "relationships." I
 20 have a working relationship. That's what's
 21 disclosed.
 22 Q. What types of conflicts are you required
 23 to disclose?
 24 A. As a community manager, conflicts, I don't
 25 work in the -- let's see. Gosh. What type of

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1 compensation or gifts board members are entitled to
 2 accept?
 3 A. It's just not something I'm familiar with.
 4 Q. Are there Nevada statutes on this?
 5 A. I'd have to defer to our counsel for that.
 6 Q. Ms. Eassa, are you familiar with Chapter
 7 116 of the Nevada Revised Statutes?
 8 A. Yes.
 9 Q. What is Chapter 116 of the Nevada Revised
 10 Statutes?
 11 A. That's what it is, Nevada Revised
 12 Statutes.
 13 Q. What does it cover? What does it govern?
 14 A. It covers management of the association
 15 basically, I would think.
 16 Q. Are you required to be familiar with
 17 Chapter 116 of the Nevada Revised Statutes as your
 18 role as a community manager?
 19 A. Yes, I'm aware of Nevada NRS 116.
 20 Q. Okay. As part of your role as a community
 21 manager, are you supposed to help ensure that
 22 associations follow and abide Chapter 116 of the
 23 Nevada Revised Statutes?
 24 A. The board members should be aware of that.
 25 Q. As part of your role as a community

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1 conflicts? Just, I guess, accepting -- I don't
 2 know, getting services for free. That's -- those
 3 are wrong. I mean, that's not good.
 4 Q. Do you agree or disagree that board
 5 members should not accept compensation or gifts from
 6 members of the community?
 7 A. Well, I don't know about -- what type of
 8 compensation are we talking about? I mean --
 9 Q. Is there a type of compensation that a
 10 board member is permitted to accept?
 11 A. Not that I'm aware of.
 12 Q. Okay. So then I don't know how the
 13 distinction matters. Let me ask the question again.
 14 Do you agree or disagree that board
 15 members should not accept compensation or gifts from
 16 members of the community?
 17 A. If it's involving the association, yeah,
 18 that's -- yeah, they shouldn't have anything to do
 19 with that.
 20 Q. Do expensive dinners count as compensation
 21 or gifts?
 22 A. That all depends on what's going on. I
 23 have no clue about this kind of stuff.
 24 Q. As a licensed community manager, you're
 25 telling me you have no idea as to what type of

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1 manager, are you supposed to help ensure that
 2 associations and board members follow and abide by
 3 Chapter 116 of the Nevada Revised Statutes?
 4 A. Yes.
 5 Q. Are there statutes within chapter 116 that
 6 address whether or not board members are able to
 7 accept compensation or gifts?
 8 A. I don't recall that.
 9 Q. As you sit here today, are you able to
 10 offer any opinion on whether or not board members --
 11 active board members should be accepting expensive
 12 dinners from members of the community?
 13 A. That's -- yeah, I'm not aware of any of
 14 this kind of stuff, really. I just --
 15 Q. Would that raise any --
 16 A. I don't know how to answer that, you know.
 17 I mean...
 18 Q. Would that raise any red flags to you if
 19 you learned that board members were accepting
 20 expensive dinners from members of the community?
 21 MR. NOACK: Object. Vague as to
 22 "expensive."
 23 You can answer.
 24 BY MR. ELSON:
 25 Q. Go ahead and answer the question.

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1 A. I still have to refresh my memory of NRS
2 116. So I'm not trying to be difficult. I just
3 don't memorize everything in there, you know.
4 Q. Would it raise red flags to you or would
5 it not?
6 A. If -- really, you know, it just depends, I
7 believe, doesn't it? I mean, were they invited? Is
8 that what you're saying, the board was invited?
9 Q. So are you telling me here today that if
10 you learned that a member of the community bought an
11 expensive dinner for a board member, it would not
12 raise any red flags for you?
13 A. I would say it's going to depend on the --
14 what they did. I don't know.
15 Q. Depend on it how?
16 A. I'm not aware of any of this stuff. I'm
17 just not aware of it, you know...
18 Q. So you're not aware of Chapter 116?
19 A. I'm not an attorney to, you know...
20 MR. BOYACK: Let me pose on objection.
21 Again, you know, maybe a clarification of "expensive
22 dinners" was already indicated by Derek as being
23 vague and ambiguous.
24 So the problem with this line of
25 questioning is I think you need to be more specific.

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1 Q. Do you remember a time Ms. Collier
2 complained about a Southwest Gas truck?
3 A. Yes, I do.
4 Q. Did Anthem take action against the unit
5 owner as it relates to the Southwest Gas truck?
6 A. I recall -- I believe I recall that we did
7 contact Southwest Gas and -- regarding that matter.
8 Q. In fact, legal was involved in that;
9 correct?
10 A. I believe so. There was -- I believe so.
11 Q. Would that have been Mr. Boyack?
12 A. Yes.
13 Q. Do you agree or disagree that
14 Ms. Mossett-Puhek should not have been discussing
15 Anthem's actions pertaining to the Southwest Gas
16 truck with Ms. Collier?
17 A. Well, that -- well, Ms. Collier is a unit
18 owner. I mean, she -- and Ms. Mossett-Puhek is on
19 the board, so I don't know. I guess I'm missing the
20 connection here.
21 Q. Okay. The connection was, I first asked
22 you if violations pertaining to a unit owner are
23 confidential; is that correct?
24 A. Yes.
25 Q. Okay. That's what you told me the first
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1 You're asking her very broad questions on legal
2 matters. And so I just want to pose that objection.
3 MR. NOACK: Incomplete hypothetical.
4 THE WITNESS: I don't have any facts on
5 the matter. I'm sorry. I don't know.
6 BY MR. ELSON:
7 Q. If a member of the community offered to
8 buy you an expensive dinner, would you accept it?
9 A. Offered to -- I -- no. For me? I
10 would -- I'm a private person, so you're asking the
11 wrong person on that. I'm going to be honest with
12 you, I don't go out much. I cook myself, so...
13 Q. Ms. Eassa, if a member of the community
14 offered to buy you an expensive dinner, would you
15 take it or would you decline their offer?
16 A. I would -- I would decline only -- I'm not
17 comfortable.
18 Q. Would you agree or disagree that
19 violations pertaining to a unit owner are
20 confidential?
21 A. Oh, violations to a unit owner? Yes.
22 Q. Board members shouldn't be discussing
23 violations of another unit with another unit owner;
24 is that correct?
25 A. Yes, that's correct.

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1 time. Then I asked you if board members shouldn't
2 be discussing violations of another unit with
3 another unit owner.
4 A. Yes. That's yes.
5 Q. That's correct?
6 A. Mm-hmm.
7 Q. So if Ms. Mossett-Puhek -- so let me ask
8 this the same way.
9 A. Okay.
10 Q. Violations pertaining to -- the owner of
11 the Southwest Gas truck, he was a unit owner within
12 Anthem; is that correct?
13 A. Yes.
14 Q. Those should have been kept confidential;
15 is that correct?
16 A. Yes.
17 Q. Ms. Mossett-Puhek shouldn't have been
18 discussing that with Ms. Collier; is that correct?
19 Presuming she was. Let's presume Ms. Mossett-Puhek
20 was discussing that with Ms. Collier. She shouldn't
21 have been doing so; is that correct?
22 A. Yes.
23 Q. Are you aware that Ms. Mossett-Puhek was
24 discussing such issues with Ms. Collier?
25 A. I don't handle the violation part of it,
800-330-1112

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1 so I'm not -- you know, I don't remember some of
2 this stuff. Unless it was brought to, you know --
3 Q. Ms. Eassa, are you aware whether or not
4 Ms. Mossett-Puhek was discussing issues with the
5 Southwest Gas truck directly with Ms. Collier?
6 A. I don't recall. I really don't.
7 Q. If she was, you would agree with me that
8 that is improper; correct?
9 A. Yes.
10 Q. Are you aware of instances where
11 Ms. Mossett-Puhek has violated these types of
12 confidentiality issues?
13 A. No, not that I'm aware of.
14 Q. I'm going to go back over some additional
15 background information, Ms. Eassa.
16 When were you born and where were you
17 born?
18 A. I was born in Chicago, Illinois,
19 December 16, 1953.
20 Q. I don't want to offend you, Ms. Eassa.
21 I've asked this question of every witness I've ever
22 deposed.
23 Have you ever been convicted of a felony?
24 A. No.
25 Q. Have you ever been convicted of a crime of

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1 with you any questions that might be asked or how to
2 respond to any questions?
3 A. No.
4 Q. Did you talk with Ms. Mossett-Puhek about
5 your deposition today?
6 A. Just to let her know that I'm attending,
7 we have the board.
8 Q. Anything beyond the fact that you were
9 just showing up to attend the deposition?
10 A. No, not that I can recall.
11 Q. Okay. Now, I don't want to know what you
12 talked about with Mr. Boyack, but did you meet or
13 speak with Mr. Boyack about your deposition before
14 today?
15 A. Yes.
16 Q. On how many occasions?
17 A. Once.
18 Q. Okay. How long did you meet with
19 Mr. Boyack for?
20 A. It might have been an hour, hour and a
21 half maybe.
22 Q. And at the time you met with Mr. Boyack,
23 did you understand that he was your legal counsel or
24 the legal counsel of Terra West?
25 A. Yes.

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1 moral turpitude? That is one involving deceit or
2 dishonesty.
3 A. No.
4 Q. When we took our break, did you talk to
5 anyone during our break?
6 A. No.
7 Q. What did you do to prepare for this
8 deposition?
9 A. I let management know that I had to
10 calendar, and let them know that I was going to be
11 attending, because I wouldn't be at work. And so
12 I -- yeah, for calendaring purposes. Is that -- is
13 that right? Is that what you --
14 Q. I'll clarify for you, Ms. Eassa.
15 Substantively, did you talk to anyone
16 about any issues pertaining to today's deposition?
17 A. Just -- no. I just mentioned the
18 deposition to just management, upper management, and
19 the board knows about it because I'm not going to be
20 there.
21 Q. Did any members of upper management
22 discuss with you any questions that might be asked
23 or how you should respond to any questions?
24 A. No. They just said "Good luck."
25 Q. Okay. Did members of the board discuss

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1 Q. Did Mr. Boyack show you any documents?
2 A. No.
3 Q. Okay. Did you review any documents to
4 prepare for your deposition here today?
5 A. The only thing I reviewed was the
6 litigation that was filed.
7 Q. What do you mean by "the litigation that
8 was filed"?
9 A. The first complaint, just reviewed that,
10 the one that was filed in the beginning.
11 Q. The one that was filed, what, probably
12 about a year and a half ago?
13 A. Is that how long it's been? My gosh. I
14 can't -- was that -- are you serious? Was that how
15 long?
16 Q. I think it's been about that long.
17 Does that sound about right to you,
18 Ms. Eassa?
19 A. I guess so. That's the only one I can --
20 yeah.
21 Q. Have you seen any other court filings in
22 this case?
23 A. No. No. I've --
24 Q. Have you seen the proposed amended
25 complaint that was recently submitted with the

<p style="text-align: right;">Page 82</p> <p>1 court? 2 A. The proposed amended -- 3 Q. Basically, I mean, within the last six 4 weeks. 5 A. Did I see -- was that an email to me, the 6 amended complaint? 7 Q. Did Mr. Boyack provide you documents to 8 review by email? 9 A. Oh, I believe -- I believe I -- I believe 10 I saw that. 11 Q. Did Mr. Boyack provide you documents to 12 review by email? 13 A. Yes, I believe so. 14 Q. When did Mr. Boyack provide you these 15 documents? 16 A. Gosh, I can't remember now. 17 Q. Did you review these documents? 18 A. Just briefly. 19 Q. How long did you spend reviewing these 20 documents? 21 A. Not long. Just -- 22 Q. How long? Can you estimate the number of 23 minutes? 24 A. Maybe 30 minutes. I'm not -- 25 Q. Are there other documents that Mr. Boyack</p>	<p style="text-align: right;">Page 83</p> <p>1 provided you other than the complaint? 2 A. Yes. That's it. 3 Q. That's it? He just emailed you the 4 original complaint that was filed in this case? 5 A. Well, that one, I have. No. And then you 6 mentioned another one, the -- an amended draft or 7 something. 8 Q. Ms. Eassa, I'm just confused, because 9 originally, I asked you what you reviewed and I was 10 pretty -- pretty sure my recollection is that you 11 reviewed just the complaint. 12 A. Yes. 13 Q. It seems like you reviewed more than just 14 the complaint, and I'm trying to figure out what you 15 reviewed. So -- 16 A. Oh. 17 Q. -- what are the other documents that you 18 reviewed other than the complaint? 19 A. Oh, okay. I see what you're saying now. 20 The litigation complaint is what I -- I 21 was -- I made -- I was made aware of an amended, but 22 it was a draft. It wasn't anything that got filed. 23 So the last filed complaint I reviewed was the one 24 that -- I believe that was the original litigation 25 that was --</p>
<p style="text-align: right;">Page 84</p> <p>1 Q. I want to be very clear to you in this 2 question, Ms. Eassa. You reviewed the complaint. 3 It seems like you reviewed the draft complaint as 4 well; is that correct? 5 A. I reviewed the first litigation complaint, 6 and I believe I may have -- I may have -- the draft 7 or saw it come through. 8 Q. Did you look at it? 9 A. I looked, yes. Mm-hmm. 10 Q. Okay. Did you review any other documents? 11 A. Not that I'm aware of. 12 Q. Did Mr. Boyack send you any other 13 documents for you to look at? 14 A. Not that I can recall. 15 Q. Okay. Have you reviewed any of the 16 deposition transcripts that have been taken in this 17 case? 18 A. Not that I'm -- no. 19 Q. Have you reviewed any of the written 20 discovery responses that have been prepared in this 21 case? 22 A. I -- are you talking about the document 23 requests that I did for the discovery? I mean, I've 24 already seen all those because we gathered that for 25 the complaint.</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Okay. So you participated in gathering 2 documents in response to written discovery; is that 3 correct? 4 A. Right, for the discovery. 5 Q. Did you -- 6 A. The disclosure. 7 Q. -- review all the documents that were 8 provided to legal counsel in this case? 9 A. Yeah. I sent whatever you -- yeah, was 10 requested. 11 Q. And you personally reviewed all of those 12 documents? 13 A. I gathered them. 14 Q. Did you look at them while you were 15 gathering them? 16 A. Well, not entirely. I just made sure to 17 put them all together. 18 Q. How long did you spend gathering 19 documents? 20 A. Oh. Maybe a day. I really don't 21 remember. It's been so -- a while back. I can't 22 really recall. 23 Q. Did you spend a full day gathering the 24 documents or just part of the day? 25 A. I honestly can't recall. I'm so sorry. I</p>

<p style="text-align: right;">Page 86</p> <p>1 just -- I know I gathered them. I just am not 2 remembering things that well.</p> <p>3 Q. What steps did you take to gather 4 documents?</p> <p>5 A. Just -- steps? You mean, like, how I sent 6 them or, like, email or --</p> <p>7 Q. What did you do to gather the documents?</p> <p>8 A. I had to research, you know, find them and 9 put them together.</p> <p>10 Q. Where did you go to research?</p> <p>11 A. Just files.</p> <p>12 Q. Electronic files? Hard-copy files?</p> <p>13 A. Electronic.</p> <p>14 Q. Okay. Where are the electronic files 15 located?</p> <p>16 A. In our -- in the -- in our files, you 17 know, that we have on the computer.</p> <p>18 Q. Did you run specific search terms?</p> <p>19 A. Sometimes I had to do a search.</p> <p>20 Q. What search terms did you run?</p> <p>21 A. When you say "search terms," are you 22 talking about, like, the discovery request that you 23 had requested, all those documents?</p> <p>24 Q. Ms. Eassa, I'm trying to figure out what 25 you did to gather these documents. You went to an</p>	<p style="text-align: right;">Page 87</p> <p>1 electronic database.</p> <p>2 When you got to the electronic database, 3 how did you figure out what documents to produce and 4 what documents to not produce?</p> <p>5 A. I only followed what you had requested for 6 the discovery.</p> <p>7 Q. So how big is your file for Anthem, your 8 electronic file? Probably, what, hundreds of 9 thousands of pages?</p> <p>10 A. There's a lot of files, yeah.</p> <p>11 Q. Yeah. So how did you decide what files to 12 produce and what files not to produce?</p> <p>13 A. Well, legal things are together, you know, 14 away from, like, accounting things and, you know, 15 everything has its own place.</p> <p>16 Q. Did anyone assist you with gathering these 17 documents?</p> <p>18 A. I pretty much did it.</p> <p>19 Q. Are you sure you gathered all of the 20 documents responsive to the requests?</p> <p>21 A. Yes.</p> <p>22 Q. How did you ensure that there were no 23 documents missing that were not responsive to the 24 requests?</p> <p>25 A. Mr. Boyack would review them.</p>
<p style="text-align: right;">Page 88</p> <p>1 Q. How would Mr. Boyack know whether or not 2 the documents you provided were all of the documents 3 within Terra West's electronic database for Anthem?</p> <p>4 A. Well, I'm -- I'm kind of confused how you 5 keep asking these questions. Because, first of all, 6 you state exactly what you wanted in the document, 7 what you're requesting, and that's what I followed. 8 I followed the list that was given. Your document 9 requests the things that you wanted, and that's what 10 I followed.</p> <p>11 Q. Okay. Well, let's take your email, for 12 example. Did you produce all of your emails with 13 Ms. Mossett-Puhek?</p> <p>14 A. Yes.</p> <p>15 Q. Every single email that you've ever had 16 with Ms. Mossett-Puhek?</p> <p>17 A. If it pertains to the case.</p> <p>18 Q. Did the discovery limit the request to 19 ones that pertain to the case?</p> <p>20 A. I'm only doing what was requested. I 21 didn't leave -- everything was included, emails, 22 audios, lot of things.</p> <p>23 Q. How did you ensure that all documents -- 24 well, when you were searching your emails, did you 25 run any search terms within your emails?</p>	<p style="text-align: right;">Page 89</p> <p>1 A. Yes.</p> <p>2 Q. Okay. What search terms did you run in 3 your emails?</p> <p>4 A. Well, it would have to be pertaining to 5 the complaint, what -- the requested documents.</p> <p>6 Q. Do you recall what specific search terms 7 you ran?</p> <p>8 A. I can't remember. I mean, there was --</p> <p>9 Q. Did you keep a list of what search terms 10 you ran?</p> <p>11 A. Search terms? I just -- whatever was in 12 the folder, that's what was run.</p> <p>13 Q. What do you mean "what was in the folder"?</p> <p>14 A. Well, anything pertaining to the requests 15 for discovery and things like that were all --</p> <p>16 Q. How did you make sure that all of your 17 communications regarding Ms. Collier were produced?</p> <p>18 A. They were all in their own file.</p> <p>19 Q. So after you send an email regarding 20 Ms. Collier, it's electronically filed and stored in 21 a folder within Terra West's database?</p> <p>22 A. Yes.</p> <p>23 Q. Every email you receive regarding 24 Ms. Collier is electronically stored in a file 25 within Terra West's database?</p>

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1 A. Now, I also -- like I said, I'm not --

2 Q. You need to answer that question first.

3 Is every email that is sent regarding

4 Ms. Collier automatically stored in a file in Terra

5 West's database?

6 A. If I see it, it is. Yes.

7 Q. Okay. Did you talk to staff, other

8 members, other employees of Terra West to make sure

9 that they stored all of their emails in that

10 specific file pertaining to Andrea Collier?

11 A. Yes. I talked to the assistant.

12 Q. What assistant?

13 A. The -- whoever -- we have -- whoever works

14 on -- whoever sees the emails in the Anthem box so

15 that they're aware.

16 Q. What about anybody else that has ever

17 worked on Anthem's file for Terra West, did you talk

18 to any of those people?

19 A. Yes, I believe so. We have that protocol,

20 yeah.

21 Q. Okay. Did you explicitly talk to them,

22 Ms. Eassa?

23 A. I'm sure I must have. I mean --

24 Q. So you have a specific recollection --

25 A. A couple of years --

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1 A. That would -- let me -- okay. Let me

2 clear that up. Okay. Clarify.

3 It would be the people that are actually

4 receiving communication.

5 Q. Who are all of those people? I'm just --

6 A. That would be the assistant.

7 Q. I'm sorry?

8 A. The assistant.

9 Q. Who?

10 A. On the Anthem account.

11 Q. Who? What is the person's name?

12 A. Oh. I gave you a couple of names. We --

13 Q. No. I think I gave you the names.

14 MR. BOYACK: I'm going to pose an

15 objection; okay?

16 BY MR. ELSON:

17 Q. Ms. Eassa, give me the names of everyone

18 you spoke to to gather documents responsive to the

19 request for production.

20 THE WITNESS: Oh, request for production.

21 MR. BOYACK: You know, Tim, here's the

22 thing. At this point, I think we need to take a

23 break from the deposition.

24 MR. ELSON: I'm not going to go off the

25 record. I am on the record. I want the witness to

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1 Q. -- of speaking with Ashleigh Grove

2 regarding what documents she had regarding the

3 request for production?

4 A. Yeah, I believe so.

5 Q. And you also spoke to Mia Hook?

6 A. Yes.

7 Q. Did you speak to Daniel Phillips?

8 A. No.

9 Q. Did you speak to -- who else did you speak

10 to? I want to know the name of every single person

11 you spoke to when you were gathering documents

12 responsive to the written discovery that was

13 propounded.

14 A. Let's see. Who else? Probably

15 compliance.

16 Q. Who at compliance? I want specific names,

17 Ms. Eassa.

18 A. Compliance department. They just -- let's

19 see.

20 Q. Are you able to provide me specific names

21 or not?

22 A. I can -- yeah, for Terra West. Sure.

23 Q. Then provide them to me. I'm waiting.

24 Specific names with everyone you spoke to to gather

25 documents responsive to the request for production.

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1 answer this question. I'm not --

2 MR. BOYACK: You never asked a question.

3 But at this point, you're just badgering the

4 witness. Your questions are so vague, and you're

5 just --

6 MR. ELSON: How is this question vague,

7 Ted? For me to ask the witness who she spoke to to

8 gather documents? She either spoke to people or she

9 didn't.

10 MR. BOYACK: And she's given you answers

11 to that question.

12 THE WITNESS: Yeah.

13 MR. ELSON: Okay. Then let the witness

14 give me the answer again because I disagree with

15 you. I think the record is very clear on this.

16 These are -- Ted, these are rudimentary questions.

17 Who did she speak to to gather documents? This is

18 not badgering the witness.

19 BY MR. ELSON:

20 Q. Ms. Eassa, I'm going to ask it one more

21 time. Please provide me the names of the people you

22 spoke with to gather documents responsive to the

23 RFPs, the request for production.

24 A. What year? Can you tell me what year was

25 that when you -- the request for production? Just

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1 give me the year, because I had different
 2 assistants.
 3 Q. Ms. Eassa, when you gathered documents,
 4 you were the one responsible for gathering the
 5 documents, the records; right?
 6 A. Right. Right.
 7 Q. Okay. When you did that, who did you
 8 speak to?
 9 A. Okay. We -- that complaint was done --
 10 was it a couple of years ago?
 11 Q. Ms. Eassa, I just -- as you sit here
 12 today, do you have a specific recollection of
 13 speaking with anyone? I don't want you to guess. I
 14 don't want you to assume --
 15 A. I'm not.
 16 Q. I don't want you to assume you spoke to
 17 anyone. I'm just asking you: As you sit here
 18 today, do you have a specific recollection of
 19 speaking with anyone?
 20 A. I want to give you the right answer.
 21 That's why I'm asking you, the request for
 22 documents -- because I've had different people on
 23 the account. And I'm not -- I'm trying to be clear
 24 here. So let me see. The request for documents was
 25 back -- let's see. When was that? Think that

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1 every single -- I don't know. I don't know.
 2 Q. Okay. Well, when I first asked you, I
 3 said, "Are there oleanders planted in the Anthem
 4 community outside of Ms. Collier's property?" I
 5 believe your testimony was, "Yes"; is that correct?
 6 A. If that's what -- yeah, if that's what --
 7 yeah, outside of Ms. Collier's, you're -- I know the
 8 ones right on that intersection. Of those
 9 oleanders, yes, I'm aware of that.
 10 Q. What intersection?
 11 A. Is it Crathes and Culloden?
 12 Q. Are you referring to Ms. Collier's
 13 property?
 14 A. Yes.
 15 Q. Okay. Let me reask this question.
 16 A. Sorry.
 17 Q. I need you to listen very carefully.
 18 A. I'm trying. I really am. I just have
 19 a -- I have to turn this ear. Sorry. Go ahead.
 20 Q. Do you need a hearing aid, Ms. Eassa?
 21 A. I'm going to see the doctor in November.
 22 They can't get me in earlier. I'm trying to get --
 23 Q. So do you have hearing problems?
 24 A. I think I do because I've been turning
 25 things up, and some --

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1 was -- was that filed in 2022 or 2021?
 2 Q. Ms. Eassa, have you ever spoken to
 3 Mr. Noack?
 4 A. Hmm?
 5 Q. Have you ever spoken to Mr. Noack?
 6 A. No.
 7 Q. Do you know who Mr. Noack is?
 8 A. I -- I'm -- yes.
 9 Q. Okay. Who is Mr. Noack?
 10 A. He's Mr. -- Ms. Puhsek's attorney.
 11 Q. Other than the documents that we've
 12 discussed, have you reviewed any other documents in
 13 this case, that you're aware of?
 14 A. Not that I'm aware of.
 15 Q. Are there oleanders planted in the Anthem
 16 community outside of Ms. Collier's property?
 17 A. I believe so.
 18 Q. Okay.
 19 A. Yes.
 20 Q. Are there oleanders planted on the common
 21 elements in Anthem?
 22 A. Not that I'm aware of.
 23 Q. Are oleanders planted on other people's
 24 individual property within the Anthem community?
 25 A. I can't answer that because I don't check

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1 Q. Do you need to turn the volume --
 2 A. -- sounds in my ear --
 3 Q. Do you need to turn the volume up on your
 4 computer?
 5 A. No. I can hear it because I'm right up
 6 close and I've got my other ear.
 7 Q. I mean, I've been called a lot of things
 8 in my life, but a quiet person is likely not one of
 9 those things I think I've ever been called. So I
 10 want to make sure that you can hear me, Ms. Eassa.
 11 Can you hear me okay?
 12 A. I can hear you. I'm just -- I'm not
 13 trying to be a hostile witness. I just am trying
 14 to, you know, just clearly, you know, hear you.
 15 That's all.
 16 Q. I understand that, and I want to make sure
 17 you're hearing me as well, because I want to, again,
 18 repeat this. If you answer my question here
 19 today --
 20 A. No.
 21 Q. -- everyone has the right to presume that
 22 you understood that question before you answered it.
 23 A. I'm doing the best I can.
 24 Q. Do you understand that?
 25 A. Yes.

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1 Q. Okay. Do you need to turn the volume up
2 on your computer?
3 A. No. I'm okay.
4 Q. So you can hear me okay?
5 A. Yes. I have it on high. Let me see. I
6 think it's on -- I'll raise it up a little bit more
7 here.
8 Q. Raise it up all the way if you need to,
9 Ms. Eassa.
10 A. I'm good. Now I just have -- I'm just
11 waiting to get that checked. So okay.
12 Q. I just want to be clear with you again.
13 Can you hear me?
14 A. Yes.
15 Q. Okay.
16 A. Mm-hmm. Yes.
17 Q. Are there oleanders planted in Anthem
18 community outside of Ms. Collier's property?
19 A. Outside -- outside of Ms. Collier's --
20 you're talking about the -- that lot right on the
21 corner of Crathes and Culloden, yes.
22 Q. Yes, what? What did you mean when you
23 said --
24 A. There's -- there's oleanders there.
25 Q. Okay. Outside of that specific location,

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1 Q. Have you ever driven --
2 MR. BOYACK: Tim, it's getting close to
3 lunchtime, so I'd ask that you try to wrap this up.
4 And I think Ms. Eassa could use a break, as we all
5 could.
6 MR. ELSON: Well, I'm not prepared to take
7 lunch yet, Ted. It's only 11:30. We haven't even
8 been going for two or three hours yet. We have a
9 full seven hours we're going to do today before we
10 conclude the deposition. I personally believe we
11 should at least use half that amount of time before
12 we take a break for lunch.
13 MR. BOYACK: Carmen --
14 Are you talking about going for another
15 two hours?
16 MR. ELSON: Madam Reporter, how long have
17 we been on the record so far today?
18 MADAM REPORTER: Let me check. One
19 second.
20 MR. BOYACK: Are we really fighting over
21 whether we're going to take a lunch break? I mean,
22 what are you saying, Tim? Are you going to -- it's
23 noon here in about 20 minutes. Seems like a good
24 time to take a lunch break. Are you saying that's
25 not acceptable to you?

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1 are there oleanders within the Anthem community?
2 A. I'm not sure. Don't -- I don't know.
3 Q. Okay. You've driven through this
4 community at least 100 times, and you don't have a
5 specific memory as to whether or not there are
6 oleanders anywhere else on common elements or
7 individual property within the Anthem community?
8 A. I don't -- I'm not a plant person, so I
9 don't see them when I'm in the common areas unless I
10 don't know that's what they are. I mean, I don't
11 see them.
12 Q. And you don't see them in other people's
13 individual property?
14 A. I don't -- I just stay on the common area.
15 The inspector is the one that checks unit owner
16 properties.
17 Q. Yeah. But I believe you told me that you
18 drive through the community; right?
19 A. I drive -- I drive through if I have to
20 check on something, but I just go strictly to the
21 common areas and then where I meet vendors
22 sometimes.
23 Q. But you're still driving through the
24 community; correct?
25 A. Not the entire community.

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1 MR. ELSON: Well, right now is not noon,
2 Ted. Right now I'm trying to figure out how long
3 we've been on the record, which is what I asked the
4 reporter. So let's let the reporter answer the
5 question and then I'll answer your question.
6 MR. BOYACK: Carmen, are you okay
7 continuing? Do you need a break or are you okay at
8 the moment?
9 THE WITNESS: I just need to go to the
10 restroom.
11 MR. BOYACK: Okay.
12 MR. ELSON: Well, then let's go off the
13 record for five minutes and we can come back on and
14 go a little longer and then take a lunch break.
15 That's not an issue.
16 MR. BOYACK: Okay. Very good. Thank you.
17 MR. ELSON: We'll come back on the record
18 at 11:43.
19 THE WITNESS: Okay.
20 (A short break was taken.)
21 BY MR. ELSON:
22 Q. Ms. Eassa, we're back on the record. Do
23 you understand that you're still under oath and the
24 penalty of perjury; is that correct?
25 A. Yes.

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1 Q. Okay. Did you speak to anyone during this
2 deposition break?
3 A. No.
4 Q. Okay. In 2021, how were homeowners first
5 brought to a violation hearing?
6 A. In 2021? Oh. Through a board meeting.
7 They're on the -- is that what you're asking?
8 Q. What happens -- so is the first step that
9 the board meets and talks about a violation and then
10 issues some type of notice to the homeowner or
11 what's the first step in the process?
12 A. Oh. There is a violation process. The
13 first one, they get a courtesy notice. And then --
14 then there's what's called a formal notice, and
15 after that is a hearing notice.
16 Q. Prior to a homeowner receiving a courtesy
17 notice, is there a discussion amongst the board?
18 A. No.
19 Q. Who determines whether a homeowner
20 receives a courtesy notice?
21 A. That's done through the inspections,
22 compliance.
23 Q. So Terra West's compliance team determines
24 whether or not a homeowner receives a courtesy
25 notice?

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1 whether or not to send a courtesy notice? Who made
2 the decision?
3 A. Oh, the assistants. Yeah, the compliance
4 sends that out.
5 Q. Okay. And who is the person at compliance
6 in 2021?
7 A. Well, it's the assistant and compliance,
8 so she'll -- I believe she sends it to compliance
9 and compliance gets the letters out.
10 Q. And so the assistant directs compliance;
11 is that correct?
12 A. Yes, I believe so.
13 Q. And you play no role in that process?
14 A. Correct. Yes.
15 Q. And you've never played a role in that
16 process?
17 A. Correct.
18 Q. Does the assistant determine what
19 provision of the CC&Rs to site?
20 A. Compliance does that. They follow our
21 governing documents.
22 Q. And do you know what individual in
23 compliance was making those decisions in 2021?
24 A. There is a person in compliance, but all
25 they do is set it up based on the governing

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1 A. Yes.
2 Q. Are you ever involved in that process?
3 A. No.
4 Q. Is the board ever involved in that
5 process?
6 A. No.
7 Q. Does the board ever discuss specific
8 language that should be used in either the courtesy,
9 formal, or hearing notice?
10 A. No.
11 Q. Who within Terra West's compliance team
12 makes the decision on whether or not a homeowner
13 should receive either a courtesy, formal, or hearing
14 notice?
15 A. That's done through the fine and
16 enforcement policy.
17 Q. I understand that, but who makes that
18 decision for Terra West or made that decision in
19 2021?
20 A. Are you asking -- okay. They just send
21 out the violation based on, you know, the -- if they
22 see violations, the way the board has it set up
23 with -- I guess I'm getting confused. I'm sorry.
24 Who makes --
25 Q. Who makes the decision at Terra West on

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1 documents.
2 Q. What is the name of that person,
3 Ms. Eassa?
4 A. Michelle Schlanger.
5 Q. And that's who it was in 2021?
6 A. That's correct.
7 Q. Did Ms. Mossett-Puhsek ever play a role in
8 this process in 2021?
9 A. Not -- only at the board meetings, the
10 board gets involved.
11 Q. When did you first learn of Ms. Collier?
12 A. With -- it was a while -- it was a while
13 back, regarding the Southwest Gas. That's all I can
14 remember back then.
15 Q. Do you remember learning anything about
16 Ms. Collier's residence before the issues with the
17 Southwest Gas?
18 A. I heard about the -- I heard about the
19 view obstruction. I think that was it, the view
20 obstruction.
21 Q. When did you first hear about the view
22 obstruction?
23 A. Let's see. I believe when -- I believe a
24 violation notice went out and then we got a response
25 back, I believe, from the homeowner, the assistant

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1 did.

2 Q. So did you know about the view obstruction
3 before the courtesy notice went out?

4 A. I -- I don't recall that. I don't think
5 so.

6 Q. So then it's your testimony here today
7 that you first became aware of it when Ms. Collier
8 corresponded with the assistant about the view
9 obstruction, Ms. Collier or her agents that is?

10 A. Mm-hmm. Or through my assistant. I'm
11 just trying to remember. It was a while back.
12 Sorry. I'm trying to remember here. I heard -- I
13 heard about it back then.

14 Q. And was that the first time -- was that
15 the first time you recall hearing about it, when
16 Ms. Collier or those acting on her behalf emailed
17 with your assistant?

18 A. Yeah. I believe she emailed the
19 assistant. I can't even remember that. I'm sorry.

20 Q. Is that the first time you recall hearing
21 about it?

22 A. I believe so, unless -- yeah, I believe
23 so. It was a while back.

24 Q. Prior to the issue with the oleanders --
25 prior to the issue with the oleanders, are you aware

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1 A. Yes. Mm-hmm.

2 Q. Were you frustrated with Ms. Collier about
3 the complaints about the community and the Southwest
4 Gas truck?

5 A. No. I like working with my homeowners,
6 you know. No.

7 Q. Was Ms. Mossett-Puhek frustrated with
8 Ms. Collier during this time frame?

9 MR. BOYACK: Objection. Calls for
10 speculation.

11 MR. NOACK: It's argumentative.

12 BY MR. ELSON:

13 Q. What's your understanding on whether
14 Ms. Mossett-Puhek -- on whether or not she was
15 frustrated with Ms. Collier during this time frame?

16 A. Here's the -- it's -- again, we're going
17 back to -- this is regarding violation issues, and
18 it would have been with the assistant, you know.
19 I -- I don't know, you know. There's a lot of --

20 Q. Ms. Eassa, I just need you to answer the
21 question.

22 A. I'm not sure.

23 Q. And that's fine. If that's your answer --

24 A. I just don't do the compliance part of it,
25 you know.

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1 of any other violations involving Ms. Collier?

2 A. Oh, prior? Not that I can remember.

3 Q. Did you have any interactions with
4 Ms. Collier prior to that email with the assistant
5 that you just described?

6 A. I don't -- I don't recall. I don't
7 remember. I -- just that one time I spoke with
8 Ms. Collier about the Southwest Gas truck, that was
9 it --

10 Q. So you --

11 A. -- but I don't remember.

12 Q. You recall just one time speaking with
13 Ms. Collier about the Southwest Gas truck?

14 A. Yes. That's all I can remember.

15 Q. You don't remember any other emails or
16 telephone calls or complaints submitted by
17 Ms. Collier or anything along those lines?

18 A. There had been emails. I can't remember
19 what -- what was in them. But there had been
20 correspondence by Ms. Collier.

21 Q. And so you were aware of those; is that
22 correct?

23 A. That's correct.

24 Q. Okay. You were aware of the complaints
25 that Ms. Collier made about the community?

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1 Q. I understand that. So if that's your
2 answer, then that's your testimony.

3 A. Okay.

4 Q. I just need your testimony on it.
5 So --

6 A. Yeah.

7 Q. -- do you have an understanding as to
8 whether or not Ms. Mossett-Puhek was frustrated with
9 Ms. Collier during the time frame as to when
10 Ms. Collier was making complaints about the
11 community and the Southwest Gas truck in late 2020
12 and early 2021?

13 A. Not that I'm aware of.

14 Q. When you first learned of the issue with
15 the oleanders, did you believe it was a serious
16 issue?

17 A. From the view obstruction, yes.

18 Q. So you thought the view obstruction was
19 serious; is that correct?

20 A. Yes, for safety purposes. There's a stop
21 sign there, and you have to drive all the way up
22 before you can see the other traffic coming, you
23 know, from the other side.

24 Q. So I just want to be clear. It's your
25 testimony here today, you thought it was serious and

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1 you thought there were safety issues; right?

2 A. Yes. For safety purposes, yes.

3 Q. How come you didn't do anything about it

4 before, given the number of times that you drove

5 through the community and the oleanders were

6 present?

7 A. Again, it was being handled by the

8 compliance.

9 Q. Why didn't you do anything about it in

10 2020?

11 A. I -- okay. I don't -- compliance handles

12 these issues. I get involved if the board -- you

13 know, if things are escalating, but I just don't --

14 that's all in compliance.

15 Q. Okay. But you drove by Ms. Collier's

16 house in 2020 and 2021; correct?

17 A. Yes, I believe so.

18 Q. So I want to make sure I understand this.

19 If you were driving around in the

20 community and you saw something that was a serious

21 violation, would you discuss that with compliance?

22 A. I saw a safety -- I was afraid -- myself,

23 when I drive --

24 Q. Let me -- this is generally speaking.

25 A. Okay.

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1 many days. I've got to go back and check the

2 policy, but yeah, there's a process.

3 Q. Let me rephrase the question for you,

4 Ms. Eassa, to make sure we're on the same page.

5 A. Okay.

6 Q. After the association discovers a

7 violation, how long does the association have to

8 address it with the unit owner? Is there a time

9 limit before it expires, before the association

10 waives its right to address the violation?

11 A. So when it goes to the final step, like

12 the hearing or --

13 Q. I'm going to stop you there -- I don't

14 mean to interrupt you -- because I think you're not

15 understanding my question.

16 From the moment the association is on

17 notice of the violation, right, the association

18 discovers the violation, are you with me?

19 A. Yes.

20 Q. Okay. Is there a time frame that the

21 association has to first raise the issue with the

22 unit owner?

23 A. Well, there's -- yeah. Well, like I said,

24 it goes through the process.

25 Q. Okay. And what I'm trying to say is, is

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1 Q. If you were driving through the community

2 at any point in time, on one of your inspections or

3 just driving through the community, and you saw

4 something that you thought was a serious violation,

5 including a safety violation, would you bring that

6 to the attention of compliance?

7 A. Yes.

8 Q. Okay. Did you ever bring the oleanders to

9 the attention of compliance?

10 A. No.

11 Q. In spring of 2021, did you know how long

12 the oleanders were planted on Ms. Collier's

13 property?

14 A. No.

15 Q. Were the oleanders planted on

16 Ms. Collier's property when you became the community

17 manager in September of 2020?

18 A. Yes, they were there.

19 Q. How long does a community have to issue a

20 notice of violation to a homeowner?

21 A. Well, they -- you're starting with the

22 courtesy notice first? I think that -- there's "X"

23 number of days, 15 days, and then there's the formal

24 if you don't get -- well, yeah. And then there's a

25 formal notice and that's another -- I forgot how

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1 there a time frame that the association has to start

2 that process, and if they don't start it in that

3 time frame, does the association lose the ability to

4 address that violation with the unit owner?

5 A. Yeah. If the time -- see, I don't do the

6 compliance. I'm so sorry. I'm trying to -- I don't

7 want to give you wrong answers here. I just don't

8 do the compliance part.

9 Q. Have you ever done the compliance part?

10 A. No.

11 Q. In your decade of experience as a

12 community manager, you've never done compliance?

13 A. We have -- we have a compliance department

14 and an inspector for all of those.

15 Q. I'm just wondering, in your decade of

16 experience as a community manager, because you have

17 about a decade through your different years as a

18 community manager, on top of the other roles you

19 played for developers and Mr. Boyack, you've never

20 dealt with compliance?

21 A. No.

22 Q. Okay. Was that part of your training with

23 the -- to become a community manager?

24 A. There's -- actually, the management

25 company sets up these departments and the manager

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1 is -- just does her duties and that's what they
 2 offer. The management company offers the compliance
 3 part with the --
 4 Q. Okay. So why -- who shows up to the
 5 executive meetings where these compliance issues are
 6 discussed with the board?
 7 A. Well, homeowners who are called to hearing
 8 show up.
 9 Q. Are you there?
 10 A. Yes.
 11 Q. Okay. Is anyone else from Terra West
 12 there?
 13 A. Yes, the assistant.
 14 Q. Is anyone from compliance there?
 15 A. No.
 16 Q. Okay. Are you -- is one of your
 17 responsibilities oversight over the assistant?
 18 A. I'm not -- well, I'm there to answer
 19 questions if she has them.
 20 Q. Is one of your responsibilities as the
 21 community manager oversight over your assistant?
 22 A. I believe so. I mean, we work together on
 23 certain things.
 24 Q. Who's ultimately responsible to counsel
 25 the association on compliance issues? Is that you

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1 Q. You're the one that's ultimately
 2 responsible, Ms. Eassa; correct?
 3 A. It -- it depends. If it doesn't require
 4 legal or something like that, yes, I -- you know, it
 5 just all depends.
 6 Q. Does Chapter 116 mandate that an
 7 association bring a violation to the homeowner
 8 within a reasonable amount of time?
 9 A. Yes, I believe so.
 10 Q. What do you consider to be reasonable?
 11 A. Well, the first one, that would be the
 12 courtesy notice. I believe that the letter says 15
 13 days.
 14 Q. So then you're saying you think an
 15 association has 15 days after discovering a
 16 violation to notify the unit owner of the violation?
 17 A. Oh, I'm sorry. So are you saying when the
 18 inspector goes out and writes up the violations?
 19 Q. I'm telling you, when the association
 20 first learns of a violation --
 21 A. Okay.
 22 Q. -- is the association required to bring
 23 the violation within a reasonable time to the unit
 24 owner?
 25 A. Yes, I believe so.

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1 or is that someone else?
 2 A. It depends on what the compliance issue
 3 is, because it could be the board giving direction
 4 or it could be -- I mean, it just depends.
 5 Q. Who's ultimately responsible on behalf of
 6 Terra West to provide guidance to the association on
 7 compliance issues? Is that you or is that someone
 8 else?
 9 A. So I'm not trying to be difficult here,
 10 but to offer guidance on compliance issues, it's
 11 going to either be -- that's worked out with the
 12 assistant and compliance. If there's any questions,
 13 we research and see -- you know, so it just all
 14 depends. I don't -- like I said, I -- all I do is
 15 put that stuff together for the board packet, you
 16 know, so...
 17 Q. Is your assistant a licensed community
 18 manager?
 19 A. No.
 20 Q. Is personnel within compliance licensed
 21 community managers?
 22 A. No.
 23 Q. You're the licensed community manager;
 24 right, for Anthem?
 25 A. That's correct.

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1 Q. What do you consider a reasonable time?
 2 A. They have a total of 90 days, but the
 3 beginning, the very first process, like I said, is a
 4 courtesy. Just -- it makes the homeowner aware.
 5 That's the first process.
 6 Q. Okay. So if a violation is not brought to
 7 the attention of a unit owner within 90 days of the
 8 association discovering it, do you agree that the
 9 association is not bringing it to the attention of a
 10 unit owner within a reasonable time?
 11 A. If the unit owner never received the
 12 letters? That's a different matter.
 13 Q. I'm not talking about that matter,
 14 Ms. Eassa.
 15 A. But if they did receive it, I think that's
 16 ample time to correct the violation.
 17 Q. Chapter 116, NRS 116.310, Subsection 4,
 18 Part B: "In a reasonable time after the discovery
 19 of the alleged violation, the unit owners, and if
 20 different, the person against who the fine will be
 21 imposed has been provided with."
 22 What does "reasonable time" mean within
 23 NRS 116.31031, 4, Subsection B?
 24 MR. BOYACK: Objection. Calls for a legal
 25 conclusion.

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1 MR. ELSON: She can answer as to her
 2 understanding. She is a licensed community manager.
 3 BY MR. ELSON:
 4 Q. Go ahead and answer the question,
 5 Ms. Eassa.
 6 A. What you're reading is at that hearing
 7 stage, is what you're reading, where -- when you say
 8 "the fine," that's when that starts to take place.
 9 They've been given all this time and then now they
 10 come to hearing. And that's --
 11 Q. Go ahead. I didn't mean to interrupt.
 12 Please finish your answer.
 13 A. That's when the board makes that decision.
 14 Q. It says, "Within a reasonable time after
 15 the discovery of the alleged violation."
 16 What is a reasonable time? What is your
 17 understanding?
 18 A. Again, that's the violation process. It
 19 starts out with 15, then it goes to formal, then it
 20 goes to -- they -- that's ample time right there.
 21 Q. So if an association is aware of a
 22 violation for five years and does nothing about it,
 23 is the association permitted to bring that homeowner
 24 to a violation hearing?
 25 A. If it's -- if it's a safety issue, I

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1 in compliance. I don't know when, you know, when A
 2 started and Z started and, you know, I mean, it
 3 takes -- you have to -- I don't know. I don't know
 4 how to answer that question. I -- I would have to,
 5 I mean, research to see dates. I don't know.
 6 BY MR. ELSON:
 7 Q. Do you know what investigation was
 8 conducted before the courtesy notice was issued by
 9 Ms. Collier as it relates to the oleanders?
 10 A. I am not -- I don't know that. I'm not
 11 sure. I'd have to check.
 12 Q. Do you know if any investigation was done
 13 to see if an ARC was on file?
 14 A. I believe so. That's -- again, that's the
 15 assistant and the compliance.
 16 Q. So I don't want you to guess. As you sit
 17 here today, with respect to Ms. Collier's oleanders,
 18 do you know if an investigation was conducted to see
 19 if an ARC was on file before the courtesy notice was
 20 issued?
 21 A. I believe so. I believe so.
 22 Q. And how did you come to that
 23 understanding?
 24 A. I believe the assistant checked -- checked
 25 to see if there was an ARC on file.

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1 believe so.
 2 Q. If it's a safety issue, why didn't the
 3 association do anything about it for five years?
 4 MR. NOACK: Objection. Argumentative.
 5 BY MR. ELSON:
 6 Q. Go ahead and answer the question,
 7 Ms. Eassa.
 8 A. I'd have to research. I don't know how to
 9 answer that. That --
 10 Q. I mean, you're the community manager. I
 11 mean, you should know whether or not there's a
 12 specific time frame on whether a violation has to be
 13 brought to hearing; correct?
 14 MR. NOACK: Object. It's been asked and
 15 answered.
 16 THE WITNESS: Yeah, that --
 17 MR. ELSON: I would say it's never been
 18 answered, and to the extent it has been answered,
 19 there's been several different answers provided, and
 20 I'm still waiting for Ms. Eassa to actually answer
 21 the question.
 22 THE WITNESS: I don't understand. I just
 23 don't understand what answer you -- you're looking
 24 for, because I'm -- I'm trying to tell you this is
 25 the violation process; okay? I don't get involved

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1 Q. Okay. Did she specifically tell you that?
 2 A. She -- that's what she does.
 3 Q. Okay.
 4 A. I don't -- I don't remember the exact -- I
 5 mean --
 6 Q. Did the assistant ever tell you that she
 7 checked to see if an ARC was on file?
 8 A. I believe she did.
 9 Q. Did she tell you that before the courtesy
 10 notice was issued?
 11 A. I don't recall. I can't remember that
 12 part.
 13 Q. Do you know when she told you whether or
 14 not she did that investigation?
 15 A. I can't remember that either.
 16 MR. BOYACK: Tim, it's 12:14. So, I mean,
 17 how soon can we take a -- I think the court reporter
 18 indicated she wanted a lunch break, so...
 19 MR. ELSON: We're going to take a lunch
 20 break, Mr. Boyack. We're probably going to break
 21 around 12:30. I'm trying to center the break around
 22 the middle of the deposition, because we're going to
 23 go for the full seven hours. I'm trying to give
 24 everybody a break around the middle of the
 25 deposition. We just went off the record about 25

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1 minutes ago.
 2 BY MR. ELSON:
 3 Q. As you sit here today, do you know when
 4 the oleanders on Ms. Collier's property were
 5 planted?
 6 A. I do -- I do not.
 7 Q. Do you know if they were planted as part
 8 of a backyard installation?
 9 A. I do not.
 10 Q. Does it matter to you when the oleanders
 11 were planted?
 12 A. Well, I don't believe they're on the
 13 approved plant list, so I guess it matters. I mean,
 14 not guess. It does matter if it's not on the
 15 approved plant list.
 16 Q. So you would agree with me, that would be
 17 something important for you to know; is that
 18 correct?
 19 A. It would be what the ARC committee can
 20 address, for sure.
 21 Q. Ms. Eassa, as the community manager who
 22 oversees Anthem, would you agree with me, that it is
 23 important for you to know when the oleanders were
 24 planted on Ms. Collier's property?
 25 A. If I was having the compliance, yes, look

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1 A. I would agree.
 2 Q. In your experience as a community manager,
 3 if an ARC is submitted for a backyard installation,
 4 does Anthem typically monitor it?
 5 A. Improvements are handled by the ARC
 6 committee, so homeowners are well aware that they
 7 have to submit an ARC application.
 8 Q. After the ARC application is submitted, is
 9 it monitored by Anthem?
 10 A. It is monitored by the assistant and the
 11 ARC committee.
 12 Q. And they monitor it to make sure
 13 construction is complete?
 14 A. They have a checklist that the ARC
 15 committee develops, and they go through and make
 16 sure everything is on that -- it depends on the
 17 improvement, of course.
 18 Q. Yeah. They monitor it -- Anthem monitors
 19 it to make sure that it's complete and done
 20 correctly?
 21 A. Yeah. So that way it can move forward to
 22 for review.
 23 Q. After the installation is complete, does
 24 Anthem inspect it?
 25 A. I believe -- what from what I recall, the

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1 into that.
 2 Q. Would you agree with me, that it would be
 3 important for you as the community manager to know
 4 whether or not the oleanders were planted as part of
 5 a backyard installation?
 6 A. Again, I do not handle improvements like
 7 this. That's done through my assistant and the ARC
 8 committee. That's -- those are the people that get
 9 involved with the improvements.
 10 Q. Ms. Collier -- or Ms. Eassa, I just need
 11 you to answer the question.
 12 Do you agree that as the community manager
 13 for Anthem, it is important for you to know whether
 14 or not the oleanders were installed as part of a
 15 backyard installation?
 16 A. Again, that would be important for the ARC
 17 committee to know and compliance.
 18 Q. I'm asking about you personally. Is it
 19 your testimony here today that it is not important
 20 for you to know that?
 21 A. I did not say that.
 22 Q. Okay. So then you -- would you agree or
 23 disagree that it is important for you to know
 24 whether or not the oleanders were installed as part
 25 of a backyard installation?

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1 homeowner submits -- there's a final step where they
 2 let the ARC committee or the management know that
 3 they're finished with the improvement and it goes --
 4 it's handled through the ARC committee, whether they
 5 go out there or how it's done. I -- I'd have to --
 6 I believe they do, but don't quote me on that.
 7 Q. Well, I am going to quote you on that.
 8 You're the community manager. I'm trying to figure
 9 out what your understanding is, Ms. Eassa --
 10 A. I'm trying to tell you --
 11 Q. Please don't interrupt me.
 12 Is it your understanding that Anthem --
 13 someone on behalf of Anthem inspects the property
 14 after the notice is provided that the installation
 15 is complete?
 16 A. I believe so.
 17 Q. After Ms. Collier planted the oleanders as
 18 part of the backyard installation, did Ms. Collier
 19 receive a courtesy notice from Anthem at that time?
 20 Let me ask it this way. I'll make it a
 21 little easier on you.
 22 Is it your understanding that the courtesy
 23 notice that was sent to Ms. Collier in the spring of
 24 2021, is that the first courtesy notice that was
 25 sent to Ms. Collier regarding her oleanders?

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1 A. I don't recall. I can't remember. I
2 don't have --

3 Q. Is that something you would have informed
4 yourself on before the executive session meeting
5 regarding Ms. Collier?

6 A. When it gets to the executive session,
7 that information, if they're going to be addressing
8 it at that time, it would be in that board package.

9 Q. As you sit here today, do you have a
10 specific recollection of a courtesy notice being
11 sent to Ms. Collier prior to the spring of 2021?

12 A. I don't remember the dates. I know
13 courtesy notices were sent. I just can't recall the
14 time.

15 Q. Do you know if any other board other than
16 the board that was -- other than the board that was
17 in place in the spring of 2021, do you know if any
18 prior board sent Ms. Collier a courtesy notice?

19 A. I don't have that information in front of
20 me.

21 Q. As you sit here today, you don't have any
22 reason to believe that, do you?

23 A. Pardon me?

24 Q. As you sit here today, you don't have any
25 reason to believe that, do you?

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1 Q. As you sit here today, do you have a
2 specific recollection of other health safety notices
3 being issued during that time frame?

4 A. I can't -- I don't recollect. I -- I just
5 don't remember what --

6 Q. As you sit here today, has Anthem issued
7 any other health safety notices that you can think
8 of?

9 A. I believe so.

10 Q. What other ones have they noticed?

11 A. Gosh. I don't remember specifically what
12 they were. Oh, shoot. I'm sorry. I just can't
13 remember all of them.

14 Q. Who first reported Ms. Collier to the City
15 of Henderson? I guess, let me ask it this way.
16 Were you aware that Ms. Collier was
17 reported to the City of Henderson?

18 A. I was aware that City of Henderson came
19 out to look at the view obstruction, I believe.

20 Q. Were you aware that someone reported
21 Ms. Collier to the City of Henderson?

22 A. I believe so. I don't remember. I don't
23 know.

24 Q. Were you aware in the spring of 2020 that
25 Ms. Mossett-Puhek reported Ms. Collier to the City,
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1 A. I have no -- I can't answer because I
2 don't know what was sent before. I'm sorry. I
3 can't remember any of this.

4 Q. Well, Ms. Eassa, you gathered the records
5 responsive to the written discovery; right?

6 A. I gathered a lot of stuff.

7 Q. Is that something you would have looked
8 for?

9 A. That's not something I memorized.

10 Q. I understand that. Is that something you
11 would have looked for?

12 A. No. I'm -- I'm busy gathering documents
13 and meet -- trying to meet some deadlines, you know.

14 Q. I'm sorry. You wouldn't have looked for
15 any prior violations letters to Ms. Collier?

16 A. Everything was in there that was
17 requested. I just, you know, pulled everything that
18 was in the file and put it in. I just don't
19 remember all the --

20 Q. How many -- between September of 2020 and
21 when Ms. Collier was issued a health safety notice,
22 how many other health safety notices did Anthem
23 issue?

24 A. Oh, lord. Again, I'd have to refer to
25 compliance on that.

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1 of Henderson?

2 A. I don't remember that.

3 Q. Do you have an understanding that someone
4 other than Ms. Mossett-Puhek reported Ms. Collier to
5 the City of Henderson in the spring of 2021?

6 A. Like I said, I'm not -- I don't remember
7 those dates. I thought -- I thought it was a
8 homeowner that complained about the view
9 obstruction.

10 Q. What homeowner would that have been?

11 A. I can't -- I don't even remember that.
12 I'm sorry.

13 Q. If the City of Henderson indicated that it
14 was Ms. Mossett-Puhek, would you have any reason to
15 dispute the City of Henderson?

16 A. We always -- if it -- if City of Henderson
17 puts out -- sends us something, we have to consider
18 that.

19 Q. When Ms. Mossett-Puhek reported
20 Ms. Collier to the City of Henderson, was that a
21 board action?

22 A. I'm sorry. Say that one more time. I'm
23 sorry.

24 Q. When Ms. Mossett-Puhek reported
25 Ms. Collier to the City of Henderson, was that a
Litigation Services, a Veritext

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1 board action?

2 A. I don't recall she reported. I really
3 don't recall that she reported.

4 Q. Do you recall the board ever voting on it
5 at a noticed board meeting or an executive session,
6 to report Ms. Collier to the City of Henderson?

7 A. I really don't remember. I just don't. I
8 don't --

9 Q. How often did Ms. Mossett-Puhek report
10 people to the City of Henderson?

11 A. I can't even tell you that. I --

12 Q. Do you know if Ms. Mossett-Puhek reported
13 people other than Ms. Collier to the City of
14 Henderson?

15 A. Not that I'm aware of. I believe
16 compliance would -- she may have told compliance
17 about maybe parking. I'm not sure.

18 Q. Not what I asked you, Ms. Eassa. I want
19 to be perfectly clear.

20 Are you aware of other unit owners that
21 Ms. Mossett-Puhek reported to the City of Henderson?

22 A. I don't -- I don't recall. Not that I'm
23 aware of.

24 Q. Are you aware of other view obstructions
25 within Anthem that Anthem reported to the City of

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1 take a vote on whether or not to report Ms. Collier
2 to the City of Henderson?

3 A. Again, that's -- it -- there's policies in
4 place for compliance. As long as you follow the
5 governing documents, that's what -- that's what
6 takes place. I can't answer that question because
7 if it's within the governing documents, it -- you
8 know, the only -- about board action and all that, a
9 lot of these things are there, you know. They're in
10 the policies.

11 Q. Is there a specific policy to report
12 people to the City of Henderson that are violating
13 the governing documents?

14 A. There are -- what I'm referring to is,
15 like, any issues with -- what is that? Like, for
16 example, we have -- in the governing documents,
17 there's a lot of things that cover the maintenance,
18 property maintenance standards; okay? And if some
19 of those things are already in the documents, and
20 these have been given to all the homeowners, and if
21 there's some violation in these things, it gets --
22 you know, you have to take care of it.

23 Q. Okay. But that's not what I asked you. I
24 asked you two questions, and I'm going to reask them
25 to make sure we're on the same page.

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1 Henderson?

2 A. We've -- not to -- well, I can't answer
3 that. I'd have to look that up. I'd have to
4 research stuff like this.

5 Q. As you sit here today, are you aware of
6 any such instances?

7 A. I really can't -- I can't -- I really
8 can't recall these -- you know, these are
9 compliance. I --

10 Q. Would your testimony change if I said
11 "Henderson Code Enforcement" instead of the City of
12 Henderson?

13 A. No. I still consider City of Henderson,
14 City of Henderson.

15 Q. Okay. So I just want to make sure
16 we're -- Henderson Code Enforcement would fall
17 within the City of Henderson umbrella; is that
18 correct?

19 A. I -- yeah, I believe so.

20 Q. Okay. So your answer -- your prior
21 answers you gave me wouldn't have changed; correct?

22 A. Correct.

23 Q. Before Ms. Mossett-Puhek reported
24 Ms. Collier to the City of Henderson, do you believe
25 a meeting should have occurred among the board to

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1 A. Okay.

2 Q. Do you believe a meeting should have
3 occurred with the board before Ms. Mossett-Puhek
4 reported Ms. Collier to the City of Henderson?

5 A. I -- I don't believe so, because it's a
6 compliance matter.

7 Q. Is there a provision within the governing
8 documents that states that when compliance issues
9 exist, they should be reported to the City of
10 Henderson?

11 A. Okay. That all depends on the violation.
12 If it's something outside of the governing documents
13 and it affects the city ordinance, those are things
14 that have to be considered. It may even need legal
15 question.

16 Q. If there's a violation of the governing
17 documents, is there a provision within the governing
18 documents that states that it should be referred to
19 the City of Henderson?

20 A. Like I said, it all depends.

21 Q. Can you tell me what rule or where that is
22 in the governing documents? I mean, where is that
23 outlined? It's not outlined, is it, Ms. Eassa?
24 There's no such rule?

25 A. The City of Henderson -- the community is

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1 within City of Henderson. City of Henderson has
 2 their ordinance. Anthem Highlands has their
 3 governing documents.
 4 Q. Is there a rule within Anthem that says
 5 that when there's a violation, it gets reported to
 6 Anthem? You still haven't answered that question.
 7 I just --
 8 A. I'd have to take a look at the rules and
 9 regs and see that. I'd have to look.
 10 Q. As you sit here today, are you able to
 11 tell me whether or not such a rule exists?
 12 A. Like I said, I'd have to check our rules
 13 and regulations just to -- just to check. I can't
 14 remember all this stuff.
 15 Q. Okay. But you don't recall such a rule
 16 right now, do you?
 17 A. Right now, no, I can't answer that.
 18 MR. ELSON: Let's go ahead and break for
 19 lunch. We're going to break for 30 minutes, which
 20 puts us back here right around 1 o'clock. We can go
 21 off the record.
 22 (A lunch break was taken.)
 23 BY MR. ELSON:
 24 Q. Ms. Eassa, we're now back on the record.
 25 Do you understand you're still under oath here

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1 have the information in front of me, but yeah, I
 2 remember that you had attended the hearing on behalf
 3 of Ms. Collier.
 4 Q. How would you describe that hearing?
 5 A. Well, it was very contentious, a lot of
 6 back-and-forth arguing, you know.
 7 Q. How would you say Ms. Mossett-Puhek
 8 conducted herself at that meeting?
 9 A. Okay. I mean, it was -- it was back and
 10 forth between both of you. It was kind of a -- but
 11 other than that, it was fine.
 12 Q. Do you think Ms. Mossett-Puhek acted
 13 professionally?
 14 MR. NOACK: Object. It's argumentative.
 15 THE WITNESS: I believe she was trying to
 16 get the meeting going because we had other
 17 homeowners for the hearing.
 18 BY MR. ELSON:
 19 Q. Ms. Eassa, you didn't answer the question.
 20 Do you believe Ms. Mossett-Puhek acted
 21 professionally?
 22 MR. NOACK: Objection. Argumentative.
 23 THE WITNESS: Again, considering how
 24 contentious it was, yes, I believe so, to that
 25 point. I mean, I don't know.

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1 today?
 2 A. Yes.
 3 Q. Did you speak to anybody during the break?
 4 A. No.
 5 Q. Let's -- before, we were talking about the
 6 oleander issues with Ms. Collier.
 7 Do you recall that?
 8 A. Yes.
 9 Q. Okay. Eventually, there was an executive
 10 session related to the oleander issue; is that
 11 correct?
 12 A. I believe so. Trying to remember.
 13 Q. Were you in attendance at the executive
 14 session?
 15 A. Do you have the date on that one
 16 available? I'm just trying to --
 17 Q. I believe it was June 9th, 2021.
 18 A. Oh, yes. Mm-hmm. Okay.
 19 Q. Do you recall that executive session?
 20 A. I -- yes, I recall June 9th, 2021, yeah,
 21 the executive session. Mm-hmm. Yes.
 22 Q. What do you recall about the executive
 23 session?
 24 A. I recall -- I believe you were in
 25 attendance for that hearing. I don't -- I don't

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1 BY MR. ELSON:
 2 Q. Was Ms. Collier ultimately fined as a
 3 result of the oleanders at that meeting?
 4 A. I don't -- I don't have that in front of
 5 me. I don't recall.
 6 Q. You don't know if fines were levied as a
 7 result of that executive session?
 8 A. I can't remember. I'd have to look at the
 9 minutes.
 10 Q. So it's also fair to say that you don't
 11 recall how much she was fined; is that correct?
 12 A. Yes. I -- I would -- I would have to look
 13 it up.
 14 Q. If I represented to you that she was fined
 15 \$2,000, would that sound correct?
 16 A. What was 2,000 for? What did it exactly
 17 say?
 18 Q. For the health safety violation.
 19 Does that sound correct to you, Ms. Eassa?
 20 A. I suppose so. I --
 21 Q. As you sit here, is that -- I'm sorry. Go
 22 ahead. I didn't mean to interrupt.
 23 A. I was aware of a health safety violation.
 24 I just didn't know how much.
 25 Q. Is \$2,000 an abnormal fine amount for

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1 Anthem?
 2 (Telephonic interruption.)
 3 THE WITNESS: Oh, jeez. Excuse me one
 4 second. I just want to make sure it's not my
 5 family. Hold on.
 6 Sorry. That was business. Okay. I'm
 7 back. I don't know how -- I turned it off. Oh,
 8 well. Sorry about that.
 9 BY MR. ELSON:
 10 Q. Not a problem. Sometimes that happens.
 11 Let me reask the question for you, Ms. Eassa.
 12 A. Okay.
 13 Q. Is \$2,000 an abnormal fine amount for
 14 Anthem?
 15 A. It's -- it's hard for me to say. You
 16 know, it always depends on what it was, you know.
 17 Q. Can you think of any other time another
 18 unit owner has been fined \$2,000 or more in Anthem?
 19 A. I would -- I know we've had another health
 20 safety, but I just don't recall how much and what it
 21 was. I just can't remember.
 22 Q. So other than this one other potential
 23 health safety that you recall occurring, can you
 24 think of any other time that any other homeowner was
 25 fined even in excess of \$1,000?

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1 A. I'd have to look at the motion on that
 2 one.
 3 Q. As you sit here today, you don't recall
 4 who first brought up the dollar amount of the fine
 5 at the board meeting?
 6 A. That's correct. I don't remember.
 7 Q. If I told you it -- if both Mr. Woo and
 8 Ms. Breeden testified that it was Ms. Mossett-Puhek
 9 who first mentioned the amount of the fine, would
 10 you have any reason to dispute that?
 11 MR. NOACK: Just going to object. It
 12 misstates prior testimony.
 13 You can answer.
 14 THE WITNESS: What was that, Derek?
 15 MR. NOACK: I just objected that it may
 16 misstate prior testimony.
 17 But you can answer.
 18 THE WITNESS: Oh, okay.
 19 I don't -- I just don't remember what, you
 20 know, that amount was for exactly.
 21 BY MR. ELSON:
 22 Q. You wouldn't have any reason to dispute
 23 Ms. Breeden or Mr. Woo; is that correct?
 24 A. Again, I'd have to look and -- I always
 25 like to check the minutes because I can't remember.

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1 A. I can't remember, unless I look it up. I
 2 just can't remember.
 3 Q. Did you believe that the amount of the
 4 fine was reasonable?
 5 A. Like I said, I didn't -- I don't even
 6 remember what it was covering, basically.
 7 Q. As you sit here today, do you believe the
 8 amount of the fine is reasonable?
 9 A. Again, I would have to look at it and see
 10 what it was.
 11 Q. Did other board members want to work with
 12 Ms. Collier rather than fine her?
 13 A. The board -- from -- at the meeting, the
 14 board actually reviewed everything, so I'm not
 15 understanding the question. I mean, they -- they
 16 make up -- they take their action as a board.
 17 Q. Did other board members discuss at the
 18 meeting that they wanted to work with Ms. Collier
 19 rather than fine her?
 20 A. Oh, again, I just don't remember. I'd
 21 have to -- you know, I'd just have to look at
 22 minutes. I don't even know -- I just can't remember
 23 the conversation because those are closed session,
 24 you know.
 25 Q. Who proposed the amount of the fine?

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1 who said what.
 2 Q. Do you recall anything Ms. Mossett-Puhek
 3 stated as to why this fine amount was reasonable?
 4 A. I don't recall that.
 5 Q. Do you recall anything any of the board
 6 stated as to why the fine amount was reasonable?
 7 A. I don't -- I don't recall that.
 8 Q. Do you recall what type of discussion
 9 occurred amongst the board as to why Ms. Collier
 10 deserved to be fined?
 11 A. I don't remember that far back.
 12 Q. Do you recall who was leading the
 13 discussion amongst the board or if there was anybody
 14 leading the discussion?
 15 MR. NOACK: Just going to object --
 16 THE WITNESS: I don't recall. I'm sorry.
 17 I'd have to look at the minutes.
 18 MR. NOACK: Object to foundation, and
 19 compound question.
 20 BY MR. ELSON:
 21 Q. I can break it up.
 22 Ms. Eassa, do you recall if anybody was
 23 leading the discussion amongst the board?
 24 MR. NOACK: Objection. Foundation.
 25 THE WITNESS: I don't recall it.

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1 BY MR. ELSON:
2 Q. Do you recall if Ms. Mossett-Puhek was
3 leading the discussion amongst the board?
4 A. I don't recall that specifically. I'd
5 have to look. I'd have to check the minutes. I
6 can't remember.
7 Q. Out of the Dropbox link that everyone
8 received, there was a number of documents. Those
9 don't necessarily refer to the exhibits that the
10 court reporter is going to assign because the
11 exhibit numbers may differ from the document number.
12 A. Mm-hmm.
13 Q. So there's a difference between an exhibit
14 number and a document number.
15 A. Okay.
16 Q. Just to be clear.
17 MR. ELSON: Does everyone understand?
18 Derek, we're on the same page?
19 MR. NOACK: I understand.
20 THE WITNESS: Okay.
21 MR. ELSON: Derek, is that "yes"?
22 MR. NOACK: Yeah. I'll mark them as you
23 mark them.
24 MR. ELSON: All right. I just want to
25 make sure.

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1 response to the violation prior to the executive
2 session?
3 A. Yes, I believe so. Or was it you,
4 Mr. Elson, that sent it in or -- I'm trying to...
5 Q. The letterhead is my office, so it was a
6 response from Ms. Collier via my office.
7 Do you recall that?
8 A. I believe so.
9 Q. Is that what this document looks like to
10 you, Ms. Eassa?
11 A. Yes.
12 Q. Did you read this document before the
13 executive session hearing?
14 A. It came -- I believe it -- it came the
15 night -- was it -- was it -- it was the night before
16 the -- or was it the day of the executive session?
17 Let's see. Because I sent it to the entire board
18 since I didn't have time to put it in the board
19 packet.
20 Q. Ms. Eassa, did you read this document
21 before the executive session?
22 A. I believe -- I believe I did, but I
23 just -- I don't remember it, but I'm looking at it
24 now.
25 Q. I understand it's your testimony that you

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1 BY MR. ELSON:
2 Q. So within the Dropbox link, there's
3 Document No. 1. This, in fact, is a document we're
4 going to mark as Exhibit No. 1.
5 A. I'm opening that up now.
6 (Exhibit 1 was marked for the record.)
7 BY MR. ELSON:
8 Q. Let me know after you've opened it and
9 you've had a chance to look at it.
10 A. Okay.
11 Q. You don't necessarily need to look at
12 every page. Just generally familiarize yourself
13 with the document. And before I ask you specific
14 questions about parts of it, I'll certainly give you
15 the opportunity to review it in more detail, if you
16 would like to do so, Ms. Eassa.
17 A. Okay. There's about 19 pages, I think.
18 Q. Sounds correct, yes.
19 A. Okay. All rightly.
20 Q. Have you ever seen the document marked as
21 Exhibit 1 before?
22 A. Gosh, I don't remember. Probably. I see
23 my name is on here. Must have. Now that I see it
24 now, yeah.
25 Q. Do you recall Ms. Collier submitting a

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1 sent it to the entire board; is that correct?
2 A. Yes.
3 Q. Do you recall the board discussing this
4 document during the executive session?
5 A. I don't remember.
6 Q. Do you recall mentioning to the board that
7 this document was sent during the executive session?
8 A. Yes. I sent a -- I let them know that it
9 came in.
10 Q. Separate and distinct question.
11 You sent them the document?
12 A. Yes.
13 Q. During the executive session, did you
14 expressly tell the board that Ms. Collier submitted
15 a response and asked them if they reviewed it?
16 A. I don't remember that, but I did send it
17 to the entire board. What I -- I don't remember
18 what additional --
19 Q. Do you recall the board discussing this
20 letter during the executive session meeting?
21 A. I don't. I'm sorry.
22 Q. Do you believe you owed a duty of care to
23 ensure that the board was aware of Ms. Collier's
24 response letter and that the board had reviewed
25 Ms. Collier's response letter?

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1 A. Yes. The board -- the board did get a
 2 copy -- they reviewed it.
 3 Q. Again, I need you to listen to my question
 4 very carefully and answer the question I'm asking
 5 you, Ms. Eassa, because it sounds to me like you're
 6 answering a different question than what's being
 7 asked of you.
 8 A. Okay. Let me just get back here. Here I
 9 am. Okay. I have to -- there -- I was looking for
 10 the Zoom. Okay.
 11 Q. Do I have your full attention?
 12 A. Yes. Mm-hmm.
 13 Q. Do you believe you owed a duty of care to
 14 ensure that the board reviewed Ms. Collier's
 15 response letter prior to making a determination on
 16 the oleander violation?
 17 A. Yes, I believe so.
 18 Q. Do you believe you owed a duty of care to
 19 make sure that the board made an informed decision
 20 as it relates to the oleander violation?
 21 A. The board made their decision --
 22 Q. That's not what -- that's not what I asked
 23 you, Ms. Eassa. Again, I need you to answer the
 24 question that's being asked of you.
 25 Do you believe you owed a duty of care as

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1 fair opportunity to present her position during the
 2 executive session?
 3 A. Yes. Mm-hmm.
 4 Q. Do you recall Ms. Mossett-Puhek constantly
 5 interrupting me during the executive session?
 6 A. I recall -- what I recall is there was
 7 arguments between yourself, Mr. Elson, and
 8 Ms. Puhek, and I recall she was trying to get the
 9 meeting moving in order because of other homeowners
 10 in the waiting room.
 11 Q. Do you recall Ms. Mossett-Puhek constantly
 12 interrupting me during the executive session?
 13 A. I recall -- I don't know about
 14 interrupting, but I recall the back-and-forth
 15 arguments, kind of like...
 16 Q. Let's take a look at Document 2, which we
 17 will mark as Exhibit 2.
 18 A. Okay.
 19 (Exhibit 2 was marked for the record.)
 20 BY MR. ELSON:
 21 Q. If you want, I'm happy to screen share
 22 that for you if it's a little better.
 23 A. Is it real tiny or...
 24 MR. BOYACK: Tim, it might be helpful if
 25 you could -- yeah, thank you.

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1 a community manager to make sure the board was
 2 making an informed decision on the oleander
 3 violation?
 4 A. Yes, I believe so.
 5 Q. If the board didn't review Ms. Collier's
 6 response letter, do you believe the board could have
 7 made an informed decision on the oleander violation?
 8 MR. NOACK: I'm going to object. It's an
 9 incomplete hypothetical.
 10 THE WITNESS: Yeah. I -- I don't know how
 11 to answer that because -- yeah, the board reviews
 12 what they receive and they make a decision.
 13 BY MR. ELSON:
 14 Q. Again, I'm going to ask it one more time,
 15 just to make sure.
 16 If the board did not review Ms. Collier's
 17 response letter, do you believe the board could have
 18 made an informed decision on the oleander violation?
 19 MR. NOACK: Objection. Incomplete
 20 hypothetical.
 21 You can answer.
 22 THE WITNESS: I can't answer that. On
 23 the --
 24 BY MR. ELSON:
 25 Q. Do you believe Ms. Collier was given a

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1 THE WITNESS: There.
 2 BY MR. ELSON:
 3 Q. Ms. Eassa, do you recall receiving an
 4 email from me following the executive session?
 5 A. I believe so. Is that at the top there?
 6 You've got my -- yep, there it is. Yes. Mm-hmm.
 7 Q. That's your email address?
 8 A. Yes. You sent it to me. Yes, I would
 9 have received that. Mm-hmm.
 10 Q. Mr. Boyack is copied on the email;
 11 correct?
 12 A. That's correct.
 13 Q. And on June 9th, 2021, at 6:14 p.m., is
 14 that about the time the executive session ended?
 15 A. Yes, I believe so. I'm trying to remember
 16 when it started, but yes.
 17 Q. It states: "This email confirms the
 18 complete inappropriate conduct of Ms. Mossett-Puhek
 19 at the hearing just now."
 20 Do you believe Ms. Mossett-Puhek engaged
 21 in any inappropriate conduct at the hearing?
 22 A. I -- I -- I really don't. I mean, it
 23 was -- it was between both parties. It was a tie,
 24 you know. It's hard for me to answer that because
 25 it was like two arguments going back and forth, you

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1 know. She's trying to move the meeting --

2 Q. Let me ask it this way.

3 Do you believe Ms. Mossett-Puhek's conduct

4 at the hearing was appropriate?

5 A. I -- I didn't see anything wrong.

6 Q. It then states: "Ms. Mossett-Puhek

7 repeatedly interrupted me from the very outset of

8 the meeting."

9 Do you recall that ever occurring?

10 A. Well, yeah, there -- I heard -- yeah, I

11 was watching the back and forth, yes.

12 Q. Do you recall Ms. Mossett-Puhek claiming

13 that Nevada law permitted her to do so because she

14 ran the meeting?

15 A. Yes. She's -- she was the board

16 president.

17 Q. Do you recall Ms. Mossett-Puhek making

18 that statement, Ms. Eassa?

19 A. I do -- yes, I do recall that the -- she's

20 allowed to run the meeting because she's a board

21 president.

22 Q. Ms. Eassa, you have a very bad habit of

23 not answering the question that I'm asking you.

24 A. Oh, I thought I did. I'm sorry.

25 Q. Let me ask it one more time.

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1 is supposed to be run under Nevada law?

2 A. Well, yeah. There's -- yeah. Yeah, there

3 are requirements that --

4 Q. Where are those requirements located?

5 A. Well, I know there's a statute about

6 disrupting a meeting, but I think that's outside of

7 a meeting or something. That's all I can recall on

8 that one.

9 Q. Did Ms. Mossett-Puhek refuse to allow

10 Ms. Collier to present documents for evidence at the

11 hearing?

12 A. Not that I can recall.

13 Q. Did Ms. Mossett-Puhek state that a unit

14 owner is not permitted to present evidence at a

15 hearing?

16 A. Not that I recall.

17 Q. Do you recall Ms. Collier attempting to

18 present evidence and being unable to do so?

19 A. No.

20 Q. Do you recall Ms. Collier attempting to

21 utilize screen sharing and Ms. Mossett-Puhek

22 instructing that that not be permitted?

23 A. I -- I do recall the screen sharing. I

24 didn't know how to do that. I've never done that

25 before.

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1 A. Okay.

2 Q. Because this is something that's going on

3 throughout this entire deposition.

4 A. Oh, okay.

5 Q. My question to you is: Do you recall

6 Ms. Mossett-Puhek stating during the executive

7 session that she was permitted to interrupt me

8 because she ran the meeting, according to Nevada

9 law?

10 A. I don't recall that she was permitted to

11 interrupt you. I just recall that she said she was

12 the board president and she can run the meeting.

13 That's --

14 Q. However she wants?

15 MR. NOACK: Objection. Misstates prior

16 testimony.

17 MR. ELSON: Sorry, Derek. I didn't mean

18 to speak over you. I didn't hear you. Please go

19 ahead.

20 MR. NOACK: I just objected to the last

21 statement or if it was a question that you made. I

22 thought it misstated prior testimony.

23 Go on.

24 BY MR. ELSON:

25 Q. Are there requirements on how the meeting

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1 Q. Was I permitted to even discuss with you

2 how to do that?

3 A. Not that I -- I really don't recall. I

4 know you held up a document. I remember that.

5 Q. Ms. Collier wasn't permitted to present

6 evidence via screen share, was she?

7 A. I don't know if she wasn't permitted. I

8 just -- I think we just didn't -- it was -- I was

9 new to Zoom. I didn't know how to do that.

10 Q. Ms. Eassa, was anybody able to even

11 discuss with you how to do that?

12 A. No.

13 Q. Okay. At one -- at any point in the

14 meeting, did you mute anybody?

15 A. No. That's another thing I had to learn.

16 No. I don't know how.

17 Q. This email states: "At one point early in

18 the meeting, the host," which we understand is you,

19 "muted me."

20 You're saying that's a false statement; is

21 that correct?

22 A. Yes, I do say it's a false statement.

23 Yeah.

24 Q. Did you ever remove Ms. Collier from the

25 executive session?

<p style="text-align: right;">Page 154</p> <p>1 A. No.</p> <p>2 Q. So if Ms. Collier testified that you</p> <p>3 removed her from the executive session, you would</p> <p>4 dispute that testimony; is that correct?</p> <p>5 A. Yeah, because I don't recall that.</p> <p>6 Q. Do you recall board members asking me</p> <p>7 questions during the executive session meeting?</p> <p>8 A. Whatever is on the minutes, I recall. You</p> <p>9 know, it would have been in the minutes.</p> <p>10 Q. Well, sometimes you have a very specific</p> <p>11 recollection, like not muting people or not</p> <p>12 presenting evidence. Other times you tell me you</p> <p>13 have to refer to the minutes. So I just want to</p> <p>14 make sure that we're very clear on what you do and</p> <p>15 don't recall.</p> <p>16 Do the minutes typically reflect when</p> <p>17 board members ask questions?</p> <p>18 A. No. The minutes reflect the motion of the</p> <p>19 action so that we -- so management knows, you know,</p> <p>20 what to do.</p> <p>21 Q. How long did the executive session meeting</p> <p>22 last?</p> <p>23 A. Oh, well, let's see. You put in here, I</p> <p>24 think -- you sent the email at 6:14. I'm just</p> <p>25 looking -- I think -- is that kind of, like, a guide</p>	<p style="text-align: right;">Page 155</p> <p>1 when it ended or -- I don't have the minutes in</p> <p>2 front of me.</p> <p>3 Q. How long do you recall the executive</p> <p>4 session meeting lasting?</p> <p>5 A. I don't recall. I can't -- I don't</p> <p>6 remember what time it started. I'd have to look it</p> <p>7 up.</p> <p>8 Q. Do you recall Ms. Mossett-Puhek refusing</p> <p>9 to allow me to answer questions from board members?</p> <p>10 A. I don't recall that, but I do recall</p> <p>11 that -- that if you had new information to share or</p> <p>12 something with the board -- because everything else</p> <p>13 was presented to the board. That's all I remember.</p> <p>14 Q. I just want to make sure I understand your</p> <p>15 testimony here today, because it's very different</p> <p>16 than Mr. Woo's or Ms. Breeden's.</p> <p>17 A. Sure.</p> <p>18 Q. Okay. It's your testimony here today that</p> <p>19 Ms. Collier was able to make an adequate</p> <p>20 presentation at this executive session meeting; is</p> <p>21 that correct?</p> <p>22 A. I believe so. I don't remember anything</p> <p>23 else. I mean --</p> <p>24 Q. After you received this email, what did</p> <p>25 you do with it?</p>
<p style="text-align: right;">Page 156</p> <p>1 A. Well, I didn't have to do anything further</p> <p>2 because our counsel was on it.</p> <p>3 Q. Did you send it to anybody?</p> <p>4 A. Let's see. I don't -- oh, thank you for</p> <p>5 putting that -- I'm trying to remember what this was</p> <p>6 here. I believe -- I'd have to refer to counsel on</p> <p>7 that one. Once I see counsel's name, I -- I try to</p> <p>8 stay out of those legal stuff.</p> <p>9 Q. Okay. So let me reask the question.</p> <p>10 A. Mm-hmm.</p> <p>11 Q. After you received this email, did you</p> <p>12 send it to anyone?</p> <p>13 A. I'm trying to remember here. I -- I don't</p> <p>14 think so because our counsel is copied on it.</p> <p>15 Q. Did you discuss it with anybody else</p> <p>16 internally at Terra West?</p> <p>17 A. I don't believe so.</p> <p>18 Q. This seems like a pretty serious email</p> <p>19 with serious allegations in it.</p> <p>20 Would you agree with me?</p> <p>21 A. Yes.</p> <p>22 Q. Did you discuss it with Ted Boyack?</p> <p>23 A. Well, I didn't because I see that he was</p> <p>24 on it. That's why I didn't take it any further. I</p> <p>25 figured, you know, he'll probably respond.</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. I want to be very clear with you.</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Do you recall anything that happened as a</p> <p>4 result of this email being sent to you?</p> <p>5 A. Not that I can think of.</p> <p>6 Q. Do you recall any further correspondence</p> <p>7 as a result of this email?</p> <p>8 A. Not unless you have something you can show</p> <p>9 me. I don't recall.</p> <p>10 Q. I'm just trying to understand right now</p> <p>11 what your recollection is, Ms. Eassa.</p> <p>12 A. My memory is not the best. I'm sorry.</p> <p>13 Q. Do you typically receive emails such as</p> <p>14 this?</p> <p>15 A. No. This is -- no. This is different.</p> <p>16 This is a --</p> <p>17 Q. Pretty abnormal email; right? You would</p> <p>18 agree with me?</p> <p>19 A. Yeah. It -- it -- I don't get emails like</p> <p>20 that normally.</p> <p>21 Q. Did you send this email to</p> <p>22 Ms. Mossett-Puhek?</p> <p>23 A. I really -- I don't recall. Maybe -- I</p> <p>24 don't remember if it went to the board. I don't</p> <p>25 know. Gosh, I can't remember now. I'd have to look</p>

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1 back. Gosh, I can't remember. Unless -- I'd have
2 to check with counsel and see if counsel sent
3 something forward. Like I said, once I see legal, I
4 try to stay out of things.

5 Q. Once you see legal, you don't think it's
6 important to continue to involve yourself to make
7 sure the matter is handled correctly?

8 A. Well, it's beyond my expertise at this
9 point, you know. I'm not an attorney.

10 Q. You're a community manager; right?

11 A. That doesn't mean -- that doesn't mean I
12 can recite the entire NRS 116. Yes, I am a
13 community manager, but I'm not a walking NRS 116.

14 Q. Showing you Document 8 --

15 A. Okay.

16 Q. -- that we're going to mark as Exhibit 3.
17 (Exhibit 3 was marked for the record.)

18 THE WITNESS: Yeah. This -- wait. This
19 is from -- okay.

20 BY MR. ELSON:

21 Q. Here's my email.

22 A. Oh, yeah. There. Okay.

23 Q. You see that at the bottom, "From: Tim
24 Elson To: Carmen Eassa"?

25 A. Yes.

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1 Q. Ms. Eassa, are there ever times that a
2 board member should be screened off of a matter?

3 A. If it's -- if there's -- well, I'm just
4 thinking of a compliance, if they're in compliance,
5 but that's disclosure. I don't know how to answer
6 that, really.

7 Q. Why didn't you send this to the entire
8 board? Why did you send it to just the board member
9 that it was about?

10 A. Well, she's the board liaison, and I know
11 that -- I understand that -- yeah, because she's in
12 there, but I'm not -- I go by the management
13 contract when there's a, you know, board liaison
14 involved.

15 Q. So it's your position that you don't
16 communicate with the entire board. You're only
17 supposed to communicate with the board liaison?

18 A. Pretty much --

19 MR. BOYACK: Objection. Misstates her
20 testimony and vague as to the question.

21 MR. ELSON: Madam Reporter, did you get
22 Ms. Eassa's answer?

23 MADAM REPORTER: The answer I have is
24 "Pretty much."
25 ///

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1 Q. And then it looks like at 6:17 p.m.,
2 roughly two minutes after I sent you this email, you
3 sent it to somebody else; is that correct?

4 A. Oh, yes. Uh-huh, yes. I just see that
5 now.

6 Q. Who did you send it to?

7 A. Must have -- I must have sent it to the
8 board liaison, Pennie.

9 Q. Why would you send the email to Pennie?

10 A. Because she's a board liaison. When I saw
11 Ted, and that's anything with legal, I have to send
12 it to the board liaison.

13 Q. When should a board member be screened off
14 of a matter, Ms. Eassa?

15 MR. BOYACK: Objection. Calls for legal
16 conclusion. Vague.

17 THE WITNESS: I'm not sure.

18 BY MR. ELSON:

19 Q. Ms. Eassa, as a community manager, what is
20 your understanding of when a board member should be
21 screened off of a matter?

22 A. I -- I guess I don't understand. I'm not
23 an attorney to make a decision like that.

24 Q. Ms. Eassa --

25 A. I'm just a manager trying --

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1 BY MR. ELSON:

2 Q. Ms. Puhek wrote back: "What an idiot."
3 Did I read that correctly?

4 A. Yes.

5 Q. Is that a professional response?

6 A. No.

7 Q. After you received Ms. Puhek's response,
8 did you discuss it with anybody?

9 A. No. But the board liaison is supposed to
10 forward it to the board.

11 Q. You would expect Ms. Mossett-Puhek --

12 A. Mm-hmm.

13 Q. -- to forward an email about her
14 unprofessional conduct to the entire board?

15 A. That's -- that's what the board liaison
16 normally does.

17 Q. Is that a reasonable expectation,
18 Ms. Eassa?

19 A. I -- I believe so.

20 Q. We'll come back to that one. Showing you
21 what's been marked Document 10, that we will mark as
22 Exhibit 4.

23 (Exhibit 4 was marked for the record.)

24 THE WITNESS: Okay.
25 ///

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1 BY MR. ELSON:
2 Q. Give me just a moment.
3 Have you ever seen this email before?
4 A. Probably. I just don't remember it. But
5 I see it here. It looks like it came to me.
6 Q. This is from Ms. Mossett-Puhek; correct?
7 A. Correct.
8 Q. Addressed to Carmen Eassa. That's you;
9 correct?
10 A. That's correct.
11 Q. Dated June 10th, 2021, at 5:46 a.m.; is
12 that correct?
13 A. Yes.
14 Q. So looking back at Exhibit 8, June 9th,
15 2021, my email was at 6:14. Ms. Mossett-Puhek's
16 "What an idiot" email is at 7:22. She then emails
17 you the next day less than 12 hours later; correct?
18 A. Where is the other one? Is that
19 underneath? Looks like it, the next day.
20 Q. Less than 12 hours later; correct?
21 A. Yes.
22 Q. Ms. Mossett-Puhek writes: "Please send
23 the following violation notice." Then writes out a
24 violation notice; is that correct?
25 A. It looks like it, yep. Let's see.

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1 asked you, "Do board members ever do this?" You
2 told me "No." I said, "Were you ever involved in
3 this type of conduct? Were you ever involved in
4 violation issues?" You told me "No."
5 Is this the only -- is this the only
6 violation issue that you were involved in?
7 A. What I meant earlier is I don't get
8 involved in compliance on a whole. I've got my
9 duties. This -- what -- what she sent here, this is
10 in its own, you know -- this is what she -- you
11 know, we got our direction from the board liaison on
12 this. That's it.
13 Q. Did the board make this decision?
14 A. Anybody can issue a violation. It doesn't
15 have --
16 Q. Any board member at any point in time -- I
17 want to make sure I understand this.
18 Any board member at any point in time can
19 email you and direct you to issue a violation?
20 A. Only if things occurred.
21 Q. I don't know what that means.
22 Can any board member at any point in time
23 direct you to issue a violation or not?
24 A. In this case I am looking at, it looks
25 like the answer is yes.

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1 Q. I thought board members didn't conduct
2 this type of conduct, Ms. Eassa?
3 A. Anybody can --
4 Q. That's what you told me earlier in the
5 deposition. Now I see Ms. Mossett-Puhek directing
6 this conduct.
7 Did she or did she not direct violation
8 notices?
9 A. Well, in this case, she directed
10 management to issue a violation or a notice, yeah.
11 Q. She directed you; right? I mean the email
12 is to Carmen Eassa.
13 A. Yeah, but my assistant probably sent it.
14 Q. You didn't have anything to do with it?
15 A. She copied my assistant so she can see.
16 Q. Did you ever talk to your assistant about
17 it?
18 A. I'm sure. Yeah.
19 Q. Okay. So you were, then, involved in
20 violation issues?
21 A. Not -- not that many. Just --
22 Q. Just this --
23 A. Only things that were brought to my, you
24 know, attention, to -- you know, that's it.
25 Q. Okay. But earlier in the deposition, I

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1 Q. That's, again, not the question. I'm not
2 talking about this case. You literally just
3 testified any board member can direct a violation,
4 and I'm making sure I understand this.
5 Can any board member direct a violation or
6 not?
7 A. A board member -- a home -- a lot of
8 people can send in and say, I observed this
9 violation. It -- it's not the board member --
10 Q. Can a board member send you an email that
11 says, "Please send the following violation notice,"
12 and instruct you to do it?
13 A. In this case, it looks like a violation
14 notice --
15 Q. I'm not talking about in this case. I'm
16 talking about, What is the policy and procedure with
17 Anthem? Is any board member allowed to direct you
18 to send a violation notice?
19 A. A board -- not a notice. They can send
20 me -- violation to the compliance, to my assistant
21 and I. The board can, a homeowner can, management
22 can, inspector can.
23 Q. That's not what this is. This isn't
24 alerting you of a violation. This is directing you
25 to send a violation notice; is that correct?

<p style="text-align: right;">Page 166</p> <p>1 A. Yes. This is directing us to --</p> <p>2 Q. Can any board member direct you to send a</p> <p>3 violation notice?</p> <p>4 A. If it looks like -- if it's a legit</p> <p>5 violation notice, if it actually took place and</p> <p>6 there's proof.</p> <p>7 Q. So did you investigate this?</p> <p>8 A. This was a result of the June 9th --</p> <p>9 Q. Did you investigate this violation notice</p> <p>10 before it was sent?</p> <p>11 A. Again, compliance -- we send out -- we</p> <p>12 were directed, and it looks like this had occurred</p> <p>13 the day before.</p> <p>14 Q. Did you investigate this before this was</p> <p>15 sent?</p> <p>16 A. Again, I'm going to give you the same</p> <p>17 answer. I don't know where you're going. I don't</p> <p>18 understand.</p> <p>19 Q. Did you direct that this violation notice</p> <p>20 be sent?</p> <p>21 A. The board -- we got this, we were directed</p> <p>22 to send it.</p> <p>23 Q. By who?</p> <p>24 A. By the board liaison.</p> <p>25 Q. Did the board make this decision?</p>	<p style="text-align: right;">Page 167</p> <p>1 A. That would be a question for the board</p> <p>2 liaison.</p> <p>3 Q. Ms. Eassa, you were at the board meeting</p> <p>4 the day before.</p> <p>5 Did the board discuss this at the board</p> <p>6 meeting?</p> <p>7 A. I don't recall that.</p> <p>8 Q. Okay. So did the board make this decision</p> <p>9 or did it not?</p> <p>10 A. I don't know if they --</p> <p>11 Q. How could the board --</p> <p>12 A. -- the liaison discussed this with the</p> <p>13 board.</p> <p>14 Q. How could the board have made the decision</p> <p>15 in the middle of the night?</p> <p>16 A. I don't know.</p> <p>17 Q. So when you sent this, you knew this was</p> <p>18 not a board decision, didn't you?</p> <p>19 A. I -- I'm not going to answer that question</p> <p>20 because I don't know the answer.</p> <p>21 Q. How do you not know the answer? Do you</p> <p>22 think the board held a board meeting after the board</p> <p>23 meeting on June 9th?</p> <p>24 A. I don't know what the board did after the</p> <p>25 meeting.</p>
<p style="text-align: right;">Page 168</p> <p>1 Q. Do you think your investigation into</p> <p>2 whether or not this was a board action was a</p> <p>3 reasonable investigation?</p> <p>4 A. I can't answer that question.</p> <p>5 Q. Because you didn't conduct an</p> <p>6 investigation, did you, Ms. Eassa?</p> <p>7 A. Again, there was -- this was sent based on</p> <p>8 a conduct that took place. What am I supposed to</p> <p>9 do?</p> <p>10 Q. Did you conduct any investigation into</p> <p>11 whether or not this was a board action?</p> <p>12 A. That would be referred back to the board</p> <p>13 liaison.</p> <p>14 Q. You didn't conduct such an investigation?</p> <p>15 A. I can't answer that question.</p> <p>16 Q. Because you didn't conduct an</p> <p>17 investigation into whether or not this was a board</p> <p>18 action, did you?</p> <p>19 A. I can't answer that question.</p> <p>20 Q. You just did what you were directed to do</p> <p>21 by Ms. Mossett-Puhek, didn't you?</p> <p>22 A. We were directed.</p> <p>23 Q. And you were just following orders; is</p> <p>24 that right?</p> <p>25 A. If the violation notice was issued, yes.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. Do you even know if the violation issue</p> <p>2 was noticed?</p> <p>3 A. I can't remember.</p> <p>4 Q. Oh. Well, let's take a look at it.</p> <p>5 A. Yeah.</p> <p>6 Q. Considering you don't even remember</p> <p>7 whether or not it was issued on an extremely</p> <p>8 abnormal email, I'll pull it up.</p> <p>9 MR. BOYACK: I'm going to object as to</p> <p>10 your description of an "abnormal email." She</p> <p>11 testified already that board members, homeowners,</p> <p>12 compliance people can issue and direct violations.</p> <p>13 That was her testimony, so to suggest this is</p> <p>14 somehow an abnormal email is inappropriate.</p> <p>15 BY MR. ELSON:</p> <p>16 Q. Showing you Document 3, which we're going</p> <p>17 to mark as Exhibit 5.</p> <p>18 (Exhibit 5 was marked for the record.)</p> <p>19 BY MR. ELSON:</p> <p>20 Q. Have you seen Document 3 before,</p> <p>21 Ms. Eassa?</p> <p>22 A. I see -- I'm looking at it now, yes.</p> <p>23 Q. "Process date: June 10th, 2021.</p> <p>24 8:25:05 a.m."; is that correct?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 170</p> <p>1 Q. What time do you typically get to the 2 office in the morning, Ms. Eassa?</p> <p>3 A. It depends. Usually about 8:00 or -- the 4 office opens at 9:00.</p> <p>5 Q. This was issued before your office even 6 opened?</p> <p>7 A. I don't -- I don't get those out, so I --</p> <p>8 Q. You don't get those out, so who at the 9 office would have done it if the office wasn't even 10 open?</p> <p>11 A. Like I said, we've got compliance --</p> <p>12 Q. Ms. Eassa --</p> <p>13 A. We might have been opened back then. 14 You're asking me to jump back a couple years here, 15 so I don't know what -- our hours might have been 16 different. I --</p> <p>17 Q. Ms. Eassa, what time do you get to the 18 office in the morning? Around 8 o'clock; correct?</p> <p>19 A. I don't know. I don't know back then if 20 the office was open at 8:00. I know now it's open 21 at 9:00.</p> <p>22 Q. What time did you get to the office in the 23 morning?</p> <p>24 A. You're asking me about two years ago. I 25 don't know what time I got in the office. I can't</p>	<p style="text-align: right;">Page 171</p> <p>1 remember that.</p> <p>2 Q. Ms. Eassa, did you ever get to the office 3 earlier than 8:00 in the morning? Was that your 4 normal habit?</p> <p>5 A. I don't think so. I can't remember that.</p> <p>6 Q. Would it be fair to say that you got to 7 the office around 8:00 a.m.? I believe that's what 8 you testified to.</p> <p>9 A. I'm not sure if I was in the office at 10 8:00 a.m. Like I said --</p> <p>11 Q. Was this the first thing you did that day?</p> <p>12 A. I don't think so. I mean, first, you've 13 got to open up, and there's a lot of things you do 14 when you get in the office. This isn't one of them.</p> <p>15 Q. Seems pretty important for you to have it 16 issued by 8:25:05 a.m.?</p> <p>17 A. I didn't get it out at that time.</p> <p>18 Q. Who got it out?</p> <p>19 A. Good point. Probably the assistant or 20 compliance. I don't know.</p> <p>21 Q. Seems like it was a pretty urgent issue to 22 get out.</p> <p>23 Let's go back to the executive session 24 meeting. Do you recall the executive board 25 discussing any statutes at the executive session</p>
<p style="text-align: right;">Page 172</p> <p>1 meeting?</p> <p>2 A. I do not recall.</p> <p>3 Q. Do you recall the board consulting any 4 experts at the executive session meeting?</p> <p>5 A. I don't recall. I'd have to look and 6 see --</p> <p>7 Q. Do you recall -- I'm sorry. I didn't mean 8 to interrupt you.</p> <p>9 A. I just -- I would have to check the 10 minutes. I can't remember.</p> <p>11 Q. Would the minutes reflect that type of 12 information?</p> <p>13 A. Yes.</p> <p>14 Q. So if statutes were discussed, it would be 15 within the minutes?</p> <p>16 A. If statutes -- it depends on what it -- 17 no, I'm not sure about the statutes. I thought you 18 were asking about attendance or something.</p> <p>19 Q. Did the board review any sight visibility 20 documents, Ms. Eassa?</p> <p>21 A. I would have to check -- whatever was 22 submitted was reviewed, but I would need to check 23 the board package, if you're referring back to the 24 June 9th meeting.</p> <p>25 Q. When you say "whatever was submitted was Litigation Services, a Veritext Company</p>	<p style="text-align: right;">Page 173</p> <p>1 reviewed," how do you know it would have been 2 reviewed?</p> <p>3 A. Well, I would check the board package and 4 see. The board takes actions.</p> <p>5 Q. You don't actually know whether or not the 6 board would have reviewed anything in it; correct?</p> <p>7 A. I don't recall. I'd have to look it up.</p> <p>8 Q. Did the board review or discuss any 9 Henderson code at the board meeting?</p> <p>10 A. I would have to -- I don't remember or 11 recall. I'd have to review that and see.</p> <p>12 Q. Did the board discuss the reasonableness 13 of the timing of bringing the violation to hearing 14 at the executive session meeting?</p> <p>15 A. I don't recall that discussion.</p> <p>16 Q. Did the board discuss any equal 17 enforcement issues at the board meeting?</p> <p>18 A. They -- their fine policy -- the 19 enforcement policy is in place, so as far as 20 discussing that, they followed the policy that's in 21 place. I can't answer that question.</p> <p>22 Q. Was that specific issue discussed or was 23 it not discussed, Ms. Eassa?</p> <p>24 A. All I know is they review and do their 25 action in accordance with the governing documents.</p> <p style="text-align: right;">800-330-1112</p>

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1 That's all I know.

2 Q. Are you aware of the outcome that was

3 reached by the City of Henderson at the time of the

4 violation hearing?

5 A. I don't recall.

6 Q. Was that discussed at the board meeting?

7 A. I can't -- I can't remember that. That

8 was two years ago.

9 Q. Do you think that would have been

10 important for the board to discuss?

11 A. Important for the board to discuss?

12 Q. How the City of Henderson -- what result

13 the City of Henderson reached?

14 A. I'm sure they were made aware.

15 Q. Ms. Eassa, do you have a specific

16 recollection of that or not?

17 A. I don't -- I don't remember, word for

18 word.

19 Q. Well, please don't guess here today.

20 Because, again, you have a habit of guessing.

21 A. Yeah.

22 Q. I need you only to testify to things from

23 personal knowledge that occurred or did not occur.

24 A. I just can't remember a lot of this stuff.

25 Q. Do you believe it would have been

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1 A. That's -- I don't know her that well.

2 She -- that's kind of a tough one to answer.

3 Q. Did you ever see Ms. Breeden lie when she

4 was serving on the executive board?

5 A. She seemed like she -- not that I -- not

6 that I remember. I think that she just wasn't

7 familiar with her role.

8 Q. Ms. Breeden testified that

9 Ms. Mossett-Puhek made comments at the executive

10 session that Ms. Mossett-Puhek was recommending

11 fines against Ms. Collier in part due to statements

12 Ms. Collier made about Ms. Mossett-Puhek during an

13 election.

14 A. Well --

15 Q. Do you recall Ms. Mossett-Puhek making any

16 such statements?

17 MR. NOACK: Object. Lacks foundation.

18 Misstates prior testimony.

19 BY MR. ELSON:

20 Q. Go ahead and answer the question.

21 A. I don't recall.

22 Q. Do you believe -- do you know Sydney Woo?

23 A. Yes.

24 Q. How would you describe Mr. Woo?

25 MR. NOACK: Objection. Overbroad.

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1 important for the board to discuss the result that

2 the City of Henderson reached at the executive

3 session meeting?

4 A. I believe they should have been made

5 aware.

6 Q. After this executive session meeting, did

7 Anthem continue to contact the City of Henderson

8 regarding the oleander issue?

9 A. I don't remember.

10 Q. Do you remember the engineering department

11 getting involved by the City of Henderson?

12 A. No.

13 Q. Do you know Shirley Breeden?

14 A. Yes.

15 Q. How would you describe Ms. Breeden?

16 A. She's --

17 MR. BOYACK: Object as to vague.

18 Are you talking about physically?

19 Personality? Can you be a little more specific?

20 BY MR. ELSON:

21 Q. Ms. Eassa, you can go ahead and answer the

22 question.

23 A. She seemed like a nice lady.

24 Q. Do you believe Ms. Breeden is a truthful

25 person?

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1 BY MR. ELSON:

2 Q. Go ahead and answer the question.

3 A. He was a very nice gentleman.

4 Q. Do you believe Mr. Woo to be a truthful

5 person?

6 A. Like I said, I don't know him that well to

7 make that answer, but, you know, just --

8 Q. During his service on the board, did you

9 ever witness Mr. Woo lie or make untruthful

10 statements?

11 A. I don't -- I don't recall too much of

12 that. There were other issues there.

13 Q. What other issues were there?

14 A. Well, there were things that the board

15 wasn't made aware of, you know.

16 Q. Like what?

17 A. Pardon me?

18 Q. Like what?

19 A. Oh, you know, like, for example, landscape

20 designs, basically. He -- you know, sometimes just

21 waiting to get everything ready first, you know,

22 type thing. Instead of sharing -- basically, just

23 sharing things.

24 Q. Was Ms. Mossett-Puhek upset about those

25 issues?

<p style="text-align: right;">Page 178</p> <p>1 A. I don't believe she was aware.</p> <p>2 Q. You didn't discuss those issues with</p> <p>3 Ms. Mossett-Puhek?</p> <p>4 A. I -- because Mr. Woo was leaving the</p> <p>5 project, I just stayed with that, from what I can</p> <p>6 recall at least.</p> <p>7 Q. Again, I don't believe you answered the</p> <p>8 question.</p> <p>9 Did you discuss those issues with</p> <p>10 Ms. Mossett-Puhek or not?</p> <p>11 A. I don't believe so.</p> <p>12 Q. Mr. Woo testified that Ms. Mossett-Puhek</p> <p>13 wanted to drive up Ms. Collier's attorney's fees and</p> <p>14 costs.</p> <p>15 Do you recall any such conversations with</p> <p>16 Ms. Mossett-Puhek where she made such comments?</p> <p>17 MR. BOYACK: I'm going to object as to</p> <p>18 misstating prior testimony.</p> <p>19 MR. NOACK: Join.</p> <p>20 BY MR. ELSON:</p> <p>21 Q. Go ahead and answer the question,</p> <p>22 Ms. Eassa.</p> <p>23 A. I -- I don't remember anything like that.</p> <p>24 Q. Do you have an understanding as to whether</p> <p>25 Ms. Mossett-Puhek was pursuing Ms. Collier as a</p>	<p style="text-align: right;">Page 179</p> <p>1 result of a personal motivation?</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. Do you recall a time that Ms. Collier was</p> <p>4 brought to hearing for a paint scheme violation?</p> <p>5 A. I believe so.</p> <p>6 Q. How did that issue first come to your</p> <p>7 attention?</p> <p>8 A. Trying -- I believe there was -- I'm</p> <p>9 thinking it might have been a violation notice.</p> <p>10 Q. Were you aware of it before the courtesy</p> <p>11 notice or after the courtesy notice?</p> <p>12 A. I think it was -- I'm trying to think. My</p> <p>13 assistant got it because it was regarding</p> <p>14 violations. Gosh, I can't remember if it was before</p> <p>15 or after.</p> <p>16 Q. Who first brought to Anthem's attention</p> <p>17 the alleged paint scheme violation?</p> <p>18 A. I can't -- I'm thinking the inspector.</p> <p>19 I'm not sure, really.</p> <p>20 Q. Was there ever a time there were issues</p> <p>21 with Terra West's website as it relates to Anthem's</p> <p>22 paint schemes?</p> <p>23 A. Oh, I believe -- I didn't work on the</p> <p>24 paint schemes. Shoot. That would be the assistant.</p> <p>25 I think -- I believe so.</p>
<p style="text-align: right;">Page 180</p> <p>1 Q. Well, what do you know about it? It seems</p> <p>2 pretty serious.</p> <p>3 A. Well, the paint schemes are -- when they</p> <p>4 go on the web portal, they have -- the homeowners</p> <p>5 can access their community through, like,</p> <p>6 Sherwin-Williams. And from there, I guess they --</p> <p>7 they know the color of their color scheme and --</p> <p>8 from what I recall.</p> <p>9 Q. What issues existed with it?</p> <p>10 A. Pardon me?</p> <p>11 Q. What issues existed with it?</p> <p>12 A. With the -- the color schemes on the</p> <p>13 website or the web portal?</p> <p>14 Q. Yes. That's what we're talking about.</p> <p>15 A. Oh. I believe that there were -- let's</p> <p>16 see. We just made sure that all the communities</p> <p>17 were on the web portal with all color schemes.</p> <p>18 Q. Ms. Eassa, that's not an issue. I asked</p> <p>19 you: Were there issues with that? You said yes.</p> <p>20 What issues existed?</p> <p>21 A. Oh, just making sure the color schemes</p> <p>22 were on there, that's all, all the color schemes.</p> <p>23 Q. Were all of the color schemes listed at</p> <p>24 all of the times?</p> <p>25 A. I believe so.</p>	<p style="text-align: right;">Page 181</p> <p>1 Q. So when you said there were issues, were</p> <p>2 there problems with that or no?</p> <p>3 A. The issue I was thinking of, excuse me,</p> <p>4 was Frazee Paint and then Sherwin, I believe,</p> <p>5 bought -- so there was a thing with the two paint</p> <p>6 companies.</p> <p>7 Q. What was the thing with the two paint</p> <p>8 companies?</p> <p>9 A. Well, Sherwin bought Frazee.</p> <p>10 Q. And?</p> <p>11 A. And they had -- they still had our color</p> <p>12 schemes, I believe, yeah.</p> <p>13 Q. I don't even understand what you're trying</p> <p>14 to tell me, Ms. Eassa.</p> <p>15 A. I don't understand the question. I</p> <p>16 just -- I'm getting lost here.</p> <p>17 Q. So why are you answering questions that</p> <p>18 you don't understand?</p> <p>19 A. I'm trying to --</p> <p>20 MR. BOYACK: Let's talk about</p> <p>21 professionalism here. You know, you're just</p> <p>22 badgering the witness at this point.</p> <p>23 MR. ELSON: I am not badgering the</p> <p>24 witness. I asked her --</p> <p>25 MR. BOYACK: You're sarcastic -- let me</p>

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1 finish -- sarcastic, demeaning, unprofessional on
 2 the way you're treating this witness. I understand
 3 that she doesn't have a lot of recollection and
 4 she's having difficulty with some of your questions
 5 and getting the answers out. I recognize that. But
 6 at some point, I think we're just going to need to
 7 have you stop demeaning the witness and --
 8 MR. ELSON: Please quit creating a false
 9 record --
 10 MR. BOYACK: If it continues, I'm going to
 11 ask that this deposition --
 12 MR. ELSON: Ted, please quit creating a
 13 false record. I asked the witness -- No. Don't
 14 interrupt me. Don't interrupt me. Stop accusing me
 15 of badgering the witness. I have never been in a
 16 deposition where I've had a witness act in such an
 17 evasive manner in my life.
 18 MR. BOYACK: There you go. Perfect
 19 example.
 20 MR. ELSON: Fifteen years of practice. I
 21 asked the witness if there were issues with the
 22 website. She said yes. I had to ask her six times
 23 what the issues were. And apparently, then, she
 24 testified there was never issues. It's extremely
 25 confusing.

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1 A. Chrislin.
 2 Q. Is Chrislin still employed with Terra
 3 West?
 4 A. No.
 5 Q. When was she last employed with Terra
 6 West?
 7 A. I don't remember now. Let's see. But my
 8 current assistant would have all that information on
 9 the color scheme.
 10 Q. I appreciate you trying to be helpful,
 11 Ms. Eassa, but I just need you to answer the
 12 questions that I'm asking you.
 13 A. I don't remember when she left.
 14 Q. Do you recall under what circumstances she
 15 left Terra West?
 16 A. To pursue another career.
 17 Q. Where?
 18 A. I don't even remember that, sir.
 19 Q. Did she move from Las Vegas?
 20 A. I have no idea.
 21 Q. If I represented to you that Glengarry was
 22 not listed on the community website for paint
 23 schemes, would that come as a surprise to you?
 24 A. I -- I don't believe -- well, I thought it
 25 was listed. Yes, that would be a surprise.

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1 This transcript is going to demonstrate
 2 that this witness' answers are extremely confusing
 3 and constantly changing. All I'm trying to
 4 understand is were all paint schemes listed on the
 5 website? Were there issues with listing the paint
 6 schemes on the website? These are straightforward
 7 questions.
 8 MR. BOYACK: One final note, Tim, so we
 9 can move on with deposition. It's been an hour, so
 10 maybe we should take a break here in a minute.
 11 Also, the problem is many of your questions are very
 12 vague, nonspecific. I think the witness is having a
 13 hard time answering some of those questions because
 14 of that.
 15 MR. ELSON: Well, I would disagree with
 16 you, Ted, but I'm going to continue on with my
 17 deposition.
 18 BY MR. ELSON:
 19 Q. Ms. Eassa, was the Glengarry community
 20 always listed on Terra West's website for paint
 21 schemes?
 22 A. Yes, I believe so.
 23 Q. Who was in charge of that?
 24 A. The assistant.
 25 Q. What assistant?

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1 Q. Is there a specific department at Terra
 2 West that is in charge of maintaining the website?
 3 A. Is -- well, it's kind of split up, so is
 4 it the actual, like, setup of the actual website or
 5 putting documents there?
 6 Q. Who would be in charge at Terra West of
 7 ensuring that paint schemes are listed on the
 8 website?
 9 A. Oh, that would be -- that would -- that
 10 would be our architectural area. The ARC
 11 guidelines. And management.
 12 Q. I need names of people, Ms. Eassa.
 13 A. Oh, I didn't know you were looking for a
 14 name. Well, the assistant usually will check that.
 15 Q. Okay. What individual at -- is the
 16 assistant responsible for maintaining the website?
 17 A. Pretty -- well, both -- yes, pretty much,
 18 yeah, to make sure when it's -- for paint schemes,
 19 you're referring to, or anything?
 20 Q. So your assistant has the technical
 21 knowledge to set up and maintain the website?
 22 A. She has a -- the knowledge to update or --
 23 I'll update, like, the forms and she'll update,
 24 like, paint, anything -- any new stuff.
 25 Q. And to change the website?

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1 A. Oh, change the website, we don't touch
 2 that. That's management.
 3 Q. Who at Terra West would I contact about
 4 that?
 5 A. I'm not sure. I'm not sure who does that.
 6 I really don't.
 7 Q. Have you ever had any issues with the
 8 website?
 9 A. No, I don't believe so. Just some
 10 training.
 11 Q. We're going to come back to the paint
 12 scheme. Let's talk about flagpoles for a moment.
 13 Who is the first person that you're aware
 14 of that was pursued by Anthem for a flagpole
 15 violation?
 16 A. That's compliance. I'd have to look that
 17 up. I'd have to check and see who it was.
 18 Q. Was Ms. Collier pursued for a flagpole
 19 violation?
 20 A. I believe she -- I believe there was a
 21 violation, but I just don't know who --
 22 Q. As you sit here today, are you aware of
 23 anybody that was pursued for a flagpole violation
 24 prior to Ms. Collier?
 25 A. I'd have to check with compliance.

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1 in this deposition, written discovery.
 2 A. We discussed --
 3 Q. You don't recall those conversations?
 4 A. I need you to clarify and be a little more
 5 specific because we covered a lot of stuff.
 6 Q. At any point in time, have you ever
 7 investigated what homeowners submitted ARCs for
 8 flagpoles?
 9 A. I -- no, I have not.
 10 Q. Okay. Who first brought to Anthem's
 11 attention the violation of the flagpole?
 12 Ms. Collier's flagpole, to be specific.
 13 A. I have no -- I don't know that one.
 14 That's -- I'd have to check compliance.
 15 Q. Do you know when Ms. Collier's flagpole
 16 was installed?
 17 A. I do not.
 18 Q. Would it be important for you to know when
 19 Ms. Collier's flagpole was installed before Anthem
 20 fines Ms. Collier for the installation of a
 21 flagpole?
 22 A. Again, that would be our compliance and
 23 you -- they should have some information.
 24 Q. And you're not -- you don't have any
 25 oversight over compliance as the community manager?

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1 Q. I'm asking you from your personal
 2 knowledge. As you sit here today, do you have any
 3 personal knowledge of any person prior to
 4 Ms. Collier being pursued for a flagpole violation?
 5 A. I'm unable to answer that because that's a
 6 compliance matter.
 7 Q. So then you would agree with me that you
 8 have no such knowledge; correct?
 9 A. I -- I don't know.
 10 Q. How many people in the community have
 11 flagpoles?
 12 A. I can't answer that question either. I
 13 don't know.
 14 Q. How many people in the community submitted
 15 ARCs before they installed their flagpole?
 16 A. I'd have to check. I have no idea. I
 17 can't recall.
 18 Q. Did you check that as part of your
 19 investigation into the written discovery?
 20 A. Investigation written discovery of?
 21 Q. In this case, we discussed earlier written
 22 discovery; correct?
 23 A. Are we going back to your -- to a
 24 complaint or something?
 25 Q. Ms. Eassa, we discussed at length, earlier

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1 A. I make sure that everything that needs to
 2 be addressed is in the board package for any
 3 hearings with the board.
 4 Q. And that's it? That's all your role is as
 5 the community manager?
 6 A. And then research whatever I'm directed to
 7 check.
 8 Q. You're not -- you have no independent
 9 thinking whatsoever?
 10 A. I am not the compliance department. I
 11 keep repeating this and I'm getting very frustrated
 12 that I'm -- I feel like I'm being cornered
 13 constantly to answer, answer, answer stuff that I
 14 can't answer.
 15 Q. Ms. Eassa, you're a licensed community
 16 manager that is in charge of this association.
 17 Do you think it's part of your
 18 responsibility to ensure that compliance is
 19 enforcing proper violations?
 20 A. Compliance, yes, they enforce within the
 21 governing documents.
 22 Q. Do you think it is part of your
 23 responsibility to ensure that compliance is
 24 enforcing proper violations?
 25 A. It's in --

<p style="text-align: right;">Page 190</p> <p>1 Q. Is that part of your responsibility? 2 A. If there's an issue, I -- I handle that. 3 Q. Is that part of your responsibility? 4 A. Compliance does their own work. 5 Q. Is that part of your responsibility as the 6 community manager? 7 A. What do you want me to say here? 8 Q. I want you to answer the question "yes" or 9 "no." 10 A. You keep -- 11 MR. BOYACK: Objection. It's been asked 12 and answered. She's indicated clearly, compliance 13 handles those matters. 14 BY MR. ELSON: 15 Q. And as part of her role as community 16 manager, is it your responsibility to oversee 17 compliance? 18 A. I oversee what gets submitted before the 19 board in a meeting. I gather all that information. 20 Q. So you do not believe it is part of your 21 responsibility to ensure -- 22 A. I did not say that. 23 Q. Let me finish before you interrupt me. 24 You do not believe it is part of your 25 responsibility to ensure that compliance is</p>	<p style="text-align: right;">Page 191</p> <p>1 enforcing proper violations? 2 A. Compliance enforces our governing 3 documents. 4 Q. Is that part of your responsibility or 5 not? 6 A. That's part of our governing documents. 7 Q. At least the record is clear on this. 8 MR. BOYACK: All right. Hey, Tim, it's 9 been -- it's 2:20 at this point. I need to use the 10 restroom. Should we find a place to break? 11 MR. ELSON: We can break now. 12 MR. BOYACK: Thank you. 13 (A short break was taken.) 14 BY MR. ELSON: 15 Q. Ms. Eassa, you understand you're still 16 under oath here today; correct? 17 A. Correct. 18 Q. Did you speak to anyone during this 19 deposition break? 20 A. No. 21 Q. Do you know how many inspections occurred 22 of Ms. Collier's residence before the flagpole 23 courtesy notice was issued? 24 A. I didn't hear the beginning of that. 25 Sorry. What was that?</p>
<p style="text-align: right;">Page 192</p> <p>1 Q. Do you know how many inspections occurred 2 of Ms. Collier's residence before the courtesy 3 notice was issued for the flagpole? 4 A. No. 5 Q. You would agree with me that there were 6 multiple specific inspections pertaining to 7 Ms. Collier's residence before the flagpole courtesy 8 notice was issued; correct? 9 A. I don't know. I'll have to -- I'd have to 10 check. I don't remember. 11 Q. You would agree with me that there were 12 inspections specifically of Ms. Collier's residence 13 pertaining to the oleanders? 14 A. Yes. 15 Q. You would agree with me that there were 16 specific inspections of Ms. Collier's residence 17 pertaining to the paint scheme; correct? 18 A. Correct. 19 Q. Both of those issues occurred before the 20 flagpole issue; correct? 21 A. I -- I don't know. I don't have that in 22 front of me date-wise. 23 Q. You don't recall the timing? 24 A. No. 25 Q. Did you ever contact Darren Marks Litigation Services, a Veritext Company</p>	<p style="text-align: right;">Page 193</p> <p>1 regarding his flagpole? 2 A. I spoke with Mr. Marks on an ARC -- or he 3 called me or one of us. I don't remember who 4 started. 5 Q. Was the ARC pertaining to his flagpole? 6 A. I believe so. 7 Q. Did you ever speak to Mr. Marks about his 8 flagpole? 9 A. Yes. 10 Q. What did your discussions with Mr. Marks 11 involve? 12 A. He didn't understand the ARC committee 13 questions. 14 Q. How many times did you speak with 15 Mr. Marks? 16 A. Once. I believe, once or -- I think it 17 was once. I don't really remember. 18 Q. Did you also call him and leave him a 19 voice mail? 20 A. I may have. I don't recall. 21 Q. Did a board member instruct you to call 22 Mr. Marks? 23 A. Let's see. I'm trying to think. Was it 24 the board or the ARC committee? I'm trying to 25 remember now who did. I can't even remember that 800-330-1112</p>

<p style="text-align: right;">Page 194</p> <p>1 much. I'm so sorry. Gosh. I think -- was it the 2 ARC committee? I can't remember now. Or the 3 assistant. I'm sorry. I just can't recall. Shoot. 4 Q. Does that help refresh your memory as to 5 whether you called him or he called you? 6 A. If somebody can show me something. I just 7 don't recall. I know I spoke with Mr. Marks. 8 Q. Did you tell Mr. Marks how to fill out the 9 form for the ARC committee? 10 A. I told him what they're look -- you know, 11 what they requested, you know, kind of like he was 12 trying to understand the questions. 13 Q. Did you tell him that his answers didn't 14 matter? 15 A. No, not that I remember. 16 Q. Did you tell him not to tell the truth? 17 A. No. 18 Q. What type of investigation was conducted 19 to verify that the information provided by Mr. Marks 20 was accurate? 21 A. That goes to the ARC committee. 22 Q. You didn't have any involvement in that? 23 A. I don't. I -- 24 Q. Why did you -- I'm sorry. I didn't mean 25 to interrupt you. Please finish.</p>	<p style="text-align: right;">Page 195</p> <p>1 A. Oh, no. I said I just tried to help, you 2 know, but no, that goes to the ARC committee. 3 Q. So why did you call him instead of the ARC 4 committee calling him? 5 A. I don't know. I'm not sure if they call 6 homeowners direct. I'm not sure how that works. 7 Q. As you sit here today, do you know if the 8 information provided in Mr. Marks' application was 9 accurate? 10 A. I can't even remember what was on there. 11 I'm so sorry. I don't know what he put on the 12 application. Oh, my God. 13 Q. It'd be fair to say you don't know whether 14 or not it was accurate then; is that correct? 15 A. I know we answered the questions. I guess 16 so. He answered the questions. 17 Q. That's not what I asked you, Ms. Eassa. 18 A. I'm not a flagpole expert. So I just -- 19 I'm sorry. I just -- I'm just not an expert in some 20 of this stuff. 21 Q. Do you know if the answers that Mr. Marks 22 provided in this application were accurate? 23 A. I don't know for a fact. Maybe. 24 Q. Did Ms. Brensinger tell you to call 25 Mr. Marks?</p>
<p style="text-align: right;">Page 196</p> <p>1 A. I don't even remember who told me to 2 contact. That was -- that was a while back. I just 3 don't remember. Sorry. 4 Q. When you searched for records, did you 5 also search your cell phone for records? 6 A. No. 7 Q. Is there a reason why you didn't search 8 your cell phone for records that would be responsive 9 to the written discovery in this case? 10 A. I wouldn't -- that would all be through my 11 Terra West regarding Anthem. 12 Q. Well, you testified earlier that sometimes 13 you use your cell phone to text or communicate with 14 Ms. Mossett-Puhek; is that correct? 15 A. Well, yes, when I'm on property. 16 Q. Do you use your cell phone to communicate 17 with other members of the board? 18 A. Yes. 19 Q. Do you use your cell phone to communicate 20 with other employees of Terra West? 21 A. Yes. 22 Q. Is there a specific reason why you didn't 23 search your cell phone for records responsive to 24 this -- to the written discovery? 25 A. Didn't pertain.</p>	<p style="text-align: right;">Page 197</p> <p>1 Q. Will you agree to go search your cell 2 phone for records responsive to the written 3 discovery? 4 A. I -- I don't see -- I don't understand 5 what. 6 Do you mean search my phone? 7 Q. How do you back up your cell phone? Do 8 you back up your cell phone, Ms. Eassa? 9 A. I just charge it. 10 Q. Do you store the data on your cell phone 11 in some other location? 12 A. No. 13 Q. You don't back it up on your computer? 14 A. No. 15 Q. You don't back it up on the cloud? 16 A. Oh, I've seen that, the cloud. I believe 17 that's an app. Is that... 18 Q. Ms. Eassa, do you back up your cell phone 19 or not? What's your understanding? 20 A. I don't know. It doesn't -- I'm thinking 21 it does it automatically. I don't know. 22 Q. Do you delete your text messages on your 23 phone? 24 A. Yes. 25 Q. How often do you delete your text</p>

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1 messages?

2 A. Frequently, I think.

3 Q. Did you receive the preservation of

4 evidence letter that Ms. Collier issued in this

5 case?

6 A. Preservation? I've heard of the word

7 preservation. Let's see. When was that? The --

8 Q. Well, let's take a look at it.

9 A. Okay.

10 Q. Document 4.

11 A. Number 4? Are you going to put that up on

12 the screen or...

13 Q. No. You can pull it up. It's a little

14 long, so it might be easier for you to open it and

15 flip through it. However, if you prefer that I

16 screen share it, I'm more than happy to do so.

17 A. I can go back in here and see if I can

18 find it. Let's see. There's the -- let me get out

19 of this one. You said that's Number 4? Let's see.

20 Oh, shoot. I just got out of the whole darn thing.

21 Dam it.

22 Q. All right. Well, then, let me make it

23 easy on you, Ms. Eassa. I'll publish it for you;

24 okay?

25 A. I'm sorry. I'm just not savvy on this

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1 correct?

2 A. On my -- from my Terra West email, yes.

3 Q. No. Ms. Eassa, please listen to the

4 question before you answer.

5 A. Okay.

6 Q. I'm talking about your cell phone and your

7 text messages.

8 A. Oh, okay.

9 Q. Did you delete any text messages with

10 Ms. Mossett-Puhek following June 17th, 2021?

11 A. Oh, jeez. I got a new phone, so I don't

12 know. Shoot. Because the other one wasn't working

13 good. I don't remember.

14 Q. Did you transfer your data over from one

15 phone to the new phone?

16 A. I believe they did that.

17 Q. Where is your old phone?

18 A. It's gone with the phone company.

19 Q. Okay. Do you have your phone with you?

20 A. Yes.

21 Q. Why don't you look on it?

22 A. Mm-hmm.

23 Q. Do you have your text messages with

24 Ms. Mossett-Puhek on it?

25 A. Probably. Let's see.

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1 stuff. I was trying to get out of the first one and

2 all of it closed. Oh, there. Preservation. Okay.

3 Q. This is a letter dated June 17th, 2021.

4 A. Oh, yeah.

5 Q. Demand for Preservation of Documents,

6 Including Electronically Stored Information.

7 A. Mm-hmm.

8 Q. This letter goes through -- I'll scroll

9 through it. If you'd like me to slow down, just let

10 me know.

11 A. Mm-hmm. That's my -- okay.

12 Q. Do you recall receiving this letter

13 before?

14 A. Yes, I believe I do. Yes.

15 Q. And where it says: "CC: Carmen Eassa,"

16 that's you; correct?

17 A. Yes, that's correct.

18 Q. Did you delete your text messages with

19 Ms. Mossett-Puhek after receiving this preservation

20 of evidence letter?

21 A. No, I don't believe so. Just --

22 Q. I just want to be clear, it's your

23 testimony here today that you have all text messages

24 or communications with Ms. Mossett-Puhek since at

25 least June 17th, 2021, moving forward; is that

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1 Q. So earlier you testified that you delete

2 your text messages; is that correct?

3 A. Yeah. Some old ones, you know.

4 Q. Have you deleted any text messages with

5 Ms. Mossett-Puhek since June 17th, 2021?

6 A. I didn't, but I don't know if it's in

7 any -- that far back.

8 Q. Have you deleted any text messages with

9 any persons at Terra West or any persons with Anthem

10 since June 17th, 2021?

11 A. I don't see that far back.

12 Q. What steps did you take to back up the

13 data on your cell phone after receiving this

14 preservation of evidence letter?

15 A. I think it automatically backs up.

16 Q. What steps did you take to preserve

17 evidence in this case after receiving this

18 preservation of evidence letter?

19 A. Oh, that was through my Terra West --

20 Terra West -- all the information I received was

21 through my Terra West emails and documents.

22 Q. You're still not answering the question,

23 Ms. Eassa.

24 Did you take any steps to specifically

25 store or otherwise protect information after

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1 receiving this preservation of documents letter?
2 A. I don't recall. I don't know.
3 Q. Did you ever discuss with the board the
4 board's obligation to take steps to preserve
5 evidence after receiving this preservation of
6 documents letter?
7 A. I believe so.
8 Q. What discussions occurred with the board?
9 A. Well, I remember this with upper
10 management. Let's see. Let's see here.
11 Oh, you control that; right?
12 There were a lot of items on the letter
13 and I just made sure, you know, anything that
14 pertained was saved on our -- on the Anthem
15 Highlands folders.
16 Q. Did you make sure your text messages were
17 saved?
18 A. I didn't have anything that pertained to
19 that.
20 Q. How do you know? Did you look?
21 A. I wouldn't -- I like to keep my stuff on
22 Anthem Highlands separate from my phone. The
23 only -- my phone is only for emergency, like if
24 something happened or the board had to get ahold of
25 me to check something, that's the only purpose.

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1 understand what -- what you want me to say.
2 Q. I want you to tell me whether or not you
3 reviewed your cell phone to verify what text
4 messages existed and whether any exist that relate
5 to this case.
6 A. Yeah, well, of course. I mean --
7 Q. When? What date did you make that review?
8 A. I don't know. I check it all the time, my
9 phone.
10 Q. You check your phone all the time to look
11 for records pertaining to this lawsuit?
12 A. Not for records. Just for emergencies. I
13 worry about my family.
14 Q. What steps did you take to protect your
15 cell phone data after receiving the preservation of
16 evidence letter? Did you take any steps?
17 A. Why -- yeah, I made sure everything was
18 saved on the -- on my Anthem folder.
19 Q. You saved your cell phone on the Anthem
20 folder?
21 A. My cell phone doesn't have that kind of
22 stuff on there. That's what I'm trying to tell you.
23 My cell phone doesn't have that.
24 Q. Ms. Eassa, did you discuss this letter
25 with upper management?

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1 Q. Did you look at your text messages?
2 A. Yes.
3 Q. Okay. Did you look at your text messages
4 to ensure that there was not relevant information
5 pertaining to this lawsuit?
6 A. Oh, absolutely. That was -- there
7 wouldn't be anything in there.
8 Q. When?
9 A. For just -- what do you mean? Like,
10 when -- like, you mean, for years and years?
11 Q. What date did you look at your text
12 messages to verify whether there was relevant
13 information in them?
14 A. Oh. I guess I don't have anything in
15 here. Why would I look there?
16 Q. Ms. Eassa --
17 A. I just don't understand.
18 Q. You testified that you looked at your text
19 messages. Did you or did you not review your text
20 messages?
21 A. I have personal messages, and I also get
22 images.
23 Q. Please answer the question that is being
24 asked to you.
25 A. I don't know what -- I guess I don't

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1 A. I believe so.
2 Q. When did you discuss this letter with
3 upper management?
4 A. Probably when it came in. Let's see.
5 Q. Who did you discuss it with at upper
6 management. Again, I don't want you to guess. It
7 sounds like you're guessing again. I want to make
8 sure you're testifying from your specific
9 recollection.
10 Do you have a specific recollection of
11 discussing this letter with upper management?
12 A. I -- yeah, I don't remember exactly.
13 Q. Again, if you don't remember, that's a
14 perfectly acceptable answer. What I can't have you
15 do is guess or assume.
16 Do you understand that?
17 A. Yes. Mm-hmm.
18 Q. So because you don't remember discussing
19 this letter with upper management, it also would be
20 fair that you don't remember who you would have
21 discussed it with; is that correct?
22 A. Me -- let me -- can I take a look at that
23 one more time? Do you still have it up?
24 Q. Absolutely.
25 A. I just have to refresh my memory a little

<p style="text-align: right;">Page 206</p> <p>1 bit. Let's see here. Okay. Yeah, yeah. That went 2 to the board, yeah. Okay. Right. Okay.</p> <p>3 Q. Did you discuss this letter with upper 4 management at Terra West?</p> <p>5 A. I don't remember if it was upper 6 management. I know it was the board.</p> <p>7 Q. What discussions did you have with the 8 board?</p> <p>9 A. Just shared the letter and all the --</p> <p>10 Q. What was specifically discussed with the 11 board, if you recall?</p> <p>12 A. I think all I did was, if I recall, I sent 13 it, said I received this letter, and for them to 14 review basically.</p> <p>15 Q. Did you send it to the entire board or did 16 you just send it to the board liaison?</p> <p>17 A. I -- I don't remember that. It might have 18 been the entire board. I'm sorry. I can't -- I 19 just don't remember. God.</p> <p>20 Q. Did the board discuss it at any board 21 meeting?</p> <p>22 A. Not that I'm aware of.</p> <p>23 Q. Do you know of any steps the board took to 24 obtain or preserve evidence?</p> <p>25 A. Other than just management making sure we</p>	<p style="text-align: right;">Page 207</p> <p>1 save documents, you know.</p> <p>2 Q. Did you go through each board member's 3 individual email to ensure that their emails were 4 saved?</p> <p>5 A. If it pertained to, you know, issues.</p> <p>6 Q. Ms. Eassa, did you show up to 7 Mr. Brensinger's house and review his email?</p> <p>8 A. Oh, no.</p> <p>9 Q. Did you show up to Ms. Mossett-Puhek's 10 house and review her emails?</p> <p>11 A. No.</p> <p>12 Q. Did you show up to Mr. Osisak's (phonetic) 13 house and review his emails?</p> <p>14 A. No.</p> <p>15 Q. Mr. Woo's?</p> <p>16 A. No.</p> <p>17 Q. Ms. Breeden's?</p> <p>18 A. No.</p> <p>19 Q. Any other board members?</p> <p>20 A. No.</p> <p>21 Q. Do you know if the board took steps to 22 preserve their emails?</p> <p>23 A. I'm not sure.</p> <p>24 Q. Was this letter discussed with legal 25 counsel?</p>
<p style="text-align: right;">Page 208</p> <p>1 A. I don't remember. I believe so. I don't 2 remember. I don't -- unless a board liaison did. I 3 don't know.</p> <p>4 Q. To the extent this wasn't marked, we are 5 going to go ahead and mark it as Exhibit 6. 6 I'm going to show you Document No. 5, 7 which we will mark as Exhibit 7. 8 (Exhibits 6 and 7 were marked for the record.) 9 BY MR. ELSON:</p> <p>10 Q. Have you seen this document before?</p> <p>11 A. Was that sent to me? I'm not seeing the 12 beginning here. Oh, looks like I was copied. Yeah, 13 I guess I did. I was copied.</p> <p>14 Q. Did Ms. Mossett-Puhek discuss these emails 15 with the board before sending them?</p> <p>16 A. I don't remember.</p> <p>17 Q. Do you believe Ms. Mossett-Puhek should 18 discuss emails with the board before taking official 19 positions on behalf of Anthem?</p> <p>20 A. I believe so.</p> <p>21 Q. So if Ms. Mossett-Puhek didn't do so, you 22 would agree with me that that would be a violation?</p> <p>23 A. Well, it just depends on what it is 24 basically. I'm not -- I can't see the whole thing 25 here. I don't know what -- what kind of -- let's</p>	<p style="text-align: right;">Page 209</p> <p>1 see. What kind of information was in here? I'm --</p> <p>2 Q. This email pertains to the "Preservation 3 of evidence." 4 See it right up here?</p> <p>5 A. Oh, okay. "Preservation of evidence." 6 Okay.</p> <p>7 Q. Should Ms. Mossett-Puhek be taking 8 positions on behalf of Anthem without consulting the 9 board on any issue?</p> <p>10 A. The way the management contract is 11 written, it allows the board liaison to handle 12 things, and then the board liaison handles it with 13 the board.</p> <p>14 Q. I'm sorry. Terra West's contract allows 15 the board liaison carte blanche authority?</p> <p>16 A. There is -- the management contract does 17 put in there a provision on the -- the board liaison 18 and to take direction, you know, there.</p> <p>19 Q. I'm not talking about the direction that 20 you take.</p> <p>21 A. Oh, okay.</p> <p>22 Q. I'm talking about, does your management 23 contract allow Ms. Mossett-Puhek to take official 24 positions on behalf of Anthem without consulting the 25 board?</p>

<p style="text-align: right;">Page 210</p> <p>1 A. That, to me, sounds like a legal thing. I 2 don't know if I can answer that. Because it's a -- 3 Q. Can a board member be taking official 4 positions on behalf of Anthem without consulting the 5 board? 6 A. I would say it depends. Otherwise, I 7 would consult with legal. 8 Q. Depending on what? 9 A. It depends on what it is. Like, if it's 10 something minor or, you know -- I don't know. It 11 just depends on what it is. 12 Q. What authority gives the board liaison the 13 right to do that? Is there a Nevada statute that 14 permits the board liaison to make decisions on 15 behalf of Anthem without consulting the board? 16 A. I can't answer that question. I -- I 17 don't remember. 18 Q. Are you aware of any such statute, as you 19 sit here today? 20 A. Not off the top of my head. 21 Q. In fact, Nevada law requires the board to 22 make decisions at noticed board meetings; is that 23 correct? 24 A. Yes. Mm-hmm. Depends, yes. 25 Q. You would agree with me that the board</p>	<p style="text-align: right;">Page 211</p> <p>1 should not be making decisions outside of noticed 2 board meetings; is that correct? 3 A. The outside of -- yes, I get -- that's 4 correct. They -- yeah. Anything requires a board 5 motion. Mm-hmm. 6 Q. I'm showing you Document No. 15, which we 7 will mark as Exhibit 8. 8 (Exhibit 8 was marked for the record.) 9 BY MR. ELSON: 10 Q. Have you ever seen Document No. 15 before? 11 A. Yeah. I believe -- I believe that went to 12 the email to the board for the hearing. Was that -- 13 because you sent it on -- 14 Q. It was sent Wednesday, June 9th, 2021, at 15 5:31 p.m.; is that correct? 16 A. Yes. I believe I would have forwarded 17 that to the board. 18 Q. Sent to Carmen Eassa; correct? 19 A. Correct. 20 Q. That's you? 21 A. Mm-hmm. Right. 22 Q. "Ms. Eassa, please see attached photograph 23 we plan to reference during the violation hearing." 24 You see that; correct? 25 A. Yes.</p>
<p style="text-align: right;">Page 212</p> <p>1 Q. Probably the photograph that Ms. Collier 2 wanted to screen share that you didn't let her; is 3 that correct? 4 A. I just didn't -- I didn't know how to do 5 that kind of stuff. 6 Q. Well, you didn't let anybody explain it to 7 you either, did you, Ms. Eassa? 8 A. I'm -- no one did. No one explained it. 9 Q. Did you let anyone explain it to you? 10 A. Somebody wanted to come and help me out. 11 Q. Ms. Eassa, I offered to help you out; is 12 that correct? 13 A. I don't -- I don't -- did you? I don't 14 recall that. 15 Q. All right. June 9th, 2021, at 7:40 p.m., 16 you sent the email to Ms. Puhek; correct? 17 A. Yes. Mm-hmm. 18 Q. Why did you send it to only Ms. Puhek? 19 A. Well, she sends -- that went to the 20 entire -- she sends it to the entire board. 21 Q. How do you know she sent it to the entire 22 board? 23 A. That's her role as a board liaison. 24 Q. So you would agree with me that Ms. Puhek 25 should have sent this photograph to the entire Litigation Services, a Veritext Company</p>	<p style="text-align: right;">Page 213</p> <p>1 board? 2 A. I believe the entire board already got 3 it -- also got it. 4 Q. How would the entire board have already 5 gotten it? 6 A. I would have -- I'm pretty sure I would 7 have emailed it to them because the -- the hearing 8 was taking place -- well, this one here was after 9 hours. It looks like it was a late one. But 10 earlier when you sent it, I believe that went to the 11 board. 12 Q. Why hasn't that email been produced in 13 this lawsuit? 14 A. Yeah. I believe -- I -- you were holding 15 up the photo, Mr. Elson. 16 Q. I don't mean to interrupt you, Ms. Eassa. 17 What was that? 18 A. I thought you held up that photo at the 19 hearing. 20 Q. Ms. Eassa, if you sent this photograph to 21 the entire board, why hasn't, then, that email been 22 produced in this litigation? 23 A. I don't -- I think I -- when was that? 24 Was it sent after the meeting? 25 Q. Did you or did you not send this entire -- 800-330-1112</p>

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1 the photograph to the entire board?
 2 A. I don't recall. I believe I would have
 3 because it wasn't in the board packet. It came
 4 late. That's -- that's what I think.
 5 Q. Because the only email I have is this
 6 email where you sent it to just Ms. Puhek.
 7 You see that?
 8 A. Oh, yeah. That was later. Mm-hmm.
 9 Q. Why did you send it to just Ms. Puhek and
 10 not the entire board?
 11 A. I believe it would have been sent to the
 12 entire board before -- before that because --
 13 Q. If such an email was sent, I encourage you
 14 to gather it and produce it in this case, because no
 15 such email has been produced in this case,
 16 Ms. Eassa.
 17 A. I'll have to -- yeah, I'll have to look.
 18 I just don't remember that far back, and it was --
 19 Q. If Ms. Puhek received this email, would
 20 you agree with me that it was her responsibility to
 21 also forward it to the entire board?
 22 A. Yes.
 23 Q. If you were sending things just to
 24 Ms. Puhek, would you agree with me that it was
 25 Ms. Puhek's responsibility to forward those emails

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1 send all of those communications to the entire
 2 board?
 3 A. I would -- it depends on what the
 4 communication is. If it's something minor or
 5 something that -- if it's regarding a violation
 6 hearing, yes.
 7 Q. Who makes that determination?
 8 A. Like I said, it -- it just depends on what
 9 it is.
 10 Q. Who makes that determination?
 11 A. The board liaison sends it.
 12 Q. So the board liaison makes that
 13 determination?
 14 A. Yes, I believe so.
 15 Q. Are there specific guidelines that tell
 16 the board liaison when they're supposed to and when
 17 they're not supposed to forward communications to
 18 the entire board?
 19 A. Not that I'm aware of.
 20 Q. Isn't this why Chapter 116 requires the
 21 board to meet and vote in board meetings,
 22 open-noticed board meetings, and make decisions as
 23 an entire board?
 24 A. Exact -- yes. Mm-hmm.
 25 Q. What steps were you taking that the

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1 to the entire board?
 2 A. Yes, if it was in the -- yeah.
 3 Q. Okay. So, for example, the email that I
 4 sent regarding Ms. Puhek's conduct, that you also
 5 only sent only to Ms. Puhek, you would agree with me
 6 that Ms. Puhek should have also sent that email to
 7 the entire board; is that correct?
 8 A. Yes.
 9 Q. If Ms. Puhek didn't do so, you would agree
 10 with me that Ms. Puhek breached her obligations as
 11 the board liaison?
 12 A. I don't know about the "breaching."
 13 Q. Well, I'm confused, Ms. Eassa. She was
 14 either required to do it or she wasn't.
 15 MR. NOACK: Just going to object. It's
 16 argumentative. We're talking about different
 17 communications here.
 18 MR. ELSON: I'm talking about this -- the
 19 violation hearing, I'm talking about the
 20 preservation of evidence communication, any
 21 communication. As Ms. --
 22 BY MR. ELSON:
 23 Q. Okay. Let me ask this more broadly, then,
 24 Ms. Eassa. If Ms. Puhek is receiving communications
 25 as the board liaison, is Ms. Puhek responsible to

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1 board -- that Ms. Puhek was sending communications
 2 to the entire board?
 3 A. I just -- guess I'm -- let me --
 4 Can you clarify that just so I understand
 5 how to answer it?
 6 Q. What steps did you take to make sure
 7 Ms. Mossett-Puhek was sending communications to the
 8 entire board that she should have been sending?
 9 A. I guess, just making sure that it's done.
 10 I guess, she, I don't know, just sent it.
 11 Q. How did you do that?
 12 A. I don't know if I got copied when she
 13 would do -- I don't remember.
 14 Q. You didn't take any such steps, did you?
 15 A. Take such steps to make sure she sends it
 16 to the entire board?
 17 Q. That's correct.
 18 You didn't follow up to make sure that she
 19 was doing her job as the board liaison, did you?
 20 A. I can't answer that for everything because
 21 it just depends.
 22 Q. I'm not -- I'm asking you to answer it for
 23 anything.
 24 What steps did you take to make sure
 25 Ms. Mossett-Puhek was fulfilling her responsibility

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1 as the board liaison?
 2 A. Just making sure she -- I don't know.
 3 Just -- I can't -- I really can't answer that
 4 question. It just -- there's different ways of
 5 communicating here.
 6 Q. Wouldn't a better policy to have just been
 7 to send everything to the entire board instead of
 8 one person?
 9 MR. NOACK: Object as argumentative.
 10 Incomplete hypothetical.
 11 THE WITNESS: Yeah. It --
 12 BY MR. ELSON:
 13 Q. You can go ahead and answer the question.
 14 A. It's a management contract thing, Tim,
 15 and --
 16 Q. Do you agree or disagree that a more
 17 transparent policy would have been to ensure that
 18 all board members were copied on all communications?
 19 MR. NOACK: Objection. Argumentative.
 20 THE WITNESS: You're -- when you're
 21 running a master association, if you start getting
 22 emails over every little thing from every single
 23 person on that board, you'll never get your job
 24 done. That's why they designate a board liaison.
 25 So that's the board liaison's role, is to share that

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1 A. I've got to enlarge it because of my
 2 eyesight. Just hold on. Let me -- it looks -- is
 3 that the oleanders? Trying to remember now, what
 4 that --
 5 MR. BOYACK: Can you enlarge it, Tim, so
 6 she can see it?
 7 MR. ELSON: I'm trying to figure out how
 8 to do that, Ted. Give me just a moment.
 9 THE WITNESS: That's -- is that the corner
 10 of Ms. Collier's residence? Let's see. I'm trying
 11 to look at the street here. I guess -- so that must
 12 be regarding the oleanders or -- or what?
 13 BY MR. ELSON:
 14 Q. Well, I mean, how many violation hearings
 15 did I attend, Ms. Eassa?
 16 A. I don't know. You did one so far, I
 17 believe.
 18 Q. You would agree with me that it would be
 19 important for the board to see a photograph that
 20 Ms. Collier wanted to reference and discuss during
 21 the violation hearing; correct?
 22 A. Correct. I wish I had it earlier so I
 23 could put it in the board packet, but...
 24 Q. Now I'm showing you what has been -- it is
 25 Document No. 16 that will be marked as Exhibit 9.

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1 with the board, depending on what it is.
 2 BY MR. ELSON:
 3 Q. And if that's such an important role,
 4 shouldn't there have been a policy in place to make
 5 sure that the board liaison was doing her job?
 6 A. I have to defer that to a legal thing
 7 because I don't get -- yeah, I'm just trying to do
 8 my job as a manager.
 9 Q. You would agree with me that it would have
 10 been important for the entire board to see this
 11 photograph; correct?
 12 A. If it's relating to a violation hearing,
 13 yes.
 14 Q. Well, this email states: "Please see
 15 attached photograph we plan to reference during the
 16 violation hearing"; correct?
 17 A. Yes.
 18 Q. So this dealt with a violation hearing;
 19 correct?
 20 A. It appears it is -- looking at the
 21 bottom -- why -- I can't see the bottom, but I
 22 believe the photo is referencing a -- I can't -- was
 23 that the photos of -- what is that, the plants or...
 24 Q. You tell me. What does that look like to
 25 you?

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1 (Exhibit 9 was marked for the record.)
 2 BY MR. ELSON:
 3 Q. Have you ever seen this email before?
 4 A. Seeing it now, I don't recall it, but
 5 yeah, I must have. Yeah.
 6 Q. Well, here is Chrislin Perez on Monday
 7 May 24th, 2021, emailing you, Carmen Eassa; correct?
 8 A. Mm-hmm. Yes.
 9 Q. Chrislin is your assistant. That's who we
 10 talked about; right?
 11 A. Correct.
 12 Q. And you say: "Pennie, please see attached
 13 drafted health safety welfare letter to 2822
 14 Culloden and let us know if this is good to mail.
 15 Thank you."
 16 Is that correct?
 17 A. Yes.
 18 Q. Seems like you're involved in compliance
 19 issues?
 20 A. Well, the assistant asked, you know -- she
 21 sent it to me so we, you know -- so I forwarded it.
 22 Q. Ms. Eassa, you don't consider this being
 23 involved in compliance issues?
 24 A. Only -- only -- not all the time. I mean,
 25 I don't handle compliance for the entire community.

<p style="text-align: right;">Page 222</p> <p>1 That's just only special things like this when an 2 assistant will send me something. That's all. 3 Q. Okay. Well, with respect to Ms. Collier? 4 A. Mm-hmm. 5 Q. By July -- with respect to Ms. Collier, 6 you were involved in both the oleander issue and the 7 attorney email issue; is that correct? 8 A. I -- I believe the attorney email, if my 9 name is on there, then, yes. 10 Q. Well, we looked at that earlier. You 11 don't remember? 12 A. Yeah, I know. I just -- we've got a lot 13 of territory to cover here. I'm sorry. 14 Q. Ms. Eassa, do you remember looking at the 15 attorney email earlier and the email back and forth 16 with Ms. Mossett-Puhek and the violation? 17 A. You're talking about the first exhibit you 18 just sent earlier? Is that the one that's the 19 attorney letter? 20 Q. Ms. Eassa, let's just focus on this email; 21 okay? 22 A. All right. 23 Q. You were involved as it relates to the 24 health safety compliance issue before the executive 25 session; is that correct?</p>	<p style="text-align: right;">Page 223</p> <p>1 A. Before the executive session? I was only 2 involved during the board meeting on that -- 3 Q. Ms. Eassa, this email is dated May 24th, 4 2021; correct? 5 A. Yes. 6 Q. Okay. You're on this email; right? 7 A. Right. I'm just forwarding it from the 8 assistant. 9 Q. Did you look at it before you forwarded 10 it? 11 A. Yep. I don't remember. 12 Q. Well -- 13 A. She wanted me to send it to the board 14 liaison. 15 Q. Why couldn't the assistant just send it to 16 board liaison? 17 A. She probably should have. 18 Q. Oh. Ms. Mossett -- okay. So let's take a 19 look at this. Ms. Mossett-Puhek then emails you 20 back; is that correct? 21 A. Yes. 22 Q. Same day, roughly two hours later. You 23 see that? 24 A. Yes. 25 Q. Ms. Mossett-Puhek then tells you what to</p>
<p style="text-align: right;">Page 224</p> <p>1 write in the violation letter; is that correct? 2 A. Yes, it looks like she's giving 3 instruction. 4 Q. So when you testified earlier that board 5 members weren't involved in this process, this is 6 yet another example of that not being correct and 7 Ms. Mossett-Puhek being involved in that process; is 8 that correct? 9 A. That's different. There's some 10 misinterpretation there on this. This is a 11 compliance matter. And this involved -- she was on 12 the board, and this was all agreed upon with the 13 board, so I don't look at it as a single-handed 14 thing. 15 Q. You told me that the board wasn't involved 16 in these issues until the executive session. 17 A. You asked about inspections, do the board 18 go out and do inspections. 19 Q. No, I did not, Ms. Eassa. I asked you 20 very clearly: As it relates to courtesy notices, 21 formal notices, hearing notices, is the board 22 involved in this process? And you told me no. 23 A. Well, the board doesn't create it, but 24 they are part -- they're involved in the community. 25 They're board members.</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Ms. Eassa, did the board vote to send 2 Ms. Collier a health safety welfare violation 3 letter? 4 A. I believe so. 5 Q. When? 6 A. I'd have to look back. I'd have to see 7 which -- which meeting it was. 8 Q. Ms. Eassa, the fine meeting was not until 9 June 9th of 2021. We've gone over that date several 10 times today. 11 A. Okay. 12 Q. Do you need me to show it to you again? 13 A. You're saying, did she -- was there a 14 board motion? I didn't see the minutes. I mean, 15 there would have been minutes involved here. 16 Q. How could there have been a board motion 17 two weeks before the board meeting? 18 A. What? This is in May. Must have been -- 19 well, we have meetings more than just once a, you 20 know -- one time. 21 Q. Okay. So your testimony is the board met 22 before this date of May 24, 2021, and the board 23 voted to direct Ms. Mossett-Puhek to send you the 24 language for the health safety violation? 25 A. I believe the board was well aware of</p>

<p style="text-align: right;">Page 226</p> <p>1 this.</p> <p>2 Q. That did not answer my question.</p> <p>3 A. Oh.</p> <p>4 Q. Please answer my question.</p> <p>5 MR. ELSON: Madam Reporter, please read it</p> <p>6 back to her one more time.</p> <p>7 (Record read.)</p> <p>8 BY MR. ELSON:</p> <p>9 Q. Ms. Eassa, we're waiting for you to answer</p> <p>10 the question.</p> <p>11 A. Oh.</p> <p>12 Q. You want the court reporter to read it to</p> <p>13 you one more time?</p> <p>14 A. No.</p> <p>15 Q. Were you listening to the reporter when</p> <p>16 she reread you the question?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Please answer the question.</p> <p>19 A. So the -- I'm -- you're not going to</p> <p>20 like -- I'm sure there was a motion directing this</p> <p>21 health safety welfare to go out.</p> <p>22 Q. And would that have been made at a board</p> <p>23 meeting?</p> <p>24 A. Yes. I would -- yes.</p> <p>25 Q. Okay. If there wasn't such a board</p>	<p style="text-align: right;">Page 227</p> <p>1 meeting, would you find that problematic?</p> <p>2 A. Yes.</p> <p>3 Q. Would you agree with me that</p> <p>4 Ms. Mossett-Puhek should not have been directing</p> <p>5 violations like this without board approval?</p> <p>6 A. This is just a wording, so that's</p> <p>7 different. This is just wording. The assistant</p> <p>8 just didn't know how to word.</p> <p>9 Q. Do you agree with me that</p> <p>10 Ms. Mossett-Puhek should not have been directing a</p> <p>11 health safety violation to be sent out without board</p> <p>12 approval?</p> <p>13 MR. NOACK: Object.</p> <p>14 THE WITNESS: Okay. This was sent out</p> <p>15 with board approval, but --</p> <p>16 BY MR. ELSON:</p> <p>17 Q. Okay. I'm asking you -- let's assume it</p> <p>18 wasn't. If this was not sent with board approval,</p> <p>19 do you agree with me that Ms. Mossett-Puhek should</p> <p>20 not have been engaging in such conduct?</p> <p>21 A. Yes.</p> <p>22 MR. NOACK: Incomplete hypothetical. It's</p> <p>23 argumentative.</p> <p>24 THE WITNESS: I answered already.</p> <p>25 ///</p>
<p style="text-align: right;">Page 228</p> <p>1 BY MR. ELSON:</p> <p>2 Q. I know.</p> <p>3 A. Okay. I thought you were --</p> <p>4 Q. Sorry. Sometimes you don't see me</p> <p>5 shuffling the paper around on my end.</p> <p>6 A. Oh.</p> <p>7 Q. Ms. Eassa, we're going to take a break</p> <p>8 soon. I'm going to ask you a few more questions, if</p> <p>9 that's okay. Are you able to go a little longer</p> <p>10 before we take a break or would you like to take a</p> <p>11 break now?</p> <p>12 A. I'm okay.</p> <p>13 Q. Okay. Just wanted to make sure. I know</p> <p>14 it's getting late in the day, and I'm sure it's been</p> <p>15 a very long day for you.</p> <p>16 A. Yes. Thank you.</p> <p>17 Q. Showing you what's been marked -- or what</p> <p>18 will be marked as Exhibit 10. It is Document No. 6.</p> <p>19 (Exhibit 10 was marked for the record.)</p> <p>20 BY MR. ELSON:</p> <p>21 Q. Okay. I'm going to start at the bottom of</p> <p>22 the email for you and scroll up. That way maybe you</p> <p>23 see it in time. So here's an email dated May 25th,</p> <p>24 2021, from myself to Ms. Mossett-Puhek. Here's</p> <p>25 another email to you copying</p>	<p style="text-align: right;">Page 229</p> <p>1 manager@anthemhighlands.org.</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And we continue to scroll up and we see a</p> <p>5 response back from you, Carmen Eassa, to myself.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. We scroll up, you see another email back</p> <p>9 from myself to you. Then we see an email from</p> <p>10 Ms. Mossett-Puhek.</p> <p>11 Do you see that?</p> <p>12 A. Yes. Mm-hmm.</p> <p>13 Q. Response back to Ms. Mossett-Puhek.</p> <p>14 Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Another email from Ms. Mossett-Puhek and</p> <p>17 then a couple more emails back and forth above that.</p> <p>18 Do you see that, Ms. Eassa?</p> <p>19 A. Yes.</p> <p>20 Q. Then at the top, we see Ms. Mossett-Puhek</p> <p>21 sending the email with you on the email, the manager</p> <p>22 email address on the email, and even Mr. Boyack on</p> <p>23 the email.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>

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1 Q. Do you know if any communications with
 2 Mr. Boyack occurred as it relates to this email?
 3 A. I don't remember that.
 4 Q. Do you know if Ms. Mossett-Puhek forwarded
 5 this email to the entire board?
 6 A. I don't know that for a fact. I would
 7 think so as a board liaison.
 8 Q. So you would agree with me, as the board
 9 liaison, she should have done so; is that correct?
 10 A. I believe -- I believe so. Not sure. You
 11 know, just looking at the rest of this is very --
 12 our committee-related stuff, paint.
 13 Q. Well, you look at the very bottom of it,
 14 it talks about violation letters; is that correct?
 15 A. Board has -- yes. Mm-hmm. I see that.
 16 Q. That's a matter within the executive
 17 board's purview; correct?
 18 A. That's correct.
 19 Q. So you would you agree with me that this
 20 should have been sent to the entire board; correct?
 21 A. Yeah. If it's -- was that -- it must have
 22 been another hearing or something. Yes, it should
 23 go to the entire board.
 24 Q. Do you know if this email was sent to the
 25 entire board?

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1 liaison," and I just want to know what that means,
 2 what the responsibilities entail, what the duties
 3 entail.
 4 A. Yeah. As far as I know, the board
 5 liaison -- and from what I understand, is it depends
 6 on what the issue is. If it's something relating
 7 that where the board has to make a decision or an
 8 action, she'll -- the board liaison sends it to the
 9 entire board. That's what I understand.
 10 Q. Does the board liaison have any other
 11 powers or responsibilities?
 12 A. Just -- just other -- just like any other
 13 board member, you know. Everybody's got their
 14 responsibility to understand the governing documents
 15 and the bylaws and NRS.
 16 Q. So setting aside the responsibilities that
 17 a board member has for being on the board, does the
 18 board liaison have any additional responsibilities
 19 or obligations, again, beyond those of just being a
 20 board member?
 21 A. All I know is, like -- like, getting
 22 together with the budget committee, you know,
 23 drafting association -- there's other association
 24 business that has to be handled with other board
 25 members and the board liaison. There's that.

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1 A. I don't recall. I'd have to check.
 2 Q. Do you recall sending this email to the
 3 entire board or is that something you would have
 4 relied on Ms. Mossett-Puhek to do?
 5 A. If it was something as part of the board
 6 package -- I'm -- you know, I put all
 7 correspondence -- I would put that correspondence,
 8 if it's relating to a violation hearing. I can't
 9 remember that far back, so I have to look -- I have
 10 to look at things.
 11 Q. Do you believe Ms. Mossett-Puhek should
 12 have been responding to this email without the
 13 consent of the entire board?
 14 A. As -- as board liaison, I -- you know,
 15 I -- I don't know how to answer that question,
 16 really.
 17 Q. Well, let's talk about the board liaison
 18 position. What powers does the board liaison
 19 position have?
 20 A. Well, the board -- well, in a meeting,
 21 it's -- the entire board is involved at a
 22 closed-session meeting or open session, so it's not
 23 just the board liaison.
 24 Q. What I'm trying to figure out is -- we
 25 keep referring to this position as the "board

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1 There's investing funds, you know, for the CDs, but
 2 that's -- that's really all agreed upon by the
 3 entire board. I'm not sure how to answer that
 4 question specifically, Tim.
 5 Q. Well, I mean, the board liaison doesn't
 6 make decisions on how to invest CDs?
 7 A. The board does, the entire board.
 8 Q. Okay. So that's what I'm trying to figure
 9 out, responsibilities that are just specific to the
 10 board liaison that exceed the normal
 11 responsibilities of just being a board member. And
 12 from what I understand, the responsibilities are
 13 just to be a point of contact with management and
 14 then disseminate information to the rest of the
 15 board?
 16 A. I believe so.
 17 Q. Okay. Is there anything else beyond that?
 18 A. And handle -- yeah. And that would
 19 include legal things too.
 20 Q. What do you mean by that? You mean be the
 21 liaison with legal counsel?
 22 A. No. Like, if we get anything, like, from
 23 any legal issues or anything like that, the board
 24 liaison shares that with the board.
 25 Q. Okay. But again, the board liaison's

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1 responsibility is to be a point of contact and then
2 disseminate all information to the board?
3 A. Yes.
4 Q. Okay. Is that also the responsibility for
5 legal counsel? Like, if there are discussions or
6 meetings with legal, is the board liaison the point
7 of contact for legal counsel?
8 A. I believe so.
9 Q. Is Ms. Mossett-Puhek the board liaison for
10 this specific case?
11 A. Well, she's -- no, not specific. I mean,
12 she --
13 Q. She doesn't control what information is
14 being disseminated to the board that Anthem is sent
15 from legal counsel, does she?
16 A. No, no. Our counsel will contact --
17 contacts us.
18 Q. Does your counsel contact all of the board
19 members when he contacts the board?
20 A. Gosh, I can't even remember now. I'm
21 sorry. I don't recall all that stuff. Shoot. I'm
22 so busy working on this -- gathering info, that I --
23 I don't know how to answer that question. I'm
24 sorry. I just -- I don't know if there's a specific
25 definition of a board liaison, but I know through

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1 BY MR. ELSON:
2 Q. So this is an executive session minutes
3 from Wednesday, July 28th, 2021.
4 Do you see that, Ms. Eassa?
5 A. Yes.
6 Q. There's Ashleigh Grove.
7 A. Yeah.
8 Q. Provisional community manager. Is she
9 your assistant now or...
10 A. Yeah. Yes, she was my assistant.
11 Q. So she would have replaced Ms. Chrislin by
12 this point in time?
13 A. I think it was Chrislin, then Ashleigh,
14 and then I got another assistant later.
15 Q. Because we saw Chrislin on the emails from
16 a couple of months earlier.
17 A. That's correct.
18 Q. So sometime between those emails and this
19 July 28th, you would have transitioned over to
20 Ashleigh; is that correct?
21 A. That's correct.
22 MR. ELSON: And, Madam Reporter, Ashleigh
23 is spelled a little differently. It's
24 A-S-H-L-E-I-G-H.
25 THE WITNESS: That's correct.

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1 the management contract, the -- you know, just get
2 our direction and communication.
3 MR. ELSON: Let's go ahead and we can take
4 a break now, and then we'll come back.
5 How long does everybody want? Do you want
6 five minutes? Ten minutes?
7 MR. BOYACK: Ten minutes. I've got a --
8 I've been literally trying to get with an RJ
9 reporter for a week on an issue, so let me --
10 hopefully, it should be ten minutes, but I just need
11 to call him back really quick.
12 MR. ELSON: Okay. Well, then I'll see
13 everybody back here in ten minutes, about 3:40.
14 (A short break was taken.)
15 BY MR. ELSON:
16 Q. Ms. Eassa, you understand you're still
17 under oath here today?
18 A. Yes.
19 Q. Did you speak to anyone on the deposition
20 break?
21 A. No.
22 Q. I'm going to show you what's Document No.
23 7, and will be marked as Exhibit 11.
24 (Exhibit 11 was marked for the record.)
25 ///

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1 BY MR. ELSON:
2 Q. Is Ms. Grove still at Terra West?
3 A. Yes, she is.
4 Q. Is she now a community manager?
5 A. Yes.
6 Q. Does she work on Anthem or does she have
7 other communities that she works on?
8 A. She has other communities that she works
9 on.
10 Q. Let's scroll down. We're going to keep
11 going. We're looking at Attachment A. I'm going to
12 rotate it for you.
13 A. Oh, thank you.
14 Q. And we see Attachment A, "Executive Board
15 Meeting Hearing Results."
16 Do you see that up top?
17 A. Yes. Mm-hmm.
18 Q. Okay. Then No. 4, "JACT Trust." We have
19 the address for Ms. Collier. "Violation: Need ARC
20 for paint?"
21 A. Yes.
22 Q. It says "Response form: Yes or no."
23 Do you see that written in the column up
24 top?
25 A. Yes.

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1 Q. What does that mean?
 2 A. That means that the homeowner submit a
 3 response regarding their hearing. Because there's a
 4 hearing form that gets sent with the hearing
 5 violation letter. They get sent together.
 6 Q. Okay. Does the homeowner have to use that
 7 specific form or can the homeowner submit a response
 8 in another manner?
 9 A. They're supposed to use the form. The
 10 board likes to see that form being used.
 11 Q. If the board doesn't -- if the homeowner
 12 doesn't use that form, does the board not consider
 13 it?
 14 A. I believe the -- we get written
 15 communication and -- from the homeowner. I believe
 16 Ashleigh was working on this with me, so I believe
 17 we do get that from correspondence, you know,
 18 response.
 19 Q. So it's preferred that they use the
 20 response form, but if they don't, it still counts as
 21 a response and the board considers it; is that
 22 correct?
 23 A. I believe so, yeah.
 24 Q. And, in fact, I think we see that above.
 25 It says "Response form" -- for example, under "1,"

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1 Q. And that's over two months before the
 2 board meeting on July 28th, 2021; is that correct?
 3 A. That's correct.
 4 Q. It states that, We're still reviewing this
 5 issue -- and I'm just paraphrasing. If at any point
 6 you think my paraphrasing is inaccurate, let me
 7 know.
 8 We're still reviewing this issue. Her
 9 painter is having some issues. Ms. Collier is
 10 determining what steps need to be taken. COVID has
 11 substantially impacted Ms. Collier's business. As
 12 such, Ms. Collier needs some additional time to
 13 address this issue. We would propose confirming how
 14 she intends to address the issue within the next 45
 15 days. We would then request any painting occurring
 16 within the next 12 months. We trust that this
 17 proposal will resolve the alleged outstanding issue.
 18 Does this count as a written response,
 19 Ms. Eassa?
 20 A. Yes. Mm-hmm.
 21 Q. How come on Attachment A of the board
 22 meeting minutes it says that there is no written
 23 response?
 24 A. Well, that -- we had another board meeting
 25 before that one, so I don't know, if Ashleigh put

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1 it just says "Yes."
 2 A. Mm-hmm.
 3 Q. And then under "2," it says "Yes email
 4 6/24 advising they would address. 3, yes email
 5 received 7/14."
 6 A. Yes.
 7 Q. Is that -- "Ms. Collier," it's marked "N."
 8 What does that mean?
 9 A. That means the assistant probably didn't
 10 get the response form on time or right away or it
 11 looks like it wasn't in the board package.
 12 Q. Okay. "Extension request Y or N," what
 13 does that mean?
 14 A. Oh, if the homeowner requests an extension
 15 to correct the violation, we usually add that in
 16 there that they reached out or the homeowner -- or
 17 the correspondence -- the response form that was
 18 sent, the homeowner put a note on there, I would
 19 like to request an extension, you know.
 20 Q. This says "No" for Ms. Collier as well; is
 21 that correct?
 22 A. That's correct.
 23 Q. Let's go back to Exhibit 6. This email is
 24 dated May 25th, 2021; is that correct?
 25 A. Yes.

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1 that in the June board meeting packet, because the
 2 difference in the dates -- because we have a
 3 monthly -- the close -- the closed-session meetings.
 4 Q. Well, shouldn't it have been in the board
 5 meeting where the violation was discussed?
 6 A. It would have -- if it wasn't ready for a
 7 hearing -- let's see. How does that work that with
 8 compliance now? I'm trying to remember here. When
 9 we get a response form, it either goes to the board,
 10 and then we put it in the board packet as well, I
 11 believe. I believe that's how the assistant has
 12 been doing it.
 13 Q. Well, shouldn't it go in the board packet
 14 for the board meeting where the violation is being
 15 discussed?
 16 A. That only -- they only address -- if there
 17 are -- yes, if there's a request -- actually, that
 18 was more of an ARC request. Plus, it is also a --
 19 she -- I believe it was addressing a violation -- a
 20 paint violation; is that right? I think that's what
 21 it was.
 22 Q. Well, yeah. If we look at this.
 23 A. Yeah. That says here, "Needs" --
 24 Q. "Need ARC for paint."
 25 A. Yeah. So because it's for paint, yes,

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1 that would need to go before the board because they
 2 would need to make a motion on that request.
 3 Q. Do you agree with me that Exhibit 6 should
 4 have been provided to the entire board and it should
 5 have been provided for the July 28th, 2021,
 6 executive board meeting; is that correct?
 7 A. Well, I'm trying not to be difficult here,
 8 but I have to see if it got into the June board
 9 packet or maybe even the May.
 10 Q. If it got into the June board packet and
 11 the violation wasn't being discussed at the June
 12 executive meeting, would that have been proper?
 13 A. I'm trying to remember. They have these
 14 meetings on the fourth Wednesday of the month, I
 15 believe, how they do it. I don't have 20/20 --
 16 Q. I'm just trying to make this simple for
 17 you. Would you agree with me that this document,
 18 Document 6, which is Exhibit 10, is a response from
 19 the homeowner; correct?
 20 A. That's correct.
 21 Q. And it deals with the paint scheme issue;
 22 correct?
 23 A. Correct.
 24 Q. And so this Exhibit 10 should have been
 25 put in the board packet that dealt with the

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1 she get an official hearing response form? Maybe it
 2 was in the packet. I don't know. I would have to
 3 look and see. You know, it's just how people put
 4 these things in sometimes, but I'm sure the board
 5 reviewed it.
 6 BY MR. ELSON:
 7 Q. How do you know that the board reviewed
 8 it?
 9 A. Well, when they make that -- it looks like
 10 they made a motion here. I would have to look at
 11 the actual account and see, you know, what
 12 actually -- the -- how it all went out, you know,
 13 from the date the response was received, when it was
 14 applied --
 15 Q. You say you're sure the board would have
 16 reviewed it, but you're assuming that; right,
 17 Ms. Eassa? You don't actually know that; correct?
 18 A. Well, it looks like they're addressing it
 19 in this -- on this document here. Looks like
 20 they're making a motion, so if they -- evidently --
 21 Q. Point to me where it says in this
 22 document --
 23 A. Mm-hmm.
 24 Q. -- that the board reviewed Ms. Collier's
 25 email regarding the paint scheme,

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1 executive session hearing on the paint scheme
 2 violation; correct?
 3 A. Correct. It depends -- let's see. Yeah.
 4 Well, we have to get a response -- as a matter of
 5 fact -- okay. Yeah. Thank you. I'm just looking
 6 back at the hearing spreadsheet.
 7 So since it was on the hearing spreadsheet
 8 to address, yes, the board would have to review that
 9 and make a motion.
 10 Q. Who prepares this attachment?
 11 A. The assistant puts everything -- assembles
 12 it into the folders and then I go ahead and put
 13 it -- put the page numbers in and get that ready to
 14 do the complete board packet with page numbers and
 15 so forth and organize it with the agenda. But the
 16 assistant gathers all the stuff for the hearing
 17 spreadsheet.
 18 Q. So would you agree with me that it's a
 19 problem that this spreadsheet says that there was no
 20 response when, in fact, there was a response by
 21 Ms. Collier; correct?
 22 MR. NOACK: Objection. Argumentative.
 23 THE WITNESS: Yes. It's hard to say if --
 24 like I said, if that response went into a previous
 25 one. But -- and also, if it also meant -- like, did

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1 A. Well, I'm looking at the response here.
 2 Yeah, on this one, it's just dealing with
 3 the violation.
 4 Q. It doesn't say that the board saw
 5 Ms. Collier's response, does it?
 6 A. It doesn't say in there. Like I said, I
 7 don't know if they've seen it already. That's what
 8 I -- I'm not sure about.
 9 Q. Right here on this column where it says
 10 "Response form," that's where it should say, "Yes,
 11 email received," like it does in Number 2 and Number
 12 3; right?
 13 A. Correct. Yeah.
 14 Q. And then in the other column, it says
 15 "Extension request: Yes or no," and it says "No, no
 16 extension request was made"; is that correct?
 17 A. According to this sheet, yes.
 18 Q. But then if we go back to Exhibit 10 and
 19 we look at this, Ms. Collier asks for an extension;
 20 correct?
 21 A. That's correct. I'd have to -- I'd have
 22 to look at the June board packet to see if it --
 23 it's hard to be definitive unless I -- I have to
 24 research this kind of stuff. Sorry.
 25 Q. And would you agree with me that one of

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1 the board liaison's responsibilities would have been
 2 to forward that email, Exhibit 10, to the entire
 3 board; correct?
 4 A. Correct.
 5 Q. Ms. Collier alleges that the paint scheme
 6 wasn't listed on Terra West's website for the
 7 Glengarry community when she repainted her house.
 8 Are you aware of that, Ms. Eassa?
 9 A. No, I'm not.
 10 Q. If the paint scheme was not listed on
 11 Terra West's website for the Glengarry community,
 12 does that affect your analysis on whether or not
 13 Ms. Collier should have been fined?
 14 A. If it was not on the website, the
 15 assistant would have brought that up to my -- I
 16 don't -- if we heard from the homeowner and they
 17 tell us that, we look into that, so --
 18 Q. I'm saying, let's presume it wasn't
 19 listed.
 20 A. Mm-hmm.
 21 Q. So we're presuming that for the sake of
 22 this question.
 23 (Telephonic interruption.)
 24 THE WITNESS: Oh, sorry. That's work
 25 again. Let me close that.

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1 Q. Okay. I understand that. But is that --
 2 A. I'm trying to be upfront with you.
 3 Q. Is that something the board should have
 4 considered when determining whether or not
 5 Ms. Collier engaged in a paint scheme violation,
 6 whether or not the paint scheme was listed on Terra
 7 West's website?
 8 A. Well, the color scheme -- I agree the
 9 color schemes should be on the website, and the
 10 board -- this becomes an ARC -- it's a half-and-half
 11 thing, where improvements were done without an ARC
 12 submittal. So it's half and half here, you know,
 13 there's two things going on. And --
 14 Q. I understand that, but you agree with me
 15 that that's a factor that the board should have
 16 considered if, in fact, it's true?
 17 A. They would consider it if the other part
 18 was done. You know, at least put the application
 19 in. And then that way the homeowner can say, Oh,
 20 here's the color scheme I want to do for my -- a lot
 21 of homeowners do their own -- they want to do the
 22 same color scheme they already have where they don't
 23 even look up to see if it's the exact match, you
 24 know. It all depends.
 25 Q. Okay. So I just want to make sure I
 Litigation Services, a Veritext Company

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1 BY MR. ELSON:
 2 Q. Not a problem. Let me know when --
 3 A. It's going off. Hopefully there's no
 4 fires to put out. Okay.
 5 Q. They pile up when they shouldn't; right?
 6 A. It's -- I'm close to retirement now.
 7 Just...
 8 Q. Okay. So let's go back to the question.
 9 Let's presume for the sake of this question --
 10 A. Okay.
 11 Q. -- that the paint scheme was not listed on
 12 Terra West's website for the Glengarry community at
 13 the time Ms. Collier painted her house.
 14 A. Mm-hmm.
 15 Q. Do you believe that that should affect the
 16 analysis on whether or not Ms. Collier engaged in
 17 any paint scheme violation?
 18 A. Okay. I'm going to answer this question
 19 now. And here's how it -- here's how they look at
 20 it. If -- if paint -- if a homeowner goes ahead and
 21 paints, before they paint they have to submit an ARC
 22 application. That's the process. So when that
 23 doesn't happen, then it goes into the next process.
 24 That -- I'm sorry. I just can't do "yes" or "no"
 25 because there's a process involved here.

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1 understand your testimony.
 2 A. Okay.
 3 Q. Do you agree or disagree that if the paint
 4 scheme was not listed on Terra West's website, that
 5 is a factor the board should have considered?
 6 A. I am going to disagree on that one.
 7 Q. So it doesn't matter if this paint scheme
 8 was not listed on Terra West's website and it should
 9 have been listed, in your opinion, it doesn't
 10 matter, Ms. Collier still engaged in a violation?
 11 A. Yes, because there was no ARC application
 12 submitted.
 13 Q. If someone's repainting their house the
 14 same color, do they still have to submit an ARC
 15 application?
 16 A. Good question. And, yes, they do. And
 17 the reason is they like to keep it on file for the
 18 next homeowner that may buy the house, you know.
 19 Q. Okay. What steps does Terra West or
 20 Anthem take to make sure that every time a homeowner
 21 repaints their house, they're submitting ARC
 22 applications?
 23 A. What steps do they -- well, they send out
 24 the architectural design guidelines to all the
 25 homeowners. They sent out email blasts, I believe,
 800-330-1112

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1 on colors. From time to time, they'll send things
 2 out that if they see -- but we do send out the
 3 architectural design guidelines. We send out the
 4 rules and regs to the homeowners.

5 Q. Would it surprise you if I represented to
 6 you that Mr. Woo testified at his deposition, a
 7 former board member, former board president, that if
 8 a homeowner paints their house the same color, they
 9 don't have to submit an ARC application?

10 A. That would surprise me.

11 Q. Seems pretty confusing that the board
 12 president wouldn't even know the process; right?

13 A. Yeah.

14 Q. Okay. Are you aware of complaints against
 15 Ms. Collier -- I'm sorry.

16 Are you aware of complaints against
 17 Ms. Mossett-Puhek about her threatening or harassing
 18 other homeowners?

19 A. Not -- not to my knowledge.

20 Q. You've never heard of that before?

21 A. Harassing? No.

22 Q. Wasn't there an investigation by NRED into
 23 Ms. Mossett-Puhek that alleged Ms. Mossett-Puhek
 24 engaged in that type of conduct?

25 A. With -- not -- harassment?

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1 Q. Have you ever witnessed Ms. Mossett-Puhek
 2 yell at members of the community?

3 A. No, not yell. Maybe direct, but not yell.

4 Q. Are you aware of any temporary protective
 5 orders that have ever been filed against
 6 Ms. Mossett-Puhek for her actions in HOA settings?

7 A. Protective restraining -- what is that, a
 8 restraining order?

9 Q. Well, it's -- a lot of people think of
 10 them as restraining orders, but I think they're more
 11 technically known as "temporary protective orders."
 12 But we can call them restraining orders.

13 A. I don't recall that. I don't recall --

14 Q. Are you aware of any intervention
 15 affidavits that have been filed against
 16 Ms. Mossett-Puhek?

17 A. Intervention affidavits? We had -- let's
 18 see. I believe we had -- well, no, not against --
 19 no. I don't think it was against Ms. Puhek, no.

20 Q. Are you aware of any intervention
 21 affidavits that Ms. Mossett-Puhek has filed against
 22 other persons?

23 A. Boy, are we talking many years ago?

24 Q. Talking at any point in time.

25 A. Yeah. Well, I recall one. Well, let's

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1 Q. Mr. Boyack defended it. Does that sound
 2 right to you?

3 THE WITNESS: Ted, are you aware of that?
 4 BY MR. ELSON:

5 Q. You're the witness here. Not Mr. Boyack.

6 A. Oh, I'm trying -- I don't recall.
 7 Do you have a copy of that or...

8 Q. I'm just wondering if that rings any bells
 9 to you, Ms. Eassa.

10 A. Not offhand.

11 Q. No other -- you ever witness
 12 Ms. Mossett-Puhek raise her voice at other board
 13 members?

14 A. Not that I can recall.

15 Q. Members of the community?

16 A. Not that I can recall.

17 Q. Are you aware -- have you ever seen
 18 Ms. Mossett-Puhek interrupt other board members?

19 A. Not -- maybe during a discussion, you
 20 know, when we get to that stage, sometimes they make
 21 a motion and then there's discussion.

22 Q. Have you ever witnessed Ms. Mossett-Puhek
 23 yell at other board members?

24 A. Let's see. I can't remember. Not that I
 25 can remember.

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1 see. I don't even know if she did that. It might
 2 have been -- might have been a homeowner. I can't
 3 remember that far back. Oh, my gosh. I know --

4 Q. Have you ever heard rumors that
 5 Ms. Mossett-Puhek was kicked off Nextdoor for her
 6 harassing conduct?

7 A. Nextdoor, that's a -- that's social media;
 8 right?

9 Q. Yeah. I mean, I'm assuming you know what
 10 Nextdoor is as a community manager?

11 A. Well, I don't -- I don't visit that kind
 12 of stuff.

13 Q. I mean, I don't either, but I know what it
 14 is.

15 Do you know what Nextdoor is, Ms. Eassa?

16 A. I believe we have something -- I don't
 17 know if they call it Nextdoor in our association.
 18 But, yeah, I just don't do any of that stuff, so...

19 Q. And no one has ever complained to you
 20 about Ms. Mossett-Puhek at any point in time?

21 A. I've heard there may have been something
 22 about Ms. Puhek on one of those Nextdoor, but I
 23 don't know the extent of it, you know.

24 Q. Looking at Document No. 9, which we will
 25 mark as Exhibit 12,

<p style="text-align: right;">Page 254</p> <p>1 (Exhibit 12 was marked for the record.)</p> <p>2 BY MR. ELSON:</p> <p>3 Q. All right. Am I screen sharing it? Maybe</p> <p>4 I'm screen sharing the wrong document.</p> <p>5 A. I can see it.</p> <p>6 Q. Let's scroll down to the bottom again.</p> <p>7 May 5th, 2021. That's me to Ms. Mossett-Puhek and</p> <p>8 you; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. Requesting general records pursuant to NRS</p> <p>11 116.31175 on May 5th, 2021.</p> <p>12 You see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. You produce some compliance</p> <p>15 records, some additional email exchange in June,</p> <p>16 back and forth between you and myself.</p> <p>17 Do you recall this email exchange,</p> <p>18 Ms. Eassa?</p> <p>19 A. Yes, I do.</p> <p>20 Q. And then it looks like on July 1st, 2021,</p> <p>21 you send it to Ms. Mossett-Puhek and say "FYI see</p> <p>22 below."</p> <p>23 Do you see that?</p> <p>24 A. Yes, I do. Mm-hmm.</p> <p>25 Q. Why did you send it to just</p>	<p style="text-align: right;">Page 255</p> <p>1 Ms. Mossett-Puhek?</p> <p>2 A. She's the board liaison.</p> <p>3 Q. Okay. Should Ms. Mossett-Puhek have</p> <p>4 provided this email to the entire board?</p> <p>5 A. I really don't know how to answer that.</p> <p>6 That's just a -- for a document request.</p> <p>7 Q. Well, Ms. Mossett-Puhek responds on</p> <p>8 July 1st, 2021, "Idiot. Tell him that he needs to</p> <p>9 provide you with dates and times and give him your</p> <p>10 hours."</p> <p>11 Did I read that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. Do you think its professional to call</p> <p>14 someone an idiot?</p> <p>15 A. No.</p> <p>16 Q. This is the second time we've seen that in</p> <p>17 emails today; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. I just want to ask this one more time to</p> <p>20 make sure we're clear, Ms. Eassa.</p> <p>21 I've seen in two emails today where</p> <p>22 Ms. Mossett-Puhek has called me an idiot. You're</p> <p>23 telling me nobody else has ever complained to you</p> <p>24 about the harassing nature of Ms. Mossett-Puhek; is</p> <p>25 that correct?</p>
<p style="text-align: right;">Page 256</p> <p>1 A. Not that I can recall.</p> <p>2 Q. Then Ms. Mossett-Puhek directs you, "Tell</p> <p>3 him that he needs to provide you with dates and</p> <p>4 times and give him your hours."</p> <p>5 Why is Ms. Mossett-Puhek directing you?</p> <p>6 A. Well, I have to make -- let them know my</p> <p>7 time away from -- you know, when I have to gather</p> <p>8 things like that -- I believe this was regarding --</p> <p>9 was this involving any legal? Wasn't this going</p> <p>10 toward legal or something?</p> <p>11 Q. I'm just wondering why Ms. Mossett-Puhek</p> <p>12 was directing you. I mean, you're the community</p> <p>13 manager; right?</p> <p>14 A. Right, but if it's involving anything to</p> <p>15 do outside, like with a complaint or legal, she is</p> <p>16 the board liaison. So just doing my job, you know.</p> <p>17 That's all.</p> <p>18 Q. Okay. Well, I thought the job of the</p> <p>19 board liaison was just to be the point of contact,</p> <p>20 right, and to disseminate information?</p> <p>21 A. Well, and also, they authorize fees and</p> <p>22 expenses, approve a lot of stuff here. So if</p> <p>23 anything generates a cost, you know, that has to be</p> <p>24 approved as well.</p> <p>25 Q. By the board liaison?</p>	<p style="text-align: right;">Page 257</p> <p>1 A. The board liaison -- the board -- I'm not</p> <p>2 allowed to spend money on behalf of the board, you</p> <p>3 know, without the approval.</p> <p>4 Q. It's not the board directing you, this is</p> <p>5 Ms. Mossett-Puhek directing you; is that correct?</p> <p>6 A. Yes. Mm-hmm.</p> <p>7 Q. So I asked you earlier in this deposition,</p> <p>8 I said, Tell me what the responsibilities of the</p> <p>9 board liaison were. And based on my recollection,</p> <p>10 the only thing you identified was that she was the</p> <p>11 point of contact.</p> <p>12 A. Well, she's --</p> <p>13 Q. Now you're telling me -- now you're</p> <p>14 telling me that the board liaison is also tasked</p> <p>15 with making decisions?</p> <p>16 A. No. That's not what I said.</p> <p>17 Q. Okay. Well, why is Ms. Mossett-Puhek</p> <p>18 directing you instead of the entire board?</p> <p>19 A. She's the -- well, she's the point of</p> <p>20 contact.</p> <p>21 Q. So is it your opinion that</p> <p>22 Ms. Mossett-Puhek should have relayed this</p> <p>23 information to the entire board, the entire board</p> <p>24 should have discussed it, and then Ms. Mossett-Puhek</p> <p>25 should have emailed you back?</p>

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1 A. I would think that this was shared with
2 the board.

3 Q. Well, I mean, Ms. Eassa, I have a problem
4 with your testimony for a few reasons. One, I look
5 at the time that you sent this email. It's dated
6 3:13 p.m.

7 A. Mm-hmm.

8 Q. Ms. Mossett-Puhek emails you back 12
9 minutes later at 3:25 p.m.; correct?

10 A. Yes. Mm-hmm.

11 Q. You're telling me that when you received
12 this email from Ms. Mossett-Puhek, you understood
13 that in that 12-minute time frame, she emailed the
14 entire board, the entire board discussed it, and
15 then authorized her to send you this email back?

16 A. No.

17 MR. BOYACK: I'll object. That misstates
18 her testimony.

19 THE WITNESS: That's not what I said.

20 MR. ELSON: If it misstates her testimony,
21 she can tell me.

22 BY MR. ELSON:

23 Q. Please tell me what you understood
24 happened within that 12-minute time frame,
25 Ms. Eassa.

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1 sounds like there might have been some -- things
2 maybe got misconstrued. I mean, she was trying
3 to -- she wasn't that familiar with HOA board, you
4 know, just HOA in general. I think there was some
5 confusion there, and I've seen her where she was
6 just trying to help answer a question, clarify for
7 Ms. Breeden.

8 Q. Would it surprise you that Ms. Breeden
9 testified that she was afraid of retaliatory conduct
10 by Ms. Mossett-Puhek after Ms. Breeden resigned from
11 the board?

12 A. Yes. I'm definitely surprised at that.

13 Q. Would it surprise you that Ms. Breeden
14 also testified that Ms. Mossett-Puhek attempts to
15 intimidate people and retaliate against people?

16 MR. BOYACK: Objection. Misstates prior
17 testimony.

18 THE WITNESS: I -- I just -- I don't agree
19 with that.

20 BY MR. ELSON:

21 Q. And, again, you've never seen
22 Ms. Mossett-Puhek engage in any of that type of
23 conduct?

24 A. Not that I can recall.

25 Q. Is the board president typically the
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1 A. I can't -- I don't understand this whole
2 question thing with the 12 minutes.

3 Q. Ms. Eassa, there's a 12-minute time lapse
4 from when you emailed Ms. Mossett-Puhek and
5 Ms. Mossett-Puhek emailed you back.

6 Do you see that?

7 A. Yes.

8 Q. Okay. How would Ms. Mossett-Puhek have
9 coordinated with the entire board in that 12-minute
10 time frame?

11 A. I don't know if she coordinated with the
12 entire board at that time.

13 Q. Should she have coordinated --

14 A. I can't answer that.

15 Q. Should she have coordinated with the
16 entire board before sending you direction?

17 A. That's a management contract question.
18 It's -- the direction is right in the contract. I
19 don't know what else to say.

20 Q. Okay. Would it surprise you to know that
21 Ms. Breeden described Ms. Mossett-Puhek as a bully?

22 A. Yes. I'm surprised.

23 Q. Why is that?

24 A. Well, I've -- she's -- I know Ms. Puhek
25 would try to explain things to Ms. Breeden, and it

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1 liaison for the community?

2 A. Yes, typically.

3 Q. Was there a point in time when
4 Ms. Mossett-Puhek changed her position from
5 president to secretary?

6 A. Yes. I don't remember when.

7 Q. Was she still the board liaison after she
8 changed her position from president to secretary?

9 A. I believe so. I don't remember. I
10 believe she was.

11 Q. Isn't that when Mr. Woo became the board
12 president?

13 A. There was a meeting I didn't attend. I
14 think -- I wasn't -- I was on vacation, so I don't
15 recall that one.

16 Q. Did you ever hear about Mr. Woo suffering
17 some sort of brain injury?

18 A. Yes, I did hear something about that.

19 Q. Who told you about that?

20 A. I believe it was -- I heard it among the
21 board. Let's see. Was it at -- gosh, I'm trying to
22 remember now when that took place. It was something
23 about that.

24 Q. Did Ms. --

25 A. Was it Mr. Woo? I'm trying to remember

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1 now.

2 Q. Did Ms. Mossett-Puhek tell you that he

3 suffered a brain injury?

4 A. I don't remember that. I think Mr. Woo --

5 I don't know if he said -- I can't even remember, to

6 tell you the truth.

7 Q. Why did Mr. Woo resign from the board?

8 A. I -- I'm trying to remember. Like I said,

9 I didn't conduct that one meeting where there was

10 some changes. I wasn't there, but --

11 Q. Did it surprise you when you found out

12 about that meeting with those changes?

13 A. Yes, I was surprised.

14 Q. That seemed out of character for

15 Ms. Mossett-Puhek to take responsibility back from

16 the board president after she resigned as the board

17 president?

18 A. I didn't know what all was -- what the

19 change -- how -- why the -- you know, I didn't know

20 about the changes. I wasn't at that meeting when

21 that took place, so I --

22 Q. You knew about the changes after the

23 meeting; correct?

24 A. Yes.

25 Q. Did that surprise you to find out about

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1 at it.

2 Q. Let's go back to the City of Henderson.

3 Do you recall corresponding with the City

4 of Henderson about the oleander bushes?

5 A. I don't recall that.

6 Q. Well, let's take a look at that

7 correspondence.

8 A. Yeah. This --

9 Q. This is Document No. 12, which we're going

10 to mark as Exhibit 13.

11 (Exhibit 13 was marked for the record.)

12 BY MR. ELSON:

13 Q. This is -- I'm screen sharing. Is it up?

14 A. I just --

15 Q. Do you see this last page right here?

16 A. I just see the word "survey."

17 Q. Yeah. Okay. That's the bottom of it. So

18 we're going to keep going. Here's the second page.

19 A. Okay.

20 Q. Do you see "From Contact: Henderson, To:

21 Carmen Eassa"? You see some other email addresses

22 at the City of Henderson. "Subject: City of

23 Henderson, Case No. EFM22-625625." It's dated

24 April 26th, 2022.

25 Do you see that, Ms. Eassa?

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1 what happened at that meeting?

2 A. I was a little surprised.

3 Q. Were you surprised when Mr. Woo resigned?

4 A. You know, yes -- yes, I was a little

5 surprised on that.

6 Q. Were you surprised when Ms. Breeden

7 resigned?

8 A. Yes. I didn't see that either.

9 Q. Did you get a copy of her resignation

10 letter?

11 A. Yes. I believe she sent something in.

12 Q. Were you concerned at all after you

13 received her resignation letter?

14 A. I -- well, I believe she said something

15 that -- that wasn't -- I wasn't really surprised. I

16 mean, there's a lot to learn on an HOA board, so,

17 you know -- so maybe it was too much.

18 Q. I mean, Ms. Breeden said she resigned

19 because of the conduct by Ms. Mossett-Puhek.

20 A. Oh. I thought Ms. Puhek was trying to

21 help her. I'm not aware of that.

22 Q. Ms. Breeden's resignation letter didn't

23 discuss Ms. Mossett-Puhek?

24 A. I don't even remember that. I'd have

25 to -- I don't remember the letter. I'd have to look

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1 A. Yes, I do.

2 Q. Do you recall whose idea it was to

3 continue to involve the City of Henderson?

4 A. I believe it was a -- I was directed, I

5 believe, by the board.

6 Q. Was it Ms. Mossett-Puhek's idea with the

7 board?

8 A. I'm trying to remember now. Was -- I know

9 it was trying to verify -- or no. An ordinance

10 thing, I think that's what it was, with the City of

11 Henderson.

12 Q. What do you mean you were trying to verify

13 an "ordinance thing"?

14 A. Whatever their ordinance says about,

15 like -- was this the view -- at that intersection

16 about the sight visibility?

17 Q. Well, I mean, how many times did you

18 communicate with the City of Henderson?

19 A. Just -- I don't -- just that one, I

20 believe.

21 Q. Okay. Well --

22 A. I think that -- that's what prompted it.

23 Something with sight -- the sight -- I can't

24 remember what --

25 Q. It was Ms. Mossett-Puhek's idea, wasn't

Page 266

1 it, Ms. Eassa?

2 A. Well, I'm trying to remember if it was

3 from that or the Southwest Gas or what -- I'm trying

4 to remember which one. It was so --

5 Q. Well, let's take a look at the email.

6 A. Yeah.

7 Q. "Thank you for your patience as we worked

8 through our caseload until we were able to respond

9 to this case. At the time your case was open, there

10 was over 400-plus cases. We try to treat every case

11 with the same amount of detail since they are all as

12 important as the others."

13 Did I read that correctly, Ms. Eassa?

14 A. Yes. Mm-hmm.

15 Q. Was Anthem calling the City of Henderson

16 on, like, a constant basis following up on this case

17 number?

18 A. No. Well, the protocol with the City of

19 Henderson is you -- you -- what you do is you open

20 up what they call a ticket, and you just put

21 information in there just to see -- that's usually

22 how it's done. And they open a ticket and then they

23 follow up.

24 Q. And you learned about this protocol as a

25 result of this specific case number?

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1 like, things that are happening on public streets,

2 we contact -- like, there could be, like, a branch

3 or something falling that could fall over on a

4 street. City of Henderson maintains the streets

5 that are non-gated communities. So when you go on

6 their website, they have a protocol on how to do --

7 submit the request, you know, so that they can go

8 out there --

9 Q. How many homeowners have you reported to

10 City of Henderson?

11 A. How many homeowners?

12 Q. That's correct.

13 Is Ms. Collier the only homeowner that's

14 been reported to the City of Henderson?

15 A. No. Nope, not that I'm aware of.

16 Q. Okay. Because I asked you this at the

17 beginning of the deposition and I'm getting very

18 different testimony now, so I'm very confused.

19 What other -- this is your testimony.

20 What other homeowners has Anthem submitted to the

21 City of Henderson?

22 A. What other homeowners? We don't -- I

23 don't recall any other -- well, I really don't

24 recall unless I look at it. If there's something

25 that's open, it will refresh my memory.

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1 A. That's been like that for years. That's

2 how they do it on their website.

3 Q. How do you know that?

4 A. When you go on their website, they say --

5 you submit a request if you have a question

6 regarding -- or you, you know, they have all their

7 ordinances and the departments that explain things.

8 Q. Well, again, I'm just confused how you

9 know that. What other experience did you have with

10 the City of Henderson on these types of complaints?

11 A. On this type of complaint? Well,

12 didn't -- the City of Henderson sent something on

13 oleanders, didn't they?

14 Q. No. Anthem sent something to the City of

15 Henderson, didn't they?

16 A. Oh, right. Right. Yes, that's correct.

17 Mm-hmm.

18 Q. So what other experience did you have with

19 the City of Henderson?

20 A. Oh, outside of this, what other

21 experience?

22 Q. Yes. You just sounded like you were very

23 familiar with the process. I'm trying to figure out

24 how you were so familiar with the process.

25 A. Well, because a lot of times when we see,

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1 Q. Well, Ms. Eassa, you just seemed --

2 literally, 30 seconds ago, you just told me that you

3 had referred other homeowners to the City of

4 Henderson.

5 A. Oh. Oh, okay. I didn't understand that.

6 Q. Have you or have you not referred other

7 homeowners to the City of Henderson?

8 A. Now that you explain that, yes.

9 Q. What other homeowners have you referred to

10 the City of Henderson?

11 A. That, I can't remember, but if it's -- I

12 can't remember. It could be -- it could be some

13 vehicle or something the homeowners complain about

14 that we can't enforce.

15 Q. How many other homeowners have you --

16 okay. Well, then, I guess, let me -- let me

17 rephrase.

18 How many homeowners have you referred to

19 the City of Henderson for conduct that would also

20 constitute a violation of the governing documents?

21 A. I don't recall that.

22 Q. Okay. Maybe that's -- maybe that's where

23 my confusion arose because maybe that was the

24 question I asked you.

25 So you agree with me that you do not

<p style="text-align: right;">Page 270</p> <p>1 recall referring any homeowners to the City of 2 Henderson for conduct that would also constitute a 3 violation of the governing documents; is that 4 correct? 5 A. Yes. 6 Q. Okay. So other homeowners have been 7 referred to the City of Henderson, but that would be 8 for conduct that would fall outside of the governing 9 documents that maybe Anthem was hoping to correct 10 and was hoping to utilize the City of Henderson to 11 correct it; is that correct? 12 A. No. City of Henderson, it would have been 13 an ordinance issue. 14 Q. All right. Let's keep going then. 15 The email states: "We recently conducted 16 a site inspection" -- "a site visit to the 17 intersection of Culloden and Crathes to look into 18 the concern regarding the sight visibility and the 19 bushes. The sight visibility guidelines that are 20 mentioned in your concern are used at intersections 21 that do not have an all-way stop controlled or 22 signal." 23 Did I read that correctly? 24 A. Yes. 25 Q. Do you know what guidelines Anthem</p>	<p style="text-align: right;">Page 271</p> <p>1 referred to as it relates to the City of Henderson? 2 A. If I'm understanding this correctly, I 3 believe it has to do with the traffic and the stop 4 sign and people seeing -- being able to make a turn 5 without getting hit. 6 Q. Well, yeah, but this says "the sight 7 visibility guidelines that are mentioned in your 8 concern." 9 A. Mm-hmm. 10 Q. Did Anthem send written correspondence to 11 the City of Henderson? 12 A. Well, I'd have to -- I can't recall that. 13 I don't know if they got an attachment. I can't 14 recall. 15 Q. Well, I looked at all the documents that 16 have been produced -- 17 A. Mm-hmm. 18 Q. -- very recently in this case. 19 A. Okay. 20 Q. I didn't see any writing to the City of 21 Henderson, but when I look at this, it sounds like 22 there's some sort of writing to the City of 23 Henderson. 24 A. Yes. 25 Q. Are you aware of any such writing?</p>
<p style="text-align: right;">Page 272</p> <p>1 A. Yes. Yes, I believe so. 2 Q. Okay. Can you obtain that and produce it 3 in this case? 4 A. I'd have to go in and look at the ticket. 5 Q. Are these the same sight visibility 6 guidelines that the board considered at the board 7 meeting with Ms. Collier? 8 A. I'm not sure if it was that or the -- I 9 guess, I'm just thinking about that intersection on 10 Crathes and Culloden. That's a huge one, I know, 11 all the time. 12 Q. Yeah. What I'm talking to you about is 13 the specific sight visibility guidelines, the 14 ordinances from the City of Henderson. 15 You would agree with me that it would be 16 important for the board to consider the right 17 guidelines; correct? 18 A. Yes. 19 Q. And this says the board considered the 20 wrong guidelines; correct? 21 A. Where does it say the board considered 22 their -- 23 Q. I'll read it to you again. "The sight 24 visibility guidelines that are mentioned in your 25 concern are used at intersections that do not have</p>	<p style="text-align: right;">Page 273</p> <p>1 an all-way stop controlled or signal." 2 A. "That are mentioned in your concern are 3 used at intersection do not have an all-way stop or 4 signal." 5 Well -- well, there is two stop signs, but 6 there's no signal. Yeah. 7 Q. You would agree with me that it's 8 important for the board to consider the correct 9 guidelines; right? 10 A. Well, this is a traffic-related one. I 11 don't know if -- in the guidelines. 12 Q. You didn't -- Anthem didn't fine 13 Ms. Collier for a health safety violation regarding 14 traffic issues? 15 A. Oh, is that for the view obstruction? Is 16 that what we're talking about? Because -- 17 Q. You tell me what you think we're talking 18 about, as we sit here. 19 A. I'm trying to get a handle on this. I 20 really am. 21 Q. This is an extremely important issue. The 22 association that you manage fined Ms. Collier \$2,000 23 for a health safety violation; right? 24 A. That's what it said. 25 Q. An extremely large fine, one that is</p>

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1 extremely uncommon with the community; right?

2 A. Well --

3 MR. BOYACK: Objection. Misstates her

4 prior testimony.

5 BY MR. ELSON:

6 Q. How many other fines in the amount of

7 \$2,000 can you recall that have been issued by

8 Anthem?

9 A. Well, I can't recall offhand.

10 Q. Can't recall any others?

11 A. Not offhand. Trying to think here.

12 Q. Let's keep reading.

13 A. Okay.

14 Q. "Intersections such as a two-way stop

15 controlled and/or roundabouts must meet sight

16 visibility requirements since the vehicles that are

17 stopped must be able to see oncoming traffic a

18 specific distance down the roadway to be able to

19 gauge it when it is appropriate for them to continue

20 through the intersection. Since the intersection of

21 Culloden and Crathes is an all-way stop controlled

22 intersection where all approaches must come to a

23 stop, the sight visibility is different."

24 Did I read that correctly?

25 A. Yes.

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1 question. You're asking a compound question.

2 MR. ELSON: I'll withdraw.

3 MR. BOYACK: You're asking a question she

4 can't answer.

5 MR. ELSON: I'll move on.

6 MR. BOYACK: Thank you.

7 BY MR. ELSON:

8 Q. "The line of sight" -- looking back at the

9 email. "The line of sight for this type of

10 intersection is from the driver's eye to the first

11 car at the stop sign at all approaches. During our

12 field visit, we made sure that we stopped at every

13 approach. The stop sign and vehicles at the stop

14 sign were visible. The bushes in question to do

15 hinder the line of sight for any approach. It

16 should be noted that when sitting at the approach on

17 Crathes, the stop sign for eastbound Culloden was

18 blocked by trees."

19 "We respectfully request that the HOA have

20 their landscaping company trim the tree so the

21 approach on Crathes can see that the leg of the

22 intersection does have a stop sign."

23 Did I read that correctly?

24 A. Yes.

25 Q. You then emailed back and said: "I'm

Page 275

1 Q. This is the City of Henderson telling

2 Anthem that it considered the wrong guidelines;

3 correct?

4 A. Considered the wrong guidelines?

5 Q. What do you understand the City of

6 Henderson is saying in this email, Ms. Eassa?

7 A. I'm just -- we're trying to see --

8 Q. When you got this email, did you read it?

9 A. I believe I did.

10 Q. Okay. Were you concerned when you got

11 this email?

12 A. Well, I just couldn't understand. I was a

13 little concerned that there's -- I mean, it's hard

14 to see when you're making a turn. I was concerned

15 with the way, you know -- when they sent this email,

16 because it's safety issue.

17 Q. Such a safety issue that you didn't do

18 anything about it despite all of the other times you

19 drove through the community until nine months after

20 you were the community manager. And, in fact, you

21 didn't even raise it with enforcement --

22 MR. BOYACK: I'll object --

23 MR. ELSON: -- you don't even know how it

24 was --

25 MR. BOYACK: You're asking a compound

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1 seeking a clarification on the following sentence:

2 'The bushes in question to do hinder the line of

3 sight for any approach.'

4 And the City of Henderson wrote back and

5 said, "My apologies. It should say that the bushes

6 in question do not hinder the line of sight."

7 Did I read that correctly, Ms. Eassa?

8 A. Yes.

9 Q. Were you concerned that Ms. Collier was

10 wrongfully fined when you received this email from

11 the City of Henderson?

12 MR. NOACK: Object as argumentative.

13 THE WITNESS: Yeah.

14 BY MR. ELSON:

15 Q. You can go ahead and answer the question.

16 A. I -- I really don't -- I can't answer that

17 question. It --

18 Q. You weren't concerned at all when you

19 received this email that said that the bushes in

20 question do not hinder the line of sight on a

21 violation that you fined Ms. Collier \$2,000 for a

22 line of sight violation?

23 MR. NOACK: Objection. Argumentative.

24 BY MR. ELSON:

25 Q. Go ahead and answer the question.

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1 A. There was still -- it's still hard to see
 2 to make the turn. That's why it was kind of
 3 confusing, this email, to me. Because it's hard to
 4 make a turn there. You have to move way up, you
 5 know, and it's -- it's hard. I -- I'm still
 6 confused by their response.

7 Q. So you think the City of Henderson got it
 8 wrong?

9 A. I just don't understand it.

10 Q. Do you think the City of Henderson got it
 11 wrong?

12 A. I don't know if they looked at the whole
 13 thing clearly. I am just confused.

14 Q. Ms. Eassa, do you believe that the City of
 15 Henderson got it wrong?

16 A. I don't know how to answer that from their
 17 point, but I'm telling you that I don't understand
 18 their response.

19 Q. Let me ask it this way: Do you disagree
 20 with the determination that the City of Henderson
 21 reached?

22 A. I don't -- I guess, I -- I just don't
 23 understand it.

24 Q. Do you agree or disagree with the
 25 determination that the City of Henderson reached?

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1 want. She said to you she didn't understand.
 2 That's her answer.

3 BY MR. ELSON:

4 Q. So let me ask it this way: Do you not
 5 understand the City of Henderson's response?

6 A. Yes. I don't understand the City of
 7 Henderson.

8 Q. What steps did you take to better
 9 understand the City of Henderson's response?

10 A. What do you mean what steps did I take?

11 Q. Did you discuss it with anyone?

12 A. Well, you saw -- I -- you saw my email to
 13 City of Henderson.

14 Q. Other than the City of Henderson.

15 A. I'm not understanding what they're saying.

16 Q. Other than the -- I understand that.
 17 Other than your response to the City of
 18 Henderson, did you discuss it with anybody else?

19 A. I probably shared it with the board.

20 Q. Okay. Did you discuss it with the board
 21 to better understand what the City of Henderson was
 22 saying?

23 A. The board are not engineers. The City of
 24 Henderson has their engineers, so that's hard for me
 25 to answer. I don't know how to answer to the board.

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1 A. I'm not an engineer on this, so I don't
 2 know how they were looking at -- that's hard for me
 3 to answer.

4 Q. Ms. Eassa, do you agree or disagree?

5 MR. BOYACK: You asked the question six to
 6 eight times looking for a particular answer. She's
 7 answered it clearly she doesn't understand from what
 8 perspective. And she's indicating she doesn't
 9 understand and doesn't have an opinion.

10 You can ask -- so I'm going to say to the
 11 witness, she's answered the question. Do not answer
 12 another question of a similar nature.

13 MR. ELSON: So I want to be perfectly
 14 clear. You're instructing the witness to not answer
 15 the question; is that correct, Mr. Boyack?

16 MR. BOYACK: Yes, after your eight times
 17 of asking the same question as she's given the same
 18 damn answer. The answer is yes.

19 MR. ELSON: Please do not yell at me.
 20 Please do not swear at me.

21 MR. BOYACK: I'm not swearing at you, Tim.
 22 This is getting absolutely obnoxious with how long
 23 this is going on with the same question. She's
 24 giving you the answer and you continue to badger the
 25 witness to try to get her to answer the question you

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1 Q. Did the board hire an engineer to better
 2 understand the City of Henderson's response?

3 A. Not that I'm -- not for this -- not that
 4 I'm aware of at this particular time.

5 Q. Did the board consult -- let me go back.
 6 What about at any particular time?

7 A. I don't recall. I just don't remember.
 8 We were --

9 Q. I mean, you state back: "In addition, we
 10 will take care of the trimming of the trees from the
 11 stop sign on the east side of Culloden immediately."
 12 Did I read that correctly?

13 A. That's correct.

14 Q. So it would be fair to say that the City
 15 of Henderson determined that Ms. Collier was in
 16 compliance, but Anthem wasn't; is that correct?

17 MR. NOACK: Objection. Argumentative.
 18 Calls for speculation.

19 THE WITNESS: I wouldn't -- this was sent
 20 to the landscapers to address.

21 MR. BOYACK: Belated objection.
 22 Court Reporter, where are we on time?

23 MADAM REPORTER: I have no idea. I would
 24 need time to look that up.

25 MR. BOYACK: All right. I'd ask that you

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1 take a minute to look that up or at least, Tim, tell
 2 me how much longer it's going to be. I think the
 3 seven hours is approaching.
 4 MR. ELSON: We can go off the record and
 5 see how much time we have on the seven hours.
 6 (A short break was taken.)
 7 BY MR. ELSON:
 8 Q. Ms. Eassa, do you understand you're still
 9 under oath?
 10 A. Yes.
 11 Q. Did you speak with anyone during this
 12 break?
 13 A. No.
 14 Q. With respect to compliance issues, were
 15 there any special considerations given to homeowners
 16 as a result of COVID? For example, were they given
 17 longer periods of time to come into compliance or
 18 deal with financial issues given some of the
 19 difficulties caused by COVID?
 20 A. Yes. I believe we received something from
 21 the real estate division.
 22 Q. Do you recall what that said from the real
 23 estate division?
 24 A. About -- I think it was about the
 25 compliance -- I believe, if I remember -- shoot. I

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1 Oh, geez. Okay. I'm going to have to
 2 call back these people. God. Management again.
 3 Sorry.
 4 Were there any other -- I know we --
 5 BY MR. ELSON:
 6 Q. Well, hold on a minute, Ms. Eassa, because
 7 it seems like you got a phone call --
 8 A. Yeah.
 9 Q. -- and I want to go back to the question.
 10 A. Yeah.
 11 MR. ELSON: Madam Reporter, will you
 12 reread Ms. Eassa the question?
 13 (Record read.)
 14 THE WITNESS: Ms. Collier, I'd have to --
 15 I don't recall. I'd have to look that up because it
 16 was around 2020. There were -- there were
 17 extensions. I mean, I can't remember. I'm sorry.
 18 BY MR. ELSON:
 19 Q. That's fine. I understand. I was just
 20 wondering --
 21 A. There's so much stuff that -- yeah.
 22 Q. I was just wondering, as you sat here
 23 today, if you recalled -- have a specific
 24 recollection of any considered -- I guess, I'd say
 25 COVID considerations given to Ms. Collier as a

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1 know I -- I can't remember the exact wording, you
 2 know, allowing time. I know we were only allowed to
 3 do Zoom meetings, of course, because of the
 4 restriction.
 5 Q. Do you recall when you received that from
 6 the real estate division?
 7 A. Let's see. When did it come -- when did
 8 it break out, that COVID? I think it was -- what
 9 was the -- what year was that?
 10 Q. March/April of 2020. And then you became
 11 the community manager around September of 2020, is
 12 what you just testified to here today?
 13 A. Yes, I think that's a -- that was about
 14 that time. Yeah, they had -- the division had
 15 something on that. Shoot. And, yeah.
 16 Q. So it would have been -- it would be fair
 17 to say it would have been before 2021; is that
 18 correct?
 19 A. Yes, I believe so.
 20 Q. Okay. Were any special considerations
 21 given to Ms. Collier given the financial hardships
 22 she incurred as a result of COVID?
 23 (Telephonic interruption.)
 24 THE WITNESS: Sorry about that. Oh, my
 25 gosh. Now what? Another emergency?

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1 result of any of the alleged violations.
 2 A. Yeah. I don't recall, but I know we did
 3 take in consideration the COVID issue that was going
 4 on, the hardship, but I just can't be specific on --
 5 unless I, you know, look at it.
 6 MR. ELSON: I don't believe I have any
 7 further questions at this time.
 8 MR. BOYACK: I have nothing further.
 9 Thank you, everyone. Thank you, Carmen.
 10 THE WITNESS: Thank you.
 11 MR. NOACK: I have nothing further as
 12 well.
 13 MADAM REPORTER: Would any party like a
 14 copy of the transcript?
 15 MR. BOYACK: I'll contact you about that
 16 at this point.
 17 MADAM REPORTER: Mr. Noack?
 18 MR. NOACK: Yeah. Same. I'll also
 19 contact you.
 20 MADAM REPORTER: Okay.
 21 MR. ELSON: Are you going to have the
 22 witness read and review?
 23 MR. BOYACK: Yeah. Carmen, you'll have an
 24 opportunity -- we'll get you a copy of the booklet.
 25 Do you want to read your testimony and your booklet

<p style="text-align: right;">Page 286</p> <p>1 today? You would have the opportunity, if there's 2 some type of -- you can't change anything 3 substantive. If there's something that you feel is, 4 like, a minor issue that is not accurate. 5 Are you okay not reviewing your transcript 6 that we did today? 7 THE WITNESS: Oh, today? I suppose so. I 8 don't -- what -- what do I need to do? I don't -- 9 MR. BOYACK: Yeah. 10 THE WITNESS: Am I supposed to look it 11 over? 12 MR. BOYACK: Yeah. We'll waive. You're 13 not going to -- we're going to waive your right to 14 review the transcript; okay? You're not going to 15 reread the transcript or make any changes to it; 16 okay? 17 THE WITNESS: Okay. 18 MR. BOYACK: All right. You're okay with 19 that? 20 THE WITNESS: I suppose so. I -- this is 21 all different for me, so... 22 MR. BOYACK: Trina does a pretty good job. 23 It will all be accurate, so... 24 THE WITNESS: Okay. 25 MADAM REPORTER: You guys have a good</p>	<p style="text-align: right;">Page 287</p> <p>1 evening. 2 MR. ELSON: Okay. Thank you, everyone. 3 (Whereupon, the deposition 4 concluded at 5:11 p.m.) 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 288</p> <p>1 REPORTER'S CERTIFICATE 2 STATE OF NEVADA)) ss 3 COUNTY OF CLARK) 4 I, Trina K. Sanchez, a duly certified court reporter licensed in and for the State of 5 Nevada, do hereby certify: 6 That I reported the taking of the deposition of the witness, CARMEN EASSA, at the time 7 and place aforesaid; 8 That prior to being examined, the witness was by me duly sworn to testify to the truth, the 9 whole truth, and nothing but the truth; 10 That I thereafter transcribed my shorthand notes into typewriting and that the typewritten 11 transcript of said deposition is a complete, true, and accurate record of testimony provided by the 12 witness at said time to the best of my ability. 13 I further certify (1) that I am not a relative, employee, or independent contractor of 14 counsel or of any of the parties; nor a relative, employee, or independent contractor of the parties 15 involved in said action; nor a person financially interested in the action; nor do I have any other 16 relationship with any of the parties or with counsel of any of the parties involved in the action that 17 may reasonably cause my impartiality to be questioned; and (2) that transcript review pursuant 18 to NRCP 30(e) was not requested. 19 IN WITNESS WHEREOF, I have hereunto set my hand in the County of Clark, State of Nevada, this 20 23rd day of September, 2023. <i>Trina K. Sanchez</i> 21 22 23 TRINA K. SANCHEZ, RPR, CCR NO. 933 24 25</p>	<p style="text-align: right;">Page 289</p> <p style="text-align: center;">ERRATA SHEET</p> <p>1 2 3 4 I declare under penalty of perjury that I have read the 5 foregoing _____ pages of my testimony, taken 6 on _____ (date) at 7 _____ (city), _____ (state), 8 9 and that the same is a true record of the testimony given 10 by me at the time and place herein 11 above set forth, with the following exceptions: 12 13 Page Line Should read: Reason for Change: 14 _____ 15 _____ 16 _____ 17 _____ 18 _____ 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____</p>

ERRATA SHEET				Page 290	HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE				Page 291
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EXHIBIT 14

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Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Carmen Eassa <ceassa@terrawest.com>

Wed, Jun 9, 2021 at 7:22 PM

What an idiot.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917



On Jun 9, 2021, at 6:17 PM, Carmen Eassa <ceassa@terrawest.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Tim Elson <tim@elsonlawoffices.com>
Date: June 9, 2021 at 6:14:58 PM PDT
To: Carmen Eassa <ceassa@terrawest.com>, Ted Boyack <ted@boyacklaw.com>
Subject: Anthem

Ms. Eassa,

This email confirms the complete inappropriate conduct of Ms. Mossett-Puhek at the hearing just now. Ms. Mossett-Puhek repeatedly interrupted me from the very outset of the meeting. When she interrupted me, she claimed that Nevada law permitted her to do so as she ran the meeting, which is far outside the bounds of professionalism. Ms. Mossett-Puhek refused to allow us to present documents or evidence at the hearing. Ms. Mossett-Puhek misstated Nevada law, in claiming that a unit owner may not present evidence at a hearing, which is the exact time Nevada law allows a unit owner to do so. At one point early in the meeting, the host (which we understand is you) muted me. Ultimately, Ms. Mossett-Puhek refused to allow me to answer specific questions from board members, specifically the gentleman named Joseph. When Ms. Mossett-Puhek engaged in this conduct, we asked to record the meeting to document it, at which point Ms. Mossett-Puhek refused to allow it on the grounds that Nevada law precluded the recording (which I don't necessary believe is true when the unit owner consents to it or requests it given the abusive nature of the Board President). Ultimately, Anthem refused to allow us to present all evidence or otherwise engage with the Board, which is yet another procedural deficiency as to how the notice hearing was conducted. In all my years of practice, I've never encountered such a hostile executive meeting that was run with a complete lack of professionalism.

As the community manager, you should have stepped in to prevent Ms. Mossett-Puhek from incorrectly running the meeting outside of Nevada law. Mr. Boyack is also copied as Mr. Boyack must step in to ensure that Anthem is following Nevada law, as this conduct will likely be referred to the ombudsman absent immediate corrective action. We also will likely be sending correspondence in the future requesting an audit to ensure that Ms. Mossett-Puhek has not treated other unit owners in this manner in the past. Please let us know if you have any questions or concerns. Thank you.

Best,

Tim Elson



THE LAW OFFICES OF
TIMOTHY ELSON

(702) 874-8600
tim@elsonlawoffices.com
elsonlawoffices.com

8965 S. Eastern Ave., #382
Las Vegas, NV 89123

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EXHIBIT 15

2822 Culloden Violation Notice



Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Carmen Eassa <ceassa@terrawest.com>
Cc: Chrislin Perez <cperez@terrawest.com>

Thu, Jun 10, 2021 at 5:46 AM

Please send the following violation notice

Violation of **CC&R's 7.2.4**. Unit owner's authorized representative Tim Elson has been emailing the association's legal counsel without board authorization for such contact. This unauthorized contact has incurred legal fees for the association. Section 7.2.4 of the associations bylaws allow as follows:

If any common expense is caused by the misconduct of any unit owner, the association shall assess that common expense exclusively against such units owner.

Please be advised that all legal fees incurred as a result of this misconduct will be assessed to the unit owner account after a duly noticed hearing.

EXHIBIT 16

FW: 2822 Culloden - HSW



Pennie Mossett-Puhek <pennieahca@gmail.com>
To: Carmen Eassa <ceassa@terrawest.com>

Mon, May 24, 2021 at 3:20 PM

Unauthorized planting of Oleander bushes near the side yard lot is a safety issue as it creates a view obstruction for those residents or guests turning from Crathes onto Culloden in both directions. The plant material is especially obstructive to low profile vehicles. The plant material creates a safety issue in the community. Please remove plant material completely, immediately.

Pennie Puhek
President
Anthem Highlands Community Association
702-808-8917

On May 24, 2021, at 1:00 PM, Carmen Eassa <ceassa@terrawest.com> wrote:

Pennie,

Please see attached drafted Health Safety Welfare letter to 2822 Culloden and let us know if this is good to mail. Thank you

Carmen Eassa, CMCA®

Community Manager

Anthem Highlands Community Association

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

7028563743 **Office** | 7029986083 **Fax**

terrawest.com | manager@anthemhighlands.org | HOA Account Login

<image001.png>

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From: Chrislin Perez <cperez@terrawest.com>
Sent: Monday, May 24, 2021 11:04 AM

To: Carmen Eassa <ceassa@terrawest.com>
Subject: 2822 Culloden - HSW

See attached letter for the HSW at 2822 Culloden

Chrislin Perez

Community Administrative Assistant

Anthem Highlands Community Association

Terra West Management Services

6655 S. Cimarron Road, Suite 200 | Las Vegas, NV 89113

7028563743 **Office** | 7029986083 **Fax**

terrawest.com | manager@anthemhighlands.org | HOA Account Login

<image001.png>

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<10193721_10-59-19.pdf>

EXHIBIT 17

DISTRICT COURT
CLARK COUNTY, NEVADA

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

vs.) CASE NO: A-22-852032-C
DEPT NO: 8

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

DEPOSITION OF PENNIE MOSSETT-PUHEK
LAS VEGAS, NEVADA
WEDNESDAY, NOVEMBER 1, 2023

REPORTED BY: VANESSA LOPEZ, CCR NO. 902
JOB NO.: 6280571

1 DEPOSITION OF PENNIE MOSSETT-PUHEK held at BOYACK,
2 ORME, ANTHONY, located at 7432 West Sahara Avenue,
3 Suite 101, Las Vegas, Nevada, on Wednesday, November 1,
4 2023, at 9:01 a.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
BY: TIMOTHY ELSON, ESQ.
11 8965 South Eastern Avenue, Suite 382
Las Vegas, Nevada 89123
12 (702)874-8600
Tim@ElsonLawOffices.com
13
14 For Defendant Pennie Mossett-Puhek:
15 FREEMAN MATHIS & GARY, LLP
BY: DEREK NOACK, ESQ.
16 3993 Howard Hughes Parkway, Suite 100
Las Vegas, Nevada 89169
17 (725)258-7360
derek.noack@fmgllaw.com
18
19 For Defendant Anthem Highlands Community Association:
20 BOYACK ORME ANTHONY
BY: CHRISTOPHER ANTHONY, ESQ.
7432 West Sahara Avenue, Suite 101
21 Las Vegas, Nevada 89117
(702)562-3415
22
23 Also Present: Andrea Collier (partial)
24
25

1 LAS VEGAS, NEVADA; WEDNESDAY, NOVEMBER 1, 2023
2 9:01 A.M.
3 -oOo-
4 (The Reporter was relieved of her duties
5 under NRCPC 30(b)(4).)
6 Whereupon,
7 PENNIE MOSSETT-PUHEK,
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 morning, Ms. Mossett-Puhek. My name is Tim
15 Elson, and I represent Ms. Collier in this matter. Before
16 we begin this deposition, will you please state and spell
17 your legal name.
18 A. Pennie Mossett-Puhek, P-E-N-N-I-E, M-O-S-S-E-T-T,
19 hyphen, P-U-H-E-K.
20 Q. Have you ever been sworn to tell the truth before?
21 A. Yes.
22 Q. On how many occasions?
23 A. Gosh, I don't know. Maybe one other deposition I
24 had.
25 Q. Okay. And what did that involve?

1 I N D E X
2 WITNESS: PENNIE MOSSETT-PUHEK
3 EXAMINATION PAGE
4 By Mr. Elson 4
5
6
7
8 E X H I B I T S
9 NUMBER PAGE
10 Exhibit 1 P00220-P00225 and P00232-P00244 230
11 Exhibit 2 P00245 234
12 Exhibit 3 E-mail 234
13
14
15
16
17
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20
21
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25

1 A. Some litigation with the governor of the State of
2 Nevada.
3 Q. And who was the governor?
4 A. Jim Gibbons.
5 Q. Was that pending in federal court?
6 A. I don't know.
7 Q. I'm aware of some litigation against you that was
8 pending in federal court involving Jim Gibbons. Does that
9 sound like the litigation?
10 A. There's only one, yes.
11 Q. And you were deposed in that matter?
12 A. Yes.
13 Q. And how long ago was that?
14 A. I really don't know. Maybe 2006ish, something
15 like that. I just really don't know.
16 Q. Well, let me go over the basic rules of a
17 deposition so there is no confusion here today. You
18 understand you are under oath here today, and that's the
19 same oath you would take as if a judge and jury were here
20 today. Is that correct?
21 A. Yes.
22 Q. You understand anything you say here today carries
23 the same penalty of perjury as if you were in front of a
24 judge and jury. Is that correct?
25 A. Yes.

1 Q. Have you consumed any alcohol in the last 12
2 hours?
3 A. No.
4 Q. Have you consumed any prescription or
5 nonprescription medication in the last 24 hours?
6 A. Yes.
7 Q. What medication have you consumed?
8 A. Ibuprofen.
9 Q. How many ibuprofen?
10 A. One. In how many hours?
11 Q. Last 24 hours.
12 A. Maybe two.
13 Q. When did you take your last ibuprofen?
14 A. This morning. Probably about 7:30.
15 Q. Sounds like you may have taken one yesterday as
16 well. Is that correct?
17 A. Yes.
18 Q. Do you regularly take ibuprofen?
19 A. No.
20 Q. Okay. Will the ibuprofen affect your ability to
21 give me your best testimony here today?
22 A. No.
23 Q. Do you know of any reason why you cannot give me
24 your best testimony here today?
25 A. No.

Page 6

1 Q. Do you know of any reason why this deposition
2 cannot go forward?
3 A. No.
4 Q. One of the basic rules of a deposition is that
5 only one person speak at a time. The reason why is we have
6 the court reporter here that is taking down everything that
7 we say. And it becomes very difficult to create a clean and
8 accurate record if we are speaking over one another. So I
9 would ask you wait for me to finish asking my question
10 before you answer, and I'll do my best to provide you the
11 same courtesy. Is that fair?
12 A. Yes.
13 Q. Sometimes in ordinary language, we do things like
14 uh-huhs or uh-uhs or nodding our head yes or no. And while
15 that's perfect fine in ordinary language, it, again, makes
16 it difficult for the court reporter to create a clean and
17 accurate record.
18 So from time to time, I may say, Is that a yes or
19 is that a no? I'm not trying to be rude. I'm just trying
20 to create a clean and accurate record. Do you understand?
21 A. Yes.
22 Q. I don't want you to guess here today, but I am
23 entitled to your best estimate. Do you understand the
24 difference between a guess and an estimate?
25 A. Yes.

Page 7

1 Q. Okay. Most people tell me that they do, and I
2 like to give a short example to help demonstrate. If I
3 asked you to estimate the length of the table in front of
4 you, you could look at it and, using your everyday
5 experiences, tell me you believe it is X amount of feet
6 long.
7 If I asked you to estimate the length of the table
8 at my house, seeing how you've never been to my house, that
9 would be a pure guess.
10 Does that correlate with your understanding of the
11 difference between a guess and an estimate?
12 A. Yes.
13 Q. Your testimony will come in a typed booklet form
14 and you will have the opportunity to review it and make any
15 changes that you wish to make. Please be cautious however
16 that if you make a material change to your deposition anyone
17 will have the right to comment or opine on whether or not
18 you were telling the truth at one time or another. So it's
19 very important that we get your best testimony here today.
20 Do you understand?
21 A. Yes.
22 Q. Okay. Therefore, I want you to understand my
23 questions before you answer them. If you don't understand
24 my question, please tell me and I'll be happy to rephrase it
25 as many times as necessary until you do. Please be

Page 8

1 cautious, though, that if you answer a question, everyone
2 will have the right to presume that you understood the
3 question before you answered it. Is that fair?
4 A. Yes.
5 Q. Okay. We typically take breaks about every hour
6 or so. If at any point in time you need to take a break,
7 just go ahead and let us know. The only thing that I ask is
8 that you answer any question that's pending before you
9 before we take a break or that I may finish a line of
10 questioning before we take a break. Is that fair?
11 A. Yes.
12 Q. Do you have any questions before we start?
13 A. No.
14 Q. Let's start with a little background information,
15 Ms. Mossett-Puhek. Can you tell me kind of where you were
16 born, when you were born, where you went to school, whether
17 you attended any college, things like that?
18 A. Yes. I was born here in Las Vegas, and I went to
19 school -- went to high school here. I've been here my whole
20 life. I went to UNLV -- well, first I went to community
21 college and I got an associate's degree in paralegal
22 studies. And then I went to UNLV and I have a bachelor's
23 degree in criminal justice.
24 Q. We can start there. When were you born?
25 A. 1966.

Page 9

3 (Pages 6 - 9)

<p>1 Q. Can I have your exact birth date? 2 A. January 21st. 3 Q. Where did you graduate from high school? 4 A. Valley High School. 5 Q. What year did you graduate? 6 A. '83. '83. '83. 7 Q. Again, I'm just trying to get a general 8 understanding, and feel free to estimate with these types of 9 years. So -- 10 A. Okay. 11 Q. And did you immediately start attending community 12 college after that? 13 A. Yes. 14 Q. Okay. And you testified that you obtained your 15 associate's degree and then went on to University of Nevada 16 Las Vegas. Is that correct? 17 A. Correct. 18 Q. And you obtained a BA in criminal justice. Is 19 that correct? 20 A. Yes. 21 Q. Since -- what year did you obtain your BA in 22 criminal justice? 23 A. I took a while because I worked my way through 24 college. So I want to say, like, '90. '91. 25 Q. So around 1990?</p> <p style="text-align: right;">Page 10</p>	<p>1 A. Yes. 2 Q. Okay. Let's talk about that. When and where? 3 A. I went to real estate school in 2000- -- 4 everything has to be off my husband's retirement. 2018, 5 went to real estate school and got my property management 6 lic- -- or permit as well. 7 Q. So about five years ago? 8 A. Yeah. 9 Q. And what type of schooling did that require? 10 A. I'm sorry. Can you be more specific? 11 Q. So were -- did you ultimately become licensed as a 12 property manager? 13 A. I was a licensed real estate agent and I took 14 additional classes to obtain a property management permit. 15 And at some point in time in -- oh, well, I'm going on, but 16 I'll finish the other schooling that really -- regarding 17 real estate. I took the community manager certificate 18 program and passed the state licensing as a community 19 manager for HOAs. 20 Q. So let's take that one step at a time. To become 21 a real estate agent, you attended school before obtaining 22 that licensing. Is that correct? 23 A. Yes. 24 Q. Okay. Just briefly, how long was that school? 25 Was it a matter of weeks? Months? Years?</p> <p style="text-align: right;">Page 12</p>
<p>1 A. Somewhere -- I can't be sure. So . . . 2 Q. Since obtaining your bachelor's, have you attended 3 any other educational schooling? 4 A. Yes. 5 Q. When and where? 6 A. It was UNLV and I had registered for some master's 7 classes in health care management, and so those classes I 8 was just taking to refine my writing skills. So the 9 master's classes. 10 Q. How many classes did you take? 11 A. I believe three or four. 12 Q. What year was that approximately? 13 A. I cannot tell you. Somewhere -- sometime after I 14 graduated. 15 Q. Okay. 16 A. So just something to keep the mind fresh. 17 Q. Do you know if it was before or after 2000? 18 A. I don't. 19 Q. Was it more than ten years ago? 20 A. Yes. 21 Q. Other than those, we'll call them, health care 22 classes, have you attended any other schooling? 23 A. As in a university or college setting? 24 Q. As in any other type of schooling, vocational, to 25 obtain any sort of licensing.</p> <p style="text-align: right;">Page 11</p>	<p>1 A. I think -- I think it might have been maybe a 2 six-week course. 3 Q. And then you took a test and you passed it? 4 A. Yes. 5 Q. Okay. Then it sounds like you went to some 6 additional schooling to become a property manager? 7 A. Correct. 8 Q. And how long was that school? 9 A. Like one day. 10 Q. Okay. And then you took a test? 11 A. Yes. 12 Q. And you passed it? 13 A. Yes. 14 Q. Okay. And then it sounds like you eventually -- 15 did you take additional schooling to become a licensed 16 community manager? 17 A. I took -- yes. 18 Q. How long was that course? 19 A. I believe it was about eight weeks, but I can't be 20 sure. 21 Q. And you then took another test? 22 A. Yes. 23 Q. And you passed it and then became a licensed 24 community manager? 25 A. No, you don't become a licensed manager unless you</p> <p style="text-align: right;">Page 13</p>

1 seek employment and you put your license there.
 2 Q. So you have the ability to become a community
 3 manager, but you haven't served as a community manager. Is
 4 that accurate?
 5 A. Correct.
 6 Q. Let's talk about timing of each. So you became a
 7 real estate agent, I believe you said, about five years ago
 8 in 2018?
 9 A. Correct.
 10 Q. And how long after that did you become a licensed
 11 property manager?
 12 A. Property managers are -- there's no license for
 13 property managers. It's a permit. And you can get that
 14 along with your real estate license. So approximately one
 15 month after the classes I took the test and became licensed.
 16 Q. And how -- what year did you enroll into courses
 17 for community management?
 18 A. 2020.
 19 Q. Okay. And when did you pass that examination?
 20 A. September of 2020.
 21 Q. Since then, have you taken any additional
 22 continuing education courses or any other courses?
 23 MR. NOACK: Just going to object as overbroad, but
 24 you can answer.
 25 THE WITNESS: Not -- well, continuing education

1 recall undergoing?
 2 A. I don't think so.
 3 Q. Let's switch gears from education and talk about
 4 employment. Following high school, what types of employment
 5 have you had? And if you could start in chronological
 6 order, that would be easiest.
 7 A. Okay. So since high school, I worked as a -- what
 8 was I? -- leasing agent for a property -- commercial
 9 property management company that built apartment complexes
 10 and sold them. So my job was to assist in filling them up
 11 so they could sell them. And then I worked at the Flamingo
 12 Hilton. I worked cocktails there for about, I don't know --
 13 till I was probably 26, 27. And then I -- did I do anything
 14 else?
 15 And then I managed my husband's practice for 20
 16 years. When he retired in 2016, I stayed on as part of the
 17 sale and managed the new dentist office for six months. And
 18 after that, I -- what did I do after that? I tried to
 19 retire for three weeks. Didn't work out. I was bored.
 20 And then I got a call from Mr. Boyack and he asked
 21 if I would be willing to assist in some Higher Ground
 22 litigation, because I was extremely familiar with the
 23 litigation, to assist paralegal-wise and working with
 24 plaintiff's counsel and boards to facilitate settlements.
 25 And I did that for probably about six months. It was

1 relating to what license?
 2 Q. (BY MR. ELSON) I guess any of them.
 3 A. Okay.
 4 Q. So I guess I'm trying to ask a coverall.
 5 A. Okay.
 6 Q. Let me ask it this way. I'll rephrase.
 7 Have you taken any additional schooling that we
 8 haven't talked about so far?
 9 A. I don't know that I would characterize it as
 10 schooling. As far as education, I did take approximately 14
 11 board member training classes with the real estate division
 12 from 2018 to 2019. And at least two to three times a year
 13 since I ran for the board in 2019, I take education classes
 14 that are offered by professionals in the HOA field.
 15 So . . .
 16 Q. And what type of professionals are those?
 17 A. Attorneys, reserve study specialists, CPAs.
 18 Q. And you said you've done that two to three times a
 19 year since 2019?
 20 A. Yes.
 21 Q. So roughly five years?
 22 A. Okay.
 23 Q. Just making sure we're on the same page.
 24 A. Maybe four. 2019 to . . .
 25 Q. Any other schooling or education that you can

1 contract labor. I worked mostly from home, came in here
 2 occasionally. Did that for about six months.
 3 And then at that point, that would have been
 4 2000- -- would have been about 2018. So that's when I took
 5 my real estate license and classes, after I left here.
 6 And then about three or four months after I left
 7 here, Mr. Boyack called and said there was still some
 8 remaining cases that needed to be taken care of and could I
 9 assist in that. So I was here for about another three
 10 months.
 11 And after that -- I'm trying to figure out where I
 12 worked at the police department. Okay. So . . .
 13 memory . . . um . . .
 14 So I believe in 2019 -- in maybe March of 2019, I
 15 volunteered at the metropolitan police department in their
 16 cold case sex crimes unit. And three weeks later I was
 17 offered a position as the intern coordinator to train
 18 interns in the program for homicide and sex crimes. So I
 19 worked there for two years in the investigative bureau, to
 20 2021.
 21 And then I left there because I was offered a
 22 position with American Homes, which is a national real
 23 estate investment trust. And I worked in their HOA division
 24 and acquisitions, setting up HOAs and auditing purchases.
 25 And I worked there from May of 2021 until July 28th of this

1 year.
 2 Q. Okay. How long were you a leasing agent for at
 3 the first job that you discussed?
 4 A. Maybe a couple years.
 5 Q. How long were you a cocktail waitress at the
 6 Flamingo?
 7 A. Like 21 to 26, 27, something like that.
 8 Q. Who is your husband?
 9 A. Who is he?
 10 Q. Yeah. What's his name?
 11 A. His name is Thomas Puhek.
 12 Q. And when were you married to Mr. Puhek?
 13 A. Dr. Puhek I was married to in 1994.
 14 Q. I meant no disrespect.
 15 I'm sorry, you married him when?
 16 A. 1994.
 17 Q. And what type of physician is Dr. Puhek?
 18 A. He is a dentist.
 19 Q. What did you do at Dr. Puhek's practice?
 20 A. I managed his office.
 21 Q. What does that mean to you?
 22 A. I managed the personnel. I managed the budgets.
 23 I managed the finances. I managed the insurance, pension
 24 plans, anything that would be involved in running a small
 25 business.

Page 18

1 Ground.
 2 A. I have -- I don't have any experience in general
 3 with litigation. I have experience with the Higher Ground
 4 litigation subject matter.
 5 Q. So you are familiar with super-priority lien cases
 6 and -- and the lien issues and the extinguishment of the
 7 lien. That's what you were referring to. Is that correct?
 8 A. Correct.
 9 Q. When did you first meet Mr. Boyack?
 10 A. In 2012.
 11 Q. In what capacity did you meet Mr. Boyack?
 12 A. He was legal counsel for Anthem Highlands.
 13 Q. What capacity were you in at that time?
 14 A. I was president.
 15 Q. Were you president -- I guess who came first?
 16 Were you president first or was Mr. Boyack retained as legal
 17 counsel first?
 18 A. Mr. Boyack . . . I can't really tell. It was all
 19 within a couple of months that the association -- of an
 20 election that the association retained Mr. Boyack through
 21 the efforts of another board member.
 22 Q. What board member was that?
 23 A. Robert Stern.
 24 Q. Did Mr. Boyack represent you in any capacity at
 25 that point in time?

Page 20

1 Q. You testified earlier that you were extremely
 2 familiar with litigation. What did you mean by that?
 3 MR. NOACK: Just going to object. Misstates prior
 4 testimony, but you can answer.
 5 THE WITNESS: I'm not aware of that. What do you
 6 mean?
 7 Q. (BY MR. ELSON) I just have it in my notes. When
 8 you were discussing Mr. Boyack and the Higher Ground
 9 litigation, it was my recollection that you testified that
 10 Mr. Boyack hired you because you were extremely familiar
 11 with litigation.
 12 A. No, that's incorrect. I was extremely familiar
 13 with the Higher Ground litigation and what it was about.
 14 Q. Prior to that, had you ever been involved in
 15 litigation?
 16 A. No.
 17 Q. Other than the federal case with Mr. Gibbons that
 18 we discussed?
 19 A. Correct.
 20 Q. Have you ever been a party to litigation other
 21 than this case and the one involving Mr. Gibbons?
 22 A. Not that I recall, no.
 23 Q. What experience with litigation, prior to
 24 Mr. Boyack contacting you -- what experience did you have?
 25 And this is Mr. Boyack contacting you with regards to Higher

Page 19

1 A. No.
 2 Q. Prior to this litigation, has Mr. Boyack ever
 3 represented you in any capacity?
 4 A. Yes.
 5 Q. What capacity?
 6 A. I asked him to handle a matter -- his office to
 7 handle a matter regarding some defamatory postings on
 8 Nextdoor.
 9 Q. When was that?
 10 A. 20- -- was it . . . 2020 . . . it was either 2019
 11 or 2020.
 12 Q. Who made these alleged defamatory postings?
 13 A. A homeowner in Anthem Highlands.
 14 Q. And what was the homeowner's name?
 15 A. I don't recall.
 16 Q. You hired legal counsel against a homeowner and do
 17 not recall their name?
 18 A. Yes.
 19 Q. What records do you have that exist on this?
 20 A. Could you be more specific about records?
 21 Q. Did you send any legal letters to this homeowner?
 22 A. I believe a -- Mr. Boyack sent a letter, but I
 23 don't recall the contents of the letter.
 24 Q. Do you have a copy of the letter?
 25 A. No.

Page 21

6 (Pages 18 - 21)

1 Q. Did you sign a retainer agreement with Mr. Boyack?
2 A. No.
3 Q. Did you correspond with Mr. Boyack regarding these
4 defamatory postings?
5 MR. ANTHONY: Objection to the extent it calls for
6 attorney-client privilege.
7 MR. ELSON: I'm not asking for the subject. Just
8 asking if correspondence has occurred.
9 MR. ANTHONY: You are asking for correspondence
10 regarding the litigation.
11 MR. ELSON: The fact that a correspondence
12 occurred is not a protected matter.
13 Q. (BY MR. ELSON) You can go ahead and answer the
14 question. Well, let me say this: From time to time,
15 attorneys here may object. We don't have a judge here to
16 rule on these objections. They're just putting them on the
17 record to preserve their objection, to the extent it ever
18 becomes appropriate for a judge to rule on the objections.
19 Unless an attorney instructs you otherwise, you
20 can just go ahead and answer the question after they finish
21 making their objection for the record. Do you understand?
22 A. Yes.
23 Q. Okay. Did correspondences occur with Mr. Boyack
24 regarding the defamatory postings?
25 A. Yes.

Page 22

1 ask it -- see, I think it does, based on her -- her
2 understanding is based on communications either between
3 Mr. Boyack or with my office. And so I think the basis of
4 her understanding does call for attorney-client privileged
5 communications.
6 If you can -- if you ask it in a way -- I'm trying
7 to think.
8 MR. ANTHONY: If she has an independent --
9 MR. NOACK: Yeah, if she has an independent
10 knowledge of why, you know, my office represents her --
11 MR. ELSON: Well, wouldn't that be her
12 understanding?
13 MR. NOACK: If you ask it that way.
14 MR. ELSON: Facts are never privileged, whether
15 facts exist within attorney-client privileged communications
16 or not.
17 MR. NOACK: Yeah, and I would argue there's not a
18 fact. There aren't facts that relate to her representation.
19 There's a -- it's essentially a legal basis as to why she's
20 represented independently, but you can -- if you want to ask
21 her individual understanding, I think that's fine.
22 Q. (BY MR. ELSON) Did you request a new attorney
23 represent you instead of Mr. Boyack?
24 A. Yes.
25 Q. Why did you request for a new attorney to

Page 24

1 Q. Do you have copies of those correspondences?
2 A. Probably.
3 Q. What was the ultimate outcome of this legal matter
4 with the homeowner?
5 A. I believe what was requested is that she remove
6 her posting of her defamatory -- defamatory comments and
7 issue an apology.
8 Q. Did you pay Mr. Boyack for his work?
9 A. I did.
10 Q. How much do you recall paying Mr. Boyack?
11 A. Maybe around \$500.
12 Q. Can you think of any other times that Mr. Boyack
13 represented you?
14 A. No. Well, initially in this case. Sorry.
15 Q. What is your understanding as to why Mr. Boyack no
16 longer represents you in this case?
17 MR. NOACK: I'm just going -- I'm going to object
18 that it calls for attorney-client privileged communications,
19 and I'm going to instruct her not to answer that question.
20 MR. ELSON: I'm not asking for whether or not --
21 what -- what exists within the correspondences. I'm asking
22 her what -- her understanding of why Mr. Boyack doesn't
23 represent her. It doesn't necessarily call for information
24 that's protected by the attorney-client privilege.
25 MR. NOACK: Okay. I mean, if you can -- if you

Page 23

1 represent you?
2 A. Because of the amount of document request and
3 things that you were asking for. It was, I thought -- was
4 going to take a little bit more effort than just having one
5 person.
6 Q. Were you unhappy with your representation of
7 Mr. Boyack?
8 A. No.
9 Q. Who did you make that request to?
10 A. To Mr. Boyack.
11 Q. Did you ever discuss that matter with the
12 insurance adjuster?
13 A. Me personally, no.
14 Q. How long did you work for Mr. Boyack in total? It
15 sounds like it was roughly one year. Is that fair to say?
16 A. About nine months.
17 Q. How much in compensation did you receive from
18 Mr. Boyack when you worked for him?
19 A. Like total?
20 Q. Yes, in total.
21 A. I couldn't tell you.
22 Q. Was it more than \$10,000?
23 A. I couldn't tell you.
24 Q. What financial records do you have, if any, that
25 pertain to the compensation that you received from

Page 25

7 (Pages 22 - 25)

<p>1 Mr. Boyack?</p> <p>2 A. Probably a 1099 form.</p> <p>3 Q. You still maintain those records?</p> <p>4 A. Our CPA does.</p> <p>5 Q. And who is that?</p> <p>6 A. He's in Washington state, Kevin Alrich.</p> <p>7 Q. Is that your accountant?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. How many hours per week would you say that</p> <p>10 you worked for Mr. Boyack on average?</p> <p>11 A. Initially there was two weeks of training. So it</p> <p>12 was like every day for four days. And then after that, I</p> <p>13 worked from home and it was maybe 15 to 20 hours a week.</p> <p>14 Q. What was your hourly wage from Mr. Boyack?</p> <p>15 A. I don't recall.</p> <p>16 Q. Were you paid hourly as opposed to some type of</p> <p>17 salary?</p> <p>18 A. Correct.</p> <p>19 Q. Was it more than \$50 or less than \$50 per hour?</p> <p>20 A. Less than 50.</p> <p>21 Q. Was it more than \$25 per hour or less than \$25 per</p> <p>22 hour?</p> <p>23 A. It could have been 25. I just don't -- somewhere</p> <p>24 between there. Maybe 20 to 25. I just don't recall.</p> <p>25 Sorry.</p> <p style="text-align: right;">Page 26</p>	<p>1 was tasked with auditing new purchases, going over the HUDs,</p> <p>2 making sure that all payments were appropriately applied and</p> <p>3 received and then would look -- get with the HOA and get the</p> <p>4 governing documents together, policies -- policies, CC&Rs,</p> <p>5 and set that up in our system so that other departments,</p> <p>6 such as maintenance or the compliance department, would have</p> <p>7 that information when dealing with those issues.</p> <p>8 Q. So as part of that, you didn't work with a</p> <p>9 developer managed association. Is that correct?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And so you were not involved in the hiring</p> <p>12 of management companies while employed with American Homes</p> <p>13 Is that correct?</p> <p>14 A. That's correct.</p> <p>15 Q. It would be fair to say that it was more</p> <p>16 compliance based on ensuring that these rental properties</p> <p>17 were falling within the -- that they were in compliance with</p> <p>18 the associations. Is that correct?</p> <p>19 A. No.</p> <p>20 Q. How is that incorrect?</p> <p>21 A. As stated, I worked in the audit department. So I</p> <p>22 audited the accounts. I didn't have anything to do with</p> <p>23 compliance and addressing those issues.</p> <p>24 Q. So you just audited to verify whether or not</p> <p>25 issues existed?</p> <p style="text-align: right;">Page 28</p>
<p>1 Q. Did you voluntarily resign your position at Metro?</p> <p>2 A. Yes.</p> <p>3 Q. At American Homes, you testified that you were in</p> <p>4 charge of setting up HOAs. Is that correct?</p> <p>5 A. That was one of the duties.</p> <p>6 Q. As part of that, were you -- were you assisting</p> <p>7 the developer when they were managing the HOAs?</p> <p>8 A. No.</p> <p>9 Q. Was this before the developer became involved?</p> <p>10 I mean, American Homes is the developer. Is that</p> <p>11 correct?</p> <p>12 A. American Homes is a developer, but they are a real</p> <p>13 estate investment trust that owns 70,000 properties in 22</p> <p>14 states. They're rental properties. That is the majority of</p> <p>15 their business, and then they have ventured into the</p> <p>16 developer field building rental communities and have not so</p> <p>17 much focus on purchasing new rental properties.</p> <p>18 Q. Okay. So were you assisting them with managing</p> <p>19 rentals or were you assisting them with developing new</p> <p>20 rental communities? Both? How did that work?</p> <p>21 A. I worked in the audit department, and -- I started</p> <p>22 working in the audit department and I was assigned five or</p> <p>23 six territories in different states to audit those HOAs to</p> <p>24 make sure that fines were paid, assessments were paid.</p> <p>25 Then within six months, I received a promotion and</p> <p style="text-align: right;">Page 27</p>	<p>1 A. I audited -- we audited assessment accounts. And</p> <p>2 in auditing those assessment accounts, if we discovered in</p> <p>3 other states -- Nevada is different. They have a separate</p> <p>4 fine and a separate assessment account, as required by law.</p> <p>5 In other states, they combine them all together.</p> <p>6 So when I would audit, I would audit the assessment,</p> <p>7 make sure it was paid. We paid a year in advance. Need to</p> <p>8 make sure that they get it. Any increases. And then if</p> <p>9 there were fines, then the audit would -- would do that</p> <p>10 electronic audit and then another department would handle</p> <p>11 it. So I didn't have anything to do with compliance.</p> <p>12 Q. While employed with Mr. Boyack, did you work with</p> <p>13 Carmen Eassa?</p> <p>14 A. I -- she worked here. I did not work with her.</p> <p>15 Q. Okay. Did you ever interact with Ms. Eassa?</p> <p>16 A. I did.</p> <p>17 Q. How often would you interact with Ms. Eassa?</p> <p>18 A. I would say hello when I came into the office.</p> <p>19 Q. So normal watercooler type talk?</p> <p>20 A. That doesn't -- that doesn't happen here.</p> <p>21 So . . .</p> <p>22 Q. Everybody is too focused on --</p> <p>23 A. Everybody is busy.</p> <p>24 Q. Okay. When did you first meet Ms. Eassa?</p> <p>25 A. In 2009 or '10.</p> <p style="text-align: right;">Page 29</p>

1 Q. In what capacity did you meet Ms. Eassa?
2 A. She managed our subassociation of Earlstone.
3 Q. Were you on the board at that time?
4 A. I was.
5 Q. Okay.
6 A. Well, I wasn't at the time I met her. I later
7 became a board member.
8 Q. And then you worked in an official capacity with
9 her?
10 A. Yes.
11 Q. And I mean this in a non-intimate way. What type
12 of relationship would you have -- how would you describe
13 your relationship with Mr. Boyack? Is it purely
14 professional? Personal?
15 A. We're colleagues.
16 Q. Do you socialize with Mr. Boyack?
17 A. No.
18 Q. Have you ever been to, for example, family
19 gatherings at his home?
20 A. No.
21 Q. Do you go to lunch or dinner with Mr. Boyack?
22 A. No.
23 Q. Okay. What about Ms. Eassa? How would you
24 characterize your relationship with Ms. Eassa?
25 A. Colleagues.

1 A. I ran for the board of Earlstone again in 2022.
2 Q. Were you elected at that time?
3 A. Yes.
4 Q. Are you still a member of the board of Earlstone?
5 A. Yes.
6 Q. What other boards -- HOA boards have you served
7 on?
8 A. Anthem Highlands Community Association.
9 Q. Any others?
10 A. St. Rose Town -- is it -- that's what it's called?
11 St. -- St. Rose Homeowners Association. I can't remember
12 the name of the community.
13 Q. Any others?
14 A. Yes. One in Utah, St. George. I had a rental
15 property -- or not a rental property. I had an investment
16 property. I can't think of the name of that place. So --
17 but I served on the board there.
18 Q. Any others?
19 A. Not that I can think of.
20 Q. Okay. Let's start with the St. George. When were
21 you a board member on the HOA in St. George?
22 A. I think I sold it in 2015. So I would have been a
23 board member when I purchased it in 2014. So probably 2014
24 to 2015. Not quite a year though. Sold it. Didn't have it
25 a year.

1 Q. Do you socialize with Ms. Eassa?
2 A. No.
3 Q. Have you been to family gatherings at her house?
4 A. No.
5 Q. Lurch, dinner, anything along those lines?
6 A. Lunch with a vendor and that's it, but no -- like,
7 nothing personal.
8 Q. How many boards have you served on -- let me
9 rephrase.
10 When was the first time you were elected to an HOA
11 board?
12 A. That would be for my community of Earlstone.
13 Q. And approximately what year was that?
14 A. Either 2009 or 2010.
15 Q. And how long did you serve in a capacity as a
16 board member of Earlstone?
17 A. I think maybe to 2013 to 2000- -- or, I mean,
18 to -- either to 2013 or 2014. I can't be sure.
19 Q. Were you voted off the board or did you
20 voluntarily resign?
21 A. I did not run again.
22 Q. And how long of a gap existed with Earlstone until
23 you ran for the board again?
24 A. Which board?
25 Q. Of Earlstone.

1 Q. So it would be fair to say that when you sold the
2 property you were no longer eligible to be a board member
3 and voluntarily resigned from the board at that time. Is
4 that correct?
5 A. Correct.
6 Q. Let's talk about the HOA at St. Rose. How long --
7 when were you first elected to the board in St. Rose?
8 A. Again, that was an investment property, and it
9 was -- it was after . . . Gosh, I just don't -- 2018, '19,
10 '20. I just -- okay. We bought our townhouse in 2017.
11 Probably 2018.
12 Q. How long did you serve on the board?
13 A. Less than a year. I sold the property.
14 Q. So same thing; sold the property, no longer
15 eligible to be a board member, and then you voluntarily
16 resigned. Is that fair to say?
17 A. Correct.
18 Q. Okay. Let's talk about Anthem now. When were you
19 first elected to the board on Anthem?
20 A. May of 2012.
21 Q. How long did you serve on the board in Anthem?
22 A. From May of 2012 to January of 2014. Then I
23 resigned. Do you want me to go on the history?
24 Q. If you would like. Or, I mean, I'm going to
25 cover --

1 A. Might as well.
2 Q. -- the whole history with you.
3 A. So I resigned in 2014 due to -- I had just a lot
4 of work issues that I needed to take care of instead. I was
5 asked when there was a board vacancy to come back on the
6 board in September of 2014. And then I served out that
7 remaining term to May of 2015. And then I was just a
8 homeowner and ran again in May of 2019 and I currently
9 serve.
10 Q. Did you run for re-election in May of 2015?
11 A. No.
12 Q. When you resigned in January of '14, did it have
13 anything to do with the Robert Stern investigation?
14 A. What investigation?
15 Q. It's my understanding at some point NRED, the
16 Nevada Real Estate Division, was investigating Anthem around
17 that time. Do you have an understanding of that?
18 A. No.
19 Q. Has NRED ever investigated Anthem?
20 A. Yes.
21 Q. When did NRED investigate Anthem?
22 A. I believe it was around 2016.
23 Q. What did that investigation involve?
24 A. To my recollection, it was -- had to do with the
25 board not holding board meetings. And if you are referring

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1 to the one that went to commission, it was the board -- I
2 wasn't on that board. The board wasn't holding meetings for
3 like six months. There was infighting between the board
4 members, et cetera.
5 Q. Were you investigated by NRED?
6 A. Not to my knowledge.
7 Q. Have you ever been investigated by NRED?
8 A. Not investigated, no, that I know of.
9 Q. What does that mean?
10 A. I'm not aware of any investigations. I'm aware of
11 a complaint that they brought regarding my Nextdoor posting,
12 but that, to me, is not an investigation.
13 Q. What complaint did they bring against you
14 regarding your next door posting?
15 A. It was -- Robert Stern made a complaint that I
16 posted on Nextdoor not to buy his book.
17 Q. What was the result of the complaint that NRED
18 filed against you?
19 A. They withdrew it.
20 Q. Was there any sort of settlement agreement that
21 you entered into with NRED?
22 A. They withdrew the complaint.
23 Q. Yes. Sometimes when complaints are withdrawn, it
24 can be as a result of a settlement agreement.
25 A. No.

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1 Q. So was there any sort of settlement agreement with
2 NRED?
3 A. They withdrew because the attorney general lost
4 her motion for summary judgment.
5 Q. So it's your understanding NRED didn't want to
6 take it to hearing at that point and they just dropped it?
7 A. That is my understanding.
8 Q. Was the only allegation made against you in that
9 complaint that you told people on next door not to buy
10 Robert Stern's book?
11 A. I don't think that was an allegation. I think
12 that was the circumstances of the allegation, which is that
13 it was the opinion of the administrator at that time that if
14 you post on Nextdoor, even if you are just doing it as a
15 homeowner -- if you are a board member, you can't wear two
16 hats, and you do it as a board member.
17 Q. Were there other circumstances that NRED alleged
18 as part of the complaint other than that posting on
19 Nextdoor?
20 A. Not that I'm aware of.
21 Q. Do you have a copy of the complaint that NRED
22 filed?
23 A. I do not.
24 Q. Who represented you in the complaint that NRED
25 filed?

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1 A. I had a personal attorney from LA who practiced
2 here, John Marsen. And at two months in, I thought he was
3 spending too much money. So I fired him and I represented
4 myself.
5 Q. Do you still have records related to this
6 complaint that NRED filed against you?
7 A. No.
8 Q. What happened to the records?
9 A. I had a whole bunch of boxes of just board stuff
10 over the years. And when they offered free shredding in the
11 community a couple years back, maybe three or four years
12 back, we took all the boxes and gave it to the shredder man.
13 Q. When was -- when did NRED bring the complaint
14 against you?
15 A. I don't recall.
16 Q. Was it before or after you resigned from the board
17 in January of 2014?
18 A. Oh, it was after.
19 Q. Did you run for re-election in May of 2015?
20 A. No.
21 Q. Was it before or after your time on the board
22 ended in May of 2015?
23 A. Now that I think about it, I think it was -- it
24 might have been after the commission hearing regarding the
25 other board member. So maybe in 2016, but I can't be sure.

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1 Q. So it would have been after May of 2015. Is that
2 correct?
3 A. Correct.
4 Q. How would you describe your familiarity with
5 Chapter 116 of the Nevada Revised Statutes?
6 MR. NOACK: I'm just going to object. Calls for a
7 narrative. It's overbroad. You can answer.
8 THE WITNESS: I'm pretty familiar with it. Do I
9 know it all, no. But if I need an answer, I know where to
10 find it.
11 Q. (BY MR. ELSON) Have you reviewed Chapter 116 of
12 the Nevada Revised Statutes?
13 A. Absolutely.
14 Q. So if I refer to that as Chapter 116, we're on the
15 same page?
16 A. Correct.
17 Q. I'll do that moving forward. Feel free to do the
18 same. How often have you reviewed Chapter 116?
19 A. Probably -- well, in the community manager classes
20 you review it. And then once a year I just do a cursory
21 review of 116 and our governing documents, because the real
22 estate division requires us to sign a Form 602 each year,
23 even if we're -- it's not an election year for us to sign
24 that we have familiarized ourselves with the documents and
25 with 116. So . . .

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1 Q. Do you review Chapter 116 throughout the year?
2 A. Not necessarily. Unless we're looking for
3 something.
4 Q. How often does it come up where you are looking
5 for something?
6 A. Not that often.
7 Q. Have you reviewed Chapter 116 in the last 12
8 months?
9 A. Yes.
10 Q. When you served on the Anthem board in 2012, who
11 was the community manager?
12 A. It was FirstService and then it went to Terra
13 West, and Carmen was the community manager when it went to
14 Terra West.
15 Q. Why did you guys switch from FirstService to Terra
16 West?
17 A. The --
18 Q. Well, let me rephrase.
19 Why did Anthem change community managers from
20 FirstService to Terra West?
21 A. Management -- why did they change management
22 companies --
23 Q. That's correct.
24 A. -- or community managers?
25 Q. Management companies.

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1 A. Management companies.
2 MR. NOACK: I'm just going to object. It may call
3 for speculation, but you can answer what you know.
4 Q. (BY MR. ELSON) I'm asking for your understanding.
5 What is your understanding as to why Anthem switched from
6 FirstService to Terra West?
7 A. My understanding is Robert Stern during -- at the
8 time during the election period -- he wanted to get rid of
9 FirstService. And so the day of the election, which I
10 believe was a board meeting as well, he made a motion to
11 terminate FirstService and sent it out to bid.
12 Q. Were you involved in the decision to switch from
13 FirstService to Terra West?
14 A. All board members were.
15 Q. Did you agree with that decision?
16 A. I did.
17 Q. Did you promote that decision in any way?
18 MR. NOACK: Object. It's argumentative. Object
19 to form.
20 THE WITNESS: Promote in what way?
21 Q. (BY MR. ELSON) Did --
22 A. I -- I approved based on the bids we received. I
23 approved based on the pricing.
24 Q. At the time it was suggested to switch management
25 companies from FSR, did you agree with the decision at that

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1 time?
2 MR. NOACK: Just going to object. It's ambiguous.
3 Misstates prior testimony. You can answer.
4 THE WITNESS: I don't know that I had an opinion,
5 because I wasn't aware of all of the problems with
6 FirstService at the -- because I was elected on the day
7 where it was decided to send it out to bid. So I wasn't
8 completely familiar with the problems with FirstService
9 except that it involved overbilling on payroll.
10 Q. (BY MR. ELSON) Who was general counsel for Anthem
11 in 2012 when you were elected to the board?
12 A. I think it was the Shulman Law Firm.
13 Q. When did Anthem switch its general counsel from
14 the Shulman Law Firm to Mr. Boyack?
15 A. I believe that Mr. Stern interviewed Mr. Boyack
16 and presented it to the board for approval maybe a couple
17 months after I was elected.
18 Q. When you were elected to the Anthem board in 2019,
19 who was the management company at that time?
20 A. FirstService.
21 Q. Who is the management company now?
22 A. Terra West.
23 Q. Whose idea was it to terminate FirstService?
24 A. I don't believe it was an idea. I believe it was
25 at a board meeting when they were not cooperating that we

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1 had asked them for some information and they refused to give
2 it to us. So we, at that meeting, impromptu decided to send
3 the contract out to bid.
4 Q. Who first suggested to send the contract out for
5 bid?
6 A. I don't know that there was a suggestion. I don't
7 recall.
8 Q. I mean, at some point, someone brought up the idea
9 of sending it out to bid. Correct?
10 A. Probably.
11 Q. Do you recall who that was?
12 A. I don't, but the minutes would reflect it.
13 Q. Well, the minutes would reflect who made the
14 motion. Correct?
15 A. Well, there's an audio as well.
16 Q. The minutes would reflect who made the motion.
17 Correct?
18 A. Yes.
19 Q. The minutes wouldn't necessarily reflect who made
20 the first suggestion of sending it out to bid. Is that
21 correct?
22 A. Correct, but the audio would confirm that.
23 Q. Who was general counsel when you were elected to
24 the board in 2019?
25 A. Ryan Hastings.

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1 Q. When was Mr. Boyack retained?
2 A. In 2020.
3 Q. Who first suggested that Mr. Hastings be
4 terminated as general counsel?
5 A. I did.
6 Q. Who first suggested that Mr. Boyack be retained as
7 general counsel?
8 A. I did.
9 Q. Was that sent out for bid?
10 A. No.
11 Q. Was there a reason why it wasn't sent out for bid?
12 A. It's not required.
13 Q. Why do you say it wasn't required?
14 A. Because we didn't believe it would meet the
15 threshold where it would be required to send out to bid.
16 Q. Was this done at a noticed board meeting?
17 A. The approval was done action outside of a meeting.
18 Q. So it was not done at a noticed board meeting. Is
19 that correct?
20 A. It was reported at the next meeting.
21 Q. Was the decision made at a noticed board meeting?
22 A. No.
23 Q. Is there a authority within Chapter 116 that
24 permits decisions to be made outside of a noticed board
25 meeting?

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1 A. Yes.
2 Q. What authority is that?
3 MR. ANTHONY: Calls for a legal conclusion.
4 MR. NOACK: Yeah. Object. May call for expert
5 testimony.
6 Q. (BY MR. ELSON) What is your understanding as to
7 what authority within Chapter 116 permits that?
8 MR. NOACK: Same objection.
9 THE WITNESS: I can't remember the statute, but
10 our bylaws also allow it.
11 Q. (BY MR. ELSON) As you sit here today, is it your
12 understanding that a statute within Chapter 116 permits the
13 board to make decisions out of a noticed board meeting?
14 MR. NOACK: Just going to object. It misstates
15 prior testimony. It's argumentative and it's ambiguous --
16 MR. ANTHONY: And calls --
17 MR. NOACK: -- as to "decision."
18 MR. ANTHONY: -- calls for a legal conclusion and
19 join.
20 MR. NOACK: You can answer.
21 THE WITNESS: I believe so.
22 Q. (BY MR. ELSON) Was there an urgent need to make
23 the decision outside of a noticed board meeting as opposed
24 to waiting for the next board meeting?
25 MR. NOACK: Objection. Argumentative.

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1 THE WITNESS: The board felt so.
2 Q. (BY MR. ELSON) What was the urgency surrounding
3 the decision?
4 MR. NOACK: Objection. Argumentative.
5 THE WITNESS: The current legal counsel, Ryan
6 Hastings, was not responding to our e-mails and it -- they
7 -- the law firm of Leach has a very good relationship with
8 FirstService and we were about to audit FirstService and
9 address issues of overbilling and we felt that there would
10 be a conflict.
11 Q. (BY MR. ELSON) Does Mr. Boyack not have a good
12 relationship with FirstService?
13 MR. NOACK: Objection.
14 MR. ANTHONY: Objection. Speculation.
15 MR. NOACK: Join.
16 THE WITNESS: I have no opinion.
17 Q. (BY MR. ELSON) What is your understanding as to
18 the relationship that Mr. Boyack has with FirstService?
19 A. I don't have any understanding.
20 Q. How did you know at that time, then, that
21 Mr. Boyack also wasn't conflicted as it related to this
22 audit process with FirstService?
23 MR. ANTHONY: Object --
24 THE WITNESS: I think attorneys decide their own
25 conflict.

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1 MR. ANTHONY: Object to form.
2 Q. (BY MR. ELSON) Okay. Well, what I'm trying to
3 understand is you believe Mr. Leach may be conflicted. What
4 steps did you take to evaluate whether or not a conflict
5 would have also existed for Mr. Boyack?
6 A. I didn't have any opinion about Mr. Leach. He
7 wasn't the counsel.
8 Q. Okay. You believe Mr. Leach's firm would be
9 conflicted, I believe is what you testified to. Is that
10 correct?
11 A. I -- his firm, yes.
12 Q. What steps did you take to evaluate whether or not
13 a similar conflict would exist for Mr. Boyack or
14 Mr. Boyack's firm?
15 A. I didn't. It wasn't my thing that I cared about.
16 Mr. Boyack needs to do that. When you hire somebody, they
17 need to determine if there's a conflict.
18 Q. How is that different than from Mr. Leach and his
19 firm?
20 A. I'm familiar with Mr. Leach and all of the work
21 and classes he gives to FirstService and I believed,
22 personally, that their loyalty would be more to FirstService
23 than to us. And that's what I mean as far as a conflict,
24 and maybe that's not the proper term. It's just my opinion.
25 MR. NOACK: Tim, we've been going a little over an
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1 hour. It's a good time to take just a few minute break.
2 MR. ELSON: Sure. Absolutely. We can go off the
3 record.
4 (Pause in proceedings.)
5 Q. (BY MR. ELSON) All right. Ms. Mossett-Puhek, we
6 are back on the record in this matter. You understand that
7 you are still under oath right now. Is that correct?
8 A. I do.
9 Q. Who is currently the community manager at Terra
10 West?
11 A. Michael Franzoni.
12 Q. How long has Mr. Franzoni been the community
13 manager for Anthem at Terra West?
14 A. What day is it? It's the end of October -- it's
15 November. The end of September.
16 Q. Who was the community manager before that?
17 A. Brittany Langmade.
18 Q. How long had Ms. Langmade been the community
19 manager?
20 A. From approximately January of this year until
21 September and then she left the community management field.
22 Q. Who was the community manager before Ms. Langmade?
23 A. Carmen Eassa.
24 Q. How often would you communicate with Ms. Eassa
25 when she was the community manager?
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1 A. Probably daily.
2 Q. What types of issues would you communicate with
3 Ms. Eassa on?
4 A. I would basically call and check in to see if she
5 needed anything, accounting issues, vendor issues, just the
6 day-to-day management of the association.
7 Q. Would you also discuss fine issues with Ms. Eassa?
8 A. Can you be more specific, "fine issues"?
9 Q. Would you discuss violation issues with homeowners
10 at Anthem with Ms. Eassa?
11 A. Violation, yes. But fines, no.
12 Q. Okay. Would you discuss enforcement issues with
13 Ms. Eassa?
14 A. Generally, no. Those are board matters.
15 Q. Would you discuss with Ms. Eassa enforcement
16 actions being taken by Terra West against homeowners?
17 A. No, not outside of the process, no.
18 Q. Who -- is there somebody else that you would speak
19 to at Terra West regarding enforcement issues?
20 A. I'm not really under- [sic] when you are saying
21 "enforcement issues." So is there a particular part of the
22 process that you are looking -- that you want an answer for?
23 Q. Is there any reason why you wouldn't discuss
24 enforcement issues with Ms. Eassa?
25 A. Any reason why I wouldn't discuss, no.
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1 Q. Who was Ms. Eassa's assistant?
2 A. Which time?
3 Q. Well, let's go through them. Who is the first
4 assistant you remember working with under Ms. Eassa?
5 A. Adriana somebody.
6 Q. Okay. And we have Adriana. Who was the assistant
7 after that?
8 A. Chrislyn.
9 Q. Do you remember Chrislyn's last name?
10 A. Perez. May -- I can't be sure. I think Perez.
11 Q. I'll call her Chrislyn, because we at least know
12 that was her name.
13 A. Okay.
14 Q. Who was the assistant after Chrislyn?
15 A. Ashley.
16 Q. Do you recall Ashley's last name?
17 A. I don't know her last name.
18 Q. Who was the assistant after Ashley?
19 A. Mia.
20 Q. And who followed Mia?
21 A. Laura.
22 Q. Was there anybody after Laura?
23 A. No, Laura has been with us since January.
24 Q. Okay. So Laura was also the assistant for
25 Brittany and I believe you said it was Michael, who is now
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1 the community manager. Correct?
 2 A. Yes.
 3 Q. Okay.
 4 A. Yes.
 5 Q. So that was a very poor question. Laura has been
 6 the assistant for both Brittany and Michael. Is that
 7 correct?
 8 A. Yes.
 9 Q. Wasn't trying to trick you.
 10 A. Well, no, she's not really their assistant. She's
 11 the association's assistant. So . . .
 12 Q. Understood.
 13 A. Okay.
 14 Q. But there's been no other assistant since Laura --
 15 since Laura started acting as the assistant?
 16 A. No, there's been fill-ins when people call in sick
 17 that they just grab from somewhere, but it's just one-offs.
 18 Q. What's your understanding as opposed to the
 19 assistant's role versus the community manager's role?
 20 A. Well, that's kind of evolved over time.
 21 Originally, the assistant, when we hired Terra West --
 22 supposed to handle the violation process. They're supposed
 23 to handle the violation process, as far as the inspector
 24 inspects, gives everything to the assistant, the assistant
 25 issues the notices, dealing with homeowners, architectural

1 applications, things like that.
 2 So Adriana was just basically an assistant. Then
 3 we decided that we wanted to go to an assistant manager and
 4 a manager, try to do that route. And that started with
 5 Chrislyn. She was at -- well, at the time that she was
 6 brought on to our account, she was the assistant, but she
 7 was taking community manager lic- [sic] classes [sic] --
 8 classes.
 9 So that's all Terra West had to offer us after
 10 Adriana left. Her boyfriend was in a car accident or
 11 something. So Chrislyn decided she didn't want to be an
 12 assistant, and she wanted to manage communities. So then
 13 they offered Ashley, and she was an assistant manager. Or
 14 she was a provisional, which is a trainee. She had just
 15 gotten her license as well. And she didn't want to be an
 16 assistant either. She wanted to manage communities. So
 17 same with Mia. They all took the assistant position, but
 18 didn't want to be an assistant. So that's the thing there.
 19 After going through that, the board decided that
 20 maybe looking for the assistant -- which was basically to
 21 cover for the manager so the manager could have time off and
 22 not come back to a bunch of things, but to also come out and
 23 inspect the community and common areas which just an
 24 assistant can't do. So it was supposed to help us in that
 25 way.

1 After that, we decided to just go back to having
 2 just an assistant, a full-time manager, and that -- Carmen
 3 was about to retire. So she went to part-time just to
 4 handle special projects. So that's where we're at.
 5 Q. What's the difference between an assistant and
 6 assistant manager?
 7 A. An assistant is an administrative assistant. An
 8 assistant manager -- I don't want to even say an assistant
 9 manager. They were just basically an assistant that had a
 10 provisional manager license. So they could do more. They
 11 could leave the property or they could leave the management
 12 company and come to the property and check out the property.
 13 So they were basically working towards their license, two
 14 years, to become a manager. So they are provisional.
 15 Q. What type of supervisory role is a manager --
 16 community manager supposed to have over an assistant
 17 manager?
 18 MR. NOACK: Objection. Calls for speculation.
 19 Q. (BY MR. ELSON) Let me rephrase.
 20 What is your understanding of the supervisory role
 21 that a community manager is supposed to have over an
 22 assistant manager?
 23 A. A provisional manager?
 24 Q. An assistant manager.
 25 A. That would be a provisional manager.

1 Q. I'm using the term that you described which was an
 2 assistant manager.
 3 A. Okay. So there's a provisional manager, which is
 4 what we had, has a supervising community manager separate
 5 from our manager. So Carmen would not oversee the
 6 provisional managers. They had a supervising CAM that would
 7 oversee their training.
 8 Q. Okay. Was Carmen supposed to have any sort of
 9 supervisory role over the assistant manager?
 10 MR. NOACK: Objection. Calls for speculation.
 11 Q. (BY MR. ELSON) I'll rephrase.
 12 What is your understanding of what . . .
 13 Let me rephrase again.
 14 From a licensing standpoint, what is your
 15 understanding as to what role -- supervisory role Ms. Eassa
 16 was supposed to have over the assistant manager?
 17 A. From a licensing standpoint, she cannot have a
 18 supervisory role. A supervising CAM that is licensed to be
 19 a supervising CAM is the only one that can supervise a
 20 provisional.
 21 Q. Okay. Who was supposed to supervise Chrislyn?
 22 MR. NOACK: Objection. Speculation.
 23 Q. (BY MR. ELSON) Let me rephrase.
 24 What is your understanding of who the supervising
 25 CAM was for Chrislyn?

1 A. It was a director at the Terra West office that
2 was licensed as a supervising CAM.
3 Q. Do you know who that person was?
4 A. No. She's gone.
5 Q. Okay. Do you know who it was, or do you not?
6 A. I don't remember her name.
7 Q. But you knew who it was at the time?
8 A. I knew I've never -- I never met her. I knew
9 her -- I knew she existed, but I don't know anything else
10 about her. So a short period.
11 Q. What is your understanding of who the supervising
12 CAM was for Ashley?
13 A. I don't know.
14 Q. What is your understanding of the supervising
15 CAM for Mia?
16 A. I don't know.
17 Q. Same with Laura?
18 A. Laura is an assistant.
19 Q. Okay. What type of -- from a licensing
20 standpoint, what type of supervisory role was Ms. Eassa
21 supposed to play over an assistant?
22 MR. NOACK: Objection. Speculation. You can
23 answer if you know.
24 Q. (BY MR. ELSON) Let me rephrase.
25 From a licensing standpoint, what is your

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1 assistant.
2 A. It's different.
3 Q. How is it different?
4 A. Community management is different.
5 Q. Explain to me. If -- is this Ms. Eassa's
6 assistant or is it not?
7 A. No.
8 Q. Is she -- so whose assistant is it?
9 A. She's -- she's the association's assistant.
10 Q. So, then, who supervises the assistant?
11 A. Terra West, her supervising manager.
12 Q. What interaction does Terra West have with the
13 supervising manager?
14 MR. ANTHONY: Speculation.
15 MR. NOACK: Join. Lacks foundation.
16 Q. (BY MR. ELSON) Let me rephrase.
17 What interaction does Anthem have with the
18 supervising manager?
19 MR. ANTHONY: Speculation.
20 MR. NOACK: Join. Lacks foundation.
21 Q. (BY MR. ELSON) I'll rephrase.
22 What is your understanding as to the interaction
23 that Anthem has with the supervising manager?
24 A. I don't have any.
25 Q. What -- let me rephrase. What is your

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1 understanding as to what supervisory role Ms. Eassa was
2 supposed to play over an assistant?
3 A. She doesn't have a supervisory role.
4 Q. Okay. So as far as a management and Anthem's
5 expectations as to how the community manager was supposed to
6 function, what is your understanding as to what supervisory
7 role Ms. Eassa was supposed to have over the assistant
8 manager?
9 MR. NOACK: Just going to object. It's vague.
10 Lacks foundation.
11 THE WITNESS: Ms. Eassa doesn't supervise anybody.
12 Q. (BY MR. ELSON) So Anthem had no expectations that
13 Ms. Eassa would play any supervisory role over her assistant
14 manager?
15 MR. ANTHONY: Speculation.
16 MR. NOACK: Join.
17 MR. ELSON: I'll rephrase.
18 Q. (BY MR. ELSON) Is it your understanding that
19 Anthem had no expectations that Ms. Eassa would have no
20 supervisory role over Ms. Eassa's assistant manager?
21 MR. NOACK: Object. It's vague. Unintelligible.
22 Lacks foundation.
23 THE WITNESS: I'm confused, too.
24 Q. (BY MR. ELSON) I mean, I'm confused. That's what
25 I'm trying -- I mean, I have an assistant. I supervise my

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1 understanding of what expectation Anthem would have as to
2 the supervision that the assistant manager would receive?
3 MR. NOACK: Objection. Vague. Ambiguous. Lacks
4 foundation.
5 THE WITNESS: I'm sorry. Could -- one more time.
6 I didn't understand.
7 Q. (BY MR. ELSON) Again, what I'm trying to
8 understand, Ms. Eassa [sic] -- and your attorneys are making
9 a lot of --
10 A. Ms. Puhek.
11 Q. -- objections and -- I'm sorry, Ms. Puhek.
12 Your attorneys are making a lot of objections, and
13 it's making it a very rigid process.
14 What I'm trying to understand is: What type of
15 supervision did you have an expectation that the assistant
16 manager or the assistant would receive? What was your
17 understanding of Anthem's expectations?
18 MR. NOACK: Again, I'm going to object as vague.
19 Ambiguous. It's overbroad. You can answer what you --
20 MR. ANTHONY: Join.
21 MR. NOACK: -- understand.
22 MR. ANTHONY: I'm also going to state for the
23 record that I'm not Ms. Puhek's attorney.
24 THE WITNESS: So Ms. Eassa has her duties as
25 manager. The assistant manager, which was actually -- so

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1 just to clarify, we didn't really have an assistant manager.
2 We had an assistant. They just happened to be a provisional
3 manager, but they acted as an assistant.
4 So that person would do the duties assigned to the
5 assistant and everybody did their own thing.
6 Q. (BY MR. ELSON) Okay. So, then, was there -- what
7 delineates the duties and the responsibilities -- let me
8 rephrase, because I'm sure I'll receive another objection.
9 What is your understanding of what delineates the
10 responsibilities and duties between the community manager
11 and the assistant?
12 A. I'm not following.
13 Q. Okay. Was there some sort of document that says
14 what the community manager's role was versus what the
15 assistant's role was?
16 MR. NOACK: Object. Calls for speculation. Lacks
17 foundation.
18 MR. ANTHONY: Join.
19 MR. ELSON: I'll rephrase.
20 MR. NOACK: Let's --
21 Q. (BY MR. ELSON) What is your --
22 MR. ELSON: No, no, no. You are making your
23 objections. I'm going to rephrase.
24 Q. (BY MR. ELSON) What is your understanding on
25 whether or not a document exists as to whether there is a

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1 role delineation between the community manager and the
2 assistant?
3 A. Probably Terra West would have that when they hire
4 people. We don't have that.
5 Q. So what is your understanding of how Anthem
6 delineated the responsibility between the community manager
7 and the assistant?
8 MR. ANTHONY: Assumes facts.
9 THE WITNESS: I guess it's just known what an
10 assistant does and what a manager does.
11 Q. (BY MR. ELSON) Okay. So then let's specifically
12 delineate every role and responsibility that is known to
13 just be the difference between the two. Your understanding.
14 What is your understanding of every role and
15 responsibility that the community manager handles?
16 MR. NOACK: Object --
17 MR. ANTHONY: Object to form.
18 MR. NOACK: Join, and object. It's compound.
19 Calls for a narrative. Lacks foundation. You can answer
20 what you know.
21 THE WITNESS: Dedicated accounts are different.
22 We're dedicated at Anthem. We have -- we pay 100 percent of
23 the salaries and benefits of everything. So we get to
24 determine any specific duties other than what Terra West
25 hires their staff to do. If we want them to do something,

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1 then they do it. So -- but Terra West determines what the
2 responsibilities are of the staff they hire and they bring
3 them to us. So everybody knows their role. I don't know
4 what functions inside of Terra West.
5 Q. (BY MR. ELSON) You don't know, as the president
6 of -- how long were you the president of Anthem?
7 A. Which time?
8 Q. Following 2019.
9 A. Following 2019, I was -- let me see. About 14
10 months.
11 Q. Okay. And what's your role following serving as
12 president?
13 A. Secretary.
14 Q. Okay. How long have you been secretary for?
15 A. Since August of 2021.
16 Q. So over two years?
17 A. I think. I think. Yeah.
18 Q. Over two years. Correct?
19 A. Yes.
20 Q. Okay. As you sit here today, are you able to
21 specifically delineate the role and responsibility of the
22 community manager --
23 MR. NOACK: I'm just going to --
24 Q. (BY MR. ELSON) -- for Anthem and what
25 responsibilities and role the community manager played for

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1 Anthem since you've been a board member or since Ms. Eassa
2 served as the community manager?
3 MR. NOACK: Objection. Calls for a narrative.
4 It's vague and ambiguous. You can answer.
5 MR. ANTHONY: Form. Object to form.
6 THE WITNESS: The community manager facilitates
7 the will of the board. So whatever the board decides in
8 their meetings is what the community manager take cares of.
9 She takes care of the finances, the accounting, and whatever
10 the board actions are.
11 Q. (BY MR. ELSON) Is there a specific document that
12 delineates what the community manager handles versus what
13 the assistant handles?
14 MR. NOACK: Object. May call for speculation.
15 THE WITNESS: I don't know. You would have to ask
16 Terra West that.
17 Q. (BY MR. ELSON) Are you aware of any such
18 document?
19 A. No.
20 Q. Since Ms. Eassa started serving as the community
21 manager, what is your understanding of all roles and
22 responsibilities that the assistant had as it pertained to
23 Anthem?
24 MR. NOACK: Objection. Calls for a narrative.
25 MR. ANTHONY: Object to form.

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16 (Pages 58 - 61)

1 MR. NOACK: It's overbroad. You can answer.
 2 THE WITNESS: I can't tell you every duty an
 3 assistant has. There's stuff that is part of the process
 4 that they handle that I'm -- I just don't know about. So
 5 it's basically interacting with the homeowners, taking care
 6 of architectural applications, and facilitating the
 7 compliance process after the inspections. There may be
 8 more, but I don't -- I can't think of anything right now.
 9 Q. (BY MR. ELSON) What role does the community
 10 manager have with respect to facilitating the compliance
 11 process after inspections?
 12 A. She doesn't have one.
 13 Q. What communications did you have with Ms. Eassa
 14 regarding facilitating the compliance process after
 15 inspections?
 16 MR. NOACK: Object. Lacks foundation. It's
 17 overbroad.
 18 THE WITNESS: The only time Ms. Eassa would even
 19 be involved in the compliance process, if there was a
 20 dispute, if an attorney was involved, and then she would
 21 take over that and then pass it off to the board.
 22 Q. (BY MR. ELSON) Would you ever communicate with
 23 Ms. Eassa about the compliance process after an inspection?
 24 MR. NOACK: Objection. Incomplete hypothetical.
 25 THE WITNESS: No.

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1 Q. (BY MR. ELSON) Who conducts inspections on behalf
 2 of Anthem?
 3 MR. ANTHONY: Speculation.
 4 MR. NOACK: Join.
 5 THE WITNESS: Formal inspections are by the
 6 inspector --
 7 Q. (BY MR. ELSON) I'll rephrase. Do you know who
 8 conducts inspections on behalf of Anthem?
 9 A. The inspector, the managers, and homeowners send
 10 in complaints and board members can submit violations.
 11 Q. Do you know if there's a specific inspector that
 12 conducts the inspections on behalf of Terra West?
 13 A. I do.
 14 Q. Who was that inspector after Ms. Eassa first
 15 became the community manager?
 16 A. I think it's the same one.
 17 Q. And who is that person?
 18 A. His name is Daniel.
 19 Q. Do you know Daniel's last name?
 20 A. I do not.
 21 Q. Do you know how often Daniel conducts inspections?
 22 MR. NOACK: Object. It lacks foundation. Talking
 23 about at Anthem?
 24 Q. (BY MR. ELSON) Do you know how often Daniel
 25 conducts inspections at Anthem?

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1 A. At least twice a month. He splits up the
 2 community. Does half the community -- it used to be he'd do
 3 it all at once. Then we went to splitting up the community
 4 because a lot of things were -- in a community our size were
 5 not being addressed. And I think he does a follow-up
 6 inspection right before -- right before the hearing meetings
 7 to see what he can close, because a lot of times homeowners
 8 won't respond.
 9 Q. What is your understanding of what type of
 10 instructions Anthem has provided to Daniel in conducting his
 11 inspections?
 12 MR. NOACK: Objection. Lacks foundation. It's
 13 argumentative.
 14 THE WITNESS: When you first hire a management
 15 company, they have you fill out a list of how you would like
 16 your -- they have the board fill out a list of how you would
 17 like the community maintained, as far as landscaping. Do
 18 you want it super trimmed? Do you want it loose? Things
 19 like that. So general things that kind of go hand in hand
 20 with our rules.
 21 There are also times -- so he follows that general
 22 guideline. Certain times of the year, the board has decided
 23 to hold moratoriums on when things can be done. So, for
 24 example, we would instruct the inspector. We -- this is
 25 discussed in our executive session.

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1 So we would instruct the inspector to not issue
 2 new dead plant or tree violations, say, from July and
 3 August. And then the same -- no new dead plant tree
 4 violations for December, January, February. Regarding
 5 paint, there would be moratoriums where it wouldn't be
 6 practical to have somebody paint. So there would be no
 7 new violations issued for those, things like that, give
 8 instructions -- so -- to best accommodate the homeowner and
 9 to be reasonable as to the expectation of when they could
 10 accomplish compliance.
 11 Q. What is your understanding as to what role the
 12 assistant plays with inspections?
 13 A. She just processes the notices from the
 14 inspector's inspection.
 15 Q. What is your understanding on whether or not an
 16 assistant conducts inspections?
 17 A. Assistants don't.
 18 Q. What is your understanding as to what role
 19 community managers play with inspections?
 20 A. Every association is different. Like I said,
 21 we're a dedicated association. So we require our community
 22 manager to do common area inspections.
 23 Q. Okay. As it pertains to Anthem, other than the
 24 common area inspections, what role does the community
 25 manager have with inspections?

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1 A. None.

2 Q. What is your role with inspections?

3 A. I don't have a role.

4 Q. Have you ever conducted an inspection of Anthem

5 for Anthem?

6 A. No. For common area inspections, I will go along

7 with Carmen because I'm afraid homeowners will approach her

8 as if they have -- or as they have had in the past. So we

9 never let anybody go out unless it's a two person team. And

10 that is the reason that we also wanted to go the assistant

11 manager route, because an assistant manager with a

12 provisional would be able to assist Carmen so she wasn't by

13 herself.

14 Q. As it relates to inspections of homes within

15 Anthem, is it your testimony here today that you play no

16 role with respect to those inspections?

17 A. It is.

18 Q. Have you ever attended an inspection with Daniel?

19 A. Never attended an inspection. I did one time when

20 people were complaining about -- they didn't know what areas

21 he was citing them for. I met with him and showed him --

22 went through the community and showed him what the different

23 areas of the homes were because he didn't understand the

24 fascia, the trim, the -- we had to have him put specific

25 areas based on his drop down so that homeowners could

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1 adequately understand what he was seeing.

2 So I -- so I got our cart and took him around and

3 showed him what the different areas on the house were and

4 what he needed to do to make it more clear to homeowners so

5 that they better understood what he was looking at and

6 that's the only time.

7 Q. When did that occur?

8 A. Probably -- I think we did a community-wide paint

9 inspection in 2021. So maybe in August of 2021.

10 Q. Do you ever take photographs of people's homes?

11 A. I have.

12 Q. How often do you take photographs of people's

13 homes within Anthem?

14 A. Occasionally. Not often.

15 Q. Okay. Have you taken photographs of people's

16 homes on more or less than ten occasions?

17 A. Over what period of time?

18 Q. Since 2019.

19 A. Since 2019? Probably about that.

20 Q. Was Ms. Collier's home one of the homes that

21 you've taken photographs of?

22 A. I have taken photographs of the oleanders, not her

23 home. From the side.

24 Q. How many -- let me rephrase then since you are

25 making this distinction, which I guess is a very important

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1 distinction.

2 How many times have you taken photographs of

3 people's property within Anthem since 2019?

4 A. I couldn't give you a specific amount. A lot of

5 times we take them to clear inspections. So . . .

6 Q. More -- so were you making a distinction on home

7 versus property when I asked you this question the first

8 time?

9 A. So if I may clarify?

10 Q. Absolutely.

11 A. The only time I would take a photo is to clear a

12 violation. So when we didn't have an inspector that could

13 come out and clear the violations before the hearing so that

14 we could cancel people's hearings, the assistant would send

15 out to the board the list of the hearings and say, If any of

16 you are in the neighborhood, could you try to clear some of

17 these and close them so that people didn't have to show

18 up at hearing and be inconvenienced.

19 So whoever had time would go out. We have to have

20 photographic proof that the violation was cured. So we

21 would do that to assist the homeowner, because some didn't

22 know that they were required to provide that documentation

23 prior to their hearing in order to have it closed. So we

24 tried to assist the homeowners that way.

25 Q. Okay. That's the only time you've taken

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1 photographs of people's property?

2 A. That's the only time I can recall.

3 Q. Okay. What violation were you clearing off of

4 Ms. Collier's property?

5 A. I wasn't.

6 Q. Okay. But you took a photo of Ms. Collier's

7 property?

8 A. No. I took a picture of the oleanders on the

9 corner.

10 Q. Are those oleanders on Ms. Collier's property?

11 A. But it's not her property, so --

12 Q. Whose property is it?

13 A. In you want to have that, then go ahead.

14 Q. Well, I'm just trying to understand what you mean,

15 because you are making multi different distinctions for me.

16 You made distinction between home and property. You are now

17 making a distinction between oleander and property.

18 A. Mm-hmm.

19 Q. And, frankly, I don't understand any of it.

20 A. To me they're different.

21 Q. Okay. How is a bush on somebody's property

22 different than their property?

23 A. That's how I see it.

24 Q. Okay. So let me define it for you, then, to make

25 sure we're all still on the same page.

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<p>1 A. Okay.</p> <p>2 Q. When I am using the definition of property --</p> <p>3 A. Mm-hmm.</p> <p>4 Q. -- I am using the definition of anything and</p> <p>5 everything within the boundary of that person's unit,</p> <p>6 including rocks, trees, personal property, like bicycles,</p> <p>7 trash cans, their home, anything in their backyard, their</p> <p>8 wall, anything and everything that pertains to within the</p> <p>9 boundary lines. Are you with me on that definition?</p> <p>10 A. I think I got it.</p> <p>11 Q. Okay.</p> <p>12 A. Okay.</p> <p>13 Q. Great. Let me reask these questions now for the</p> <p>14 third or fourth time.</p> <p>15 A. Okay.</p> <p>16 Q. As it pertains to a person's property, how many</p> <p>17 times have you photographed somebody's property within</p> <p>18 Anthem since 2019?</p> <p>19 A. I can't give a specific number.</p> <p>20 Q. Okay. More or less than ten times?</p> <p>21 A. I just don't know. I'd be guessing and --</p> <p>22 Q. More or less --</p> <p>23 A. -- I don't want to guess.</p> <p>24 Q. More or less than 50 times?</p> <p>25 A. I would be guessing and I don't want to do that.</p> <p style="text-align: right;">Page 70</p>	<p>1 anybody's property including landscape, yes. On my way out</p> <p>2 of my property, I would take a picture when I would see</p> <p>3 the oleanders growing because they create a safety issue,</p> <p>4 but from my entrance to my community.</p> <p>5 Q. I don't care where you are standing when you take</p> <p>6 these photographs, to be clear.</p> <p>7 A. Okay.</p> <p>8 Q. I'm just simply confirming whether or not any</p> <p>9 photograph you have ever taken included somebody else's</p> <p>10 property within Anthem.</p> <p>11 A. Okay. Yes.</p> <p>12 Q. Has any of your answers that you've given me today</p> <p>13 changed with that understanding?</p> <p>14 MR. ANTHONY: Object to form.</p> <p>15 THE WITNESS: No, I don't think so.</p> <p>16 Q. (BY MR. ELSON) So you haven't photographed</p> <p>17 Ms. Collier's property within the last two months?</p> <p>18 A. No.</p> <p>19 Q. When was the last time you photographed</p> <p>20 Ms. Collier's property?</p> <p>21 A. I don't -- I don't recall.</p> <p>22 Q. Okay. When was the last time you photographed</p> <p>23 anybody's property within Anthem?</p> <p>24 A. I don't recall.</p> <p>25 Q. Okay. Have you photographed anybody's property</p> <p style="text-align: right;">Page 72</p>
<p>1 Q. Is it -- are you just now refusing to answer a</p> <p>2 question?</p> <p>3 A. No. I'm telling you that I do not know.</p> <p>4 MR. NOACK: Object.</p> <p>5 MR. ANTHONY: Object to form.</p> <p>6 MR. NOACK: Misstates prior testimony.</p> <p>7 THE WITNESS: I don't know.</p> <p>8 MR. NOACK: It's argumentative.</p> <p>9 Q. (BY MR. ELSON) How -- when was the last time you</p> <p>10 photographed somebody's property within Anthem?</p> <p>11 A. I don't recall. Could be --</p> <p>12 Q. Okay.</p> <p>13 A. -- a long time.</p> <p>14 Q. Were you just out photographing Ms. Collier's</p> <p>15 property within the last two months?</p> <p>16 A. No.</p> <p>17 Q. So you are denying that occurred?</p> <p>18 A. I'm denying.</p> <p>19 Q. Under penalty of perjury here today?</p> <p>20 A. Yes.</p> <p>21 Q. Have you photographed anybody's property within</p> <p>22 Anthem in 2023?</p> <p>23 A. Not that I can recall.</p> <p>24 Q. What about 2022?</p> <p>25 A. Oh, I want to take that back. 2023, to define,</p> <p style="text-align: right;">Page 71</p>	<p>1 within 2023?</p> <p>2 A. I don't recall.</p> <p>3 Q. 2022?</p> <p>4 A. Probably.</p> <p>5 Q. How many times?</p> <p>6 A. I don't know.</p> <p>7 Q. 2021?</p> <p>8 A. I don't know.</p> <p>9 Q. You don't know how many times?</p> <p>10 A. No.</p> <p>11 Q. What about 2020?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you maintain records of these photographs?</p> <p>14 A. No.</p> <p>15 Q. Do you delete them off your phone?</p> <p>16 A. I send them to management.</p> <p>17 Q. Do you delete them off your phone?</p> <p>18 A. No. Well, maybe. So it's possible.</p> <p>19 Q. Have you deleted any photographs pertaining to</p> <p>20 Ms. Collier's property?</p> <p>21 A. Not that I know of.</p> <p>22 Q. So if you took paragraphs of Ms. Collier's</p> <p>23 property, they'd still be on your phone?</p> <p>24 A. Not necessarily.</p> <p>25 Q. Help me understand the clarification.</p> <p style="text-align: right;">Page 73</p>

1 A. Once things are sent to management, then I do a
2 lot of common area inspections where we'll see things. The
3 board will go out. So there are a lot of images that I
4 delete off my phone so that it doesn't clog up the memory.
5 So I routinely -- if something is -- if I take a picture of
6 anything to do with Anthem, once I send it to management,
7 then there's no reason for me to keep it and I will delete
8 it off my phone.
9 Q. So when I asked you whether or not you had deleted
10 any photographs of Ms. Collier's property --
11 A. I don't know.
12 Q. How do you not know? I guess I'm having --
13 A. I'm saying it's not a routine thing that I do. I
14 don't say, Send it, delete it. Send it, delete it. I will
15 go through and go, I have too many pictures on here. Let me
16 delete them.
17 Q. Even --
18 A. So it's not intentionally deleting one or another.
19 It's deleting groupings.
20 Q. Even photographs of Ms. Collier's property?
21 A. It's not something I would sit there and
22 distinguish.
23 Q. How do you forward these photographs to
24 management?
25 A. E-mail.

1 have 1647 homes.
2 Q. How often would you expect the inspector to look
3 at all 1647 homes?
4 A. To look at each home individually, it would never
5 happen.
6 Q. Okay. Again, I think there's a breakdown.
7 Would you expect the inspector to look at
8 everybody's home within a 12-month period?
9 A. Not necessarily.
10 Q. Would you expect the inspector to look at
11 everybody's home within a two-year period?
12 A. The inspector is not looking at particular homes.
13 He's looking for particular issues.
14 Q. What do you mean by that?
15 A. He might drive through a community and that day he
16 decides that he's going to look for -- to paint the cables
17 from a solar -- or from a satellite dish. So he determines
18 he'll drive through -- my understanding is he'll drive
19 through a neighborhood, identify if there's maybe landscape
20 issues in that neighborhood.
21 Maybe if one time during our moratoriums where
22 he's not addressing landscape issues, we focus on
23 maintenance, like address lights. So he will drive through
24 the community and scan the community because he can't stop
25 because people will try to attack him. So sometimes -- so

1 Q. What e-mail address do you use?
2 A. PennieAHCA@Gmail.com.
3 Q. Do you delete messages from your e-mail?
4 A. For that, no.
5 Q. Do you delete any -- and that's whether receiving
6 or sending. Have you ever deleted any sent messages or
7 received messages from that e-mail?
8 A. Not that I recall.
9 Q. Do you use any other e-mail address to communicate
10 on association matters?
11 A. No.
12 Q. Do you know the path of travel that the inspector
13 utilizes for his inspection?
14 A. No.
15 Q. Is it your understanding that the inspector would
16 drive by Ms. Collier's property?
17 A. I don't know. I don't know what the inspector
18 does on his inspections. I don't know when, how, what.
19 Q. As a board member of Anthem, would you expect the
20 inspector to look at every person's property within Anthem?
21 A. It's not possible.
22 Q. What do you mean by that?
23 A. He generally will drive through a neighborhood and
24 identify things that stand out as maintenance needs. Does
25 he look at every single property? It's not possible. We

1 when you say, Has he seen every house? Can't guarantee it
2 because he's trying to get through there without being
3 attacked.
4 Q. Who provides these instructions to the inspector?
5 MR. NOACK: Objection. Lacks foundation.
6 Q. (BY MR. ELSON) What is your understanding of who
7 provides these instructions to the inspector?
8 MR. ANTHONY: Misstates facts.
9 MR. NOACK: Join.
10 THE WITNESS: Actually, I previously answered
11 that. And when the management company comes on board, they
12 have the board fill out a list of what they want the
13 inspector to look at.
14 Q. (BY MR. ELSON) Okay. And it sounds like that
15 list may change from time to time. Is that correct?
16 A. Yes.
17 Q. Okay. Who provides the instructions to the
18 inspector when that list changes?
19 A. It's usually discussed at a board meeting if we
20 want -- well, let me clarify. The list doesn't change. The
21 list is always the list. So -- but if there are specific
22 maintenance items that we want him to address during
23 moratoriums the board discusses, the community manager goes
24 through -- recently since we've had an additional staff
25 member, they will do neighbor- -- weekly inspections of the

1 neighborhoods, identify issues, and then it's discussed at a
 2 board meeting and it's determined if the inspector needs to
 3 focus on certain things in certain communities.
 4 Q. Okay. And what is your understanding of who
 5 provides that instruction to the inspector?
 6 A. The board.
 7 Q. How does the board communicate the instruction to
 8 the board -- to the --
 9 A. During our closed confidential executive session.
 10 Q. So the inspectors is in attendance?
 11 A. No.
 12 Q. So what is your understanding of how the board
 13 communicates what is discussed in executive session to the
 14 inspector?
 15 A. The assistant's present. So I'm assuming that the
 16 assistant communicates that to the compliance department.
 17 Q. And then the compliance department relays that to
 18 the inspector?
 19 A. I believe that is the case.
 20 Q. Okay. Why are you discussing this in executive --
 21 let me rephrase. What is your understanding as to why
 22 inspection-related issues are being discussed in executive
 23 session as opposed to general session?
 24 A. They're confidential matters.
 25 Q. Even if you are not discussing somebody's

1 allows it, but there's not one that does not allow it.
 2 Q. Who filled out the list -- let me rephrase.
 3 We discussed earlier this list that was given to
 4 the inspector. Is that correct?
 5 A. Correct.
 6 Q. Do you know who filled that list out?
 7 A. I believe it was a board meeting -- not a meeting
 8 but a board workshop with the transition coordinator for
 9 Terra West.
 10 Q. Was that done during a general session or an
 11 executive --
 12 A. It's a workshop. Workshops aren't noticed
 13 meetings.
 14 Q. Was that done during a general session?
 15 A. It was done during a workshop.
 16 Q. Was that approved during a general session?
 17 A. It doesn't require approval.
 18 Q. Board actions don't require an approval?
 19 A. That does not --
 20 MR. NOACK: Objection.
 21 THE WITNESS: -- require approval.
 22 MR. NOACK: Misstates prior testimony.
 23 MR. ANTHONY: Argumentative and form.
 24 MR. NOACK: Join.
 25 Q. (BY MR. ELSON) Who attended this workshop?

1 individual property?
 2 A. Yes.
 3 Q. So if you are discussing just general procedural
 4 steps that the inspector is supposed to take and what the
 5 inspector is supposed to look for, the Anthem board
 6 discusses that in executive session?
 7 MR. NOACK: Objection. It misstates prior
 8 testimony.
 9 MR. ELSON: If it misstates her testimony, she can
 10 certainly tell me so.
 11 Q. (BY MR. ELSON) Please go ahead and answer the
 12 question.
 13 A. We review the delinquency report and the types of
 14 violations that is provided at every executive session and
 15 that's when it's discussed.
 16 Q. And you do not do that during general session?
 17 A. No.
 18 Q. Even though you are discussing general procedural
 19 issues as it relates to inspections?
 20 A. That's never discussed in open session.
 21 Q. Okay. Is there a specific Nevada statute -- let
 22 me rephrase.
 23 What is your understanding as to whether or not a
 24 specific statute allows you to do that?
 25 A. I don't know if there's a specific statute that

1 A. That was three years ago. I have no idea.
 2 Q. Was the entire board there?
 3 A. Likely, but I don't remember.
 4 Q. Okay. And who specifically filled out the form?
 5 Do you recall?
 6 A. No. It probably was the transition coordinator
 7 that asked questions and filled it out.
 8 Q. Okay. And did the board answer questions and
 9 provide direction to the transition coordinator?
 10 A. That's the point of filling it out. So -- but I
 11 can't tell you specifically who responded or . . .
 12 Q. Was that open to all unit owners of Anthem?
 13 A. It's a board workshop, so no.
 14 Q. What does a board workshop mean? I don't know
 15 understand that term.
 16 A. A board workshop is when the board gets together
 17 to decide the direction that they would like management to
 18 take regarding the management of the association.
 19 Q. Isn't that something that is supposed to be
 20 discussed --
 21 A. No --
 22 Q. -- and --
 23 A. -- it's not.
 24 Q. Please --
 25 A. Sorry.

1 Q. -- let me ask my --
2 A. Okay.
3 Q. -- question before you answer.
4 A. Okay.
5 MR. NOACK: And I think, for the record, there's
6 been a lot of talking over each other. So let's --
7 THE WITNESS: Oh, I'm sorry.
8 MR. NOACK: -- try to slow down --
9 THE WITNESS: Okay.
10 MR. NOACK: -- a little bit. Yeah.
11 THE WITNESS: Okay.
12 MR. NOACK: I think it will help the court
13 reporter.
14 Q. (BY MR. ELSON) Isn't that something that's
15 supposed to be discussed in a general session?
16 A. No.
17 Q. Why do you say that?
18 A. Because the management of the association is not
19 something that is discussed in an open session meeting.
20 Q. That's something that is discussed in a closed
21 door meeting?
22 A. No.
23 Q. Not in a meeting at all?
24 A. Maybe.
25 Q. I guess I'm confused. If it's not discussed in a

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1 general session meeting or an executive session meeting,
2 what other kind of meeting is there?
3 A. There's a workshop.
4 Q. Does Chapter 116 ever use the term "workshop"?
5 A. I do believe.
6 Q. And what does Chapter 116 -- I'll rephrase.
7 What is your understanding of what Chapter 116
8 permits in these workshops?
9 MR. NOACK: Objection. It's overbroad. Calls for
10 a narrative.
11 THE WITNESS: I don't recall. I recall that
12 subject coming up in one of the board training classes, that
13 the board was allowed to hold workshops to discuss the
14 management of the association and it's not a meeting.
15 Q. (BY MR. ELSON) I'm sorry. Where did that occur?
16 A. In, oh, the division's board training workshops.
17 Q. So that was something that you learned in your
18 course in becoming a community manager?
19 A. No.
20 Q. Where would you have learned this term,
21 "workshop"?
22 A. In -- the Nevada Real Estate Division offers board
23 member education classes. As I previously testified to, I
24 took approximately 14 of those. And that is where they
25 discuss unit owner rights, fiduciary duty, workshops, things

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1 like that, insurance. Anything that is related to an
2 association.
3 Q. So what decisions are boards permitted to make in
4 workshops?
5 A. They don't.
6 MR. NOACK: Objection. Overbroad.
7 Q. (BY MR. ELSON) What do you mean they don't?
8 A. They don't.
9 Q. They don't make any decisions in a --
10 A. They make -- they have discussions in workshops
11 and the decisions are made in executive session.
12 Q. Form was willed out in the workshop, correct, the
13 list?
14 A. It's a management transition form.
15 Q. Okay. Was that filled out in the workshop?
16 A. I believe so.
17 Q. Okay.
18 MR. NOACK: We've been going a little over an
19 hour. I think it's a good time for a break.
20 MR. ELSON: We haven't been going even an hour.
21 MR. NOACK: We took a break -- can look at the
22 record. I think we took a break at 10:01 and we're on --
23 for less than ten minutes on break. It's 11:10 or 11:09
24 right now.
25 MR. ELSON: I mean, Mr. Noack, we went on the

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1 record at 11:20. We can have the court reporter verify it.
2 We've been going less than 50 minutes. We're going to go a
3 full seven hours today.
4 MR. ANTHONY: Can we take a break?
5 MR. ELSON: Possibly more.
6 MR. ANTHONY: Can we take a break? I've got to go
7 to the bathroom.
8 MR. ELSON: I mean, you guys can have a
9 five-minute break.
10 MR. NOACK: That's perfect.
11 MR. ELSON: We're going to be back on the record
12 at 11:15.
13 MR. NOACK: That works. Thank you.
14 (Pause in proceedings.)
15 MR. ELSON: We are now back on the record.
16 Q. (BY MR. ELSON) Ms. Mossett-Puhek, we had a
17 discussion off the record regarding breaks and your
18 shoulder. And I just want to make sure that this is clear
19 for the record: If at any point in time -- because my
20 understanding is is you have a shoulder injury or maybe
21 recently had a shoulder surgery. Is that correct?
22 A. Not yet. Just the injury.
23 Q. And I appreciate that, because, frankly, I
24 dislocated my shoulder.
25 A. This (gesturing) hurts.

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1 Q. Again, I can appreciate that --
2 A. Yeah.
3 Q. -- because I also recently had a shoulder injury.
4 And so the number one goal here today is to make sure that
5 you can provide your best testimony in a comfortable
6 setting.
7 So if at any point in time your pain becomes
8 something that you can't manage or we need to terminate the
9 deposition and resume it a second day, that is fine. We can
10 absolutely do that. All you have to do is ask and we can go
11 off the record and resume it on the second day, but I
12 believe it is everybody's goal to try and complete this
13 deposition today. And so we're going to try and limit
14 breaks to allow that to happen, to accommodate all the
15 different competing interests that exist here.
16 Do you have any questions about that?
17 A. I don't. Thank you very much.
18 Q. Okay. You understand we're back on the record and
19 you are still under oath and that's the same oath you would
20 take as if a judge and jury were here today. Is that
21 correct?
22 A. Correct.
23 Q. What type of interaction do you have with the
24 compliance department at Terra West?
25 A. It's rare.

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1 Q. Is there somebody at the compliance department
2 other than the assistant?
3 A. There is. I don't know what her position would
4 be. She's the person, I guess, in charge of compliance. So
5 my interaction with her, to my recollection, over the years
6 has been if we need to change -- for example, when we did
7 the painting inspection -- the community-wide painting
8 inspection, I communicated with her that we needed to allow
9 45 days for the courtesy notice, because nobody could be --
10 reasonably expect to choose a paint color or get a
11 contractor because of the labor and material supplies at
12 that time, which I believe was in 2020 or 2021, something
13 like that. So basically change the language on notices to
14 be more accommodating to homeowners.
15 Q. On the paint issue?
16 A. On any issue.
17 Q. And when did you communicate with her to change
18 the language on the notices?
19 A. I actually don't think I communicated with her on
20 that. From what I recall, that was communicated to the
21 assistant, Ashley, to communicate to her. And it didn't get
22 done.
23 Q. Was that a board decision?
24 A. No.
25 Q. Who made that decision to change the language?

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1 A. I did.
2 Q. Was that on the -- like, the response form, like
3 just the general --
4 A. No, just the courtesy notice.
5 Q. So you made a decision to change the language
6 from -- what was it before, 30 days?
7 A. No. I think it's 14.
8 Q. Okay. And you changed it from 14 to 45. Is that
9 correct?
10 A. I changed it after the board discussed it and we
11 discussed it with legal counsel if we could change other
12 than what was in the statute. So . . .
13 Q. So, I'm sorry, did the board discuss that or --
14 A. Yes.
15 Q. I thought when I asked you if you made that
16 decision you said --
17 A. Oh, I'm sorry. Well, I was the one who gave
18 direction. So I'm the board president. So the board
19 president has all the powers of a CEO.
20 Q. Well --
21 A. So --
22 Q. -- you were the board president?
23 A. Yes. I was the board president, yes.
24 Q. And -- but that was not your decision; that was a
25 board decision?

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1 A. The board discussed it and we discussed it with
2 legal counsel whether we could change it to be more
3 accommodating.
4 Q. Are there any other issues -- well, who in the
5 compliance department are you referring to? I believe your
6 earlier testimony was is you didn't really talk to this
7 person very often and --
8 A. Mm-hmm.
9 Q. -- it sounded like you were referring to a
10 specific individual. Is that correct?
11 A. I think it's the person who runs the compliance
12 department. Her name is Michelle. I don't know her last
13 name.
14 Q. Did you actually speak to Michelle on that issue?
15 A. No.
16 Q. Did you correspond with Michelle on that issue?
17 A. I don't recall. It could have been a group
18 e-mail.
19 Q. Okay. Can you think of any other interactions
20 that you've had with Michelle?
21 A. There's been a couple over the years, but
22 specifically, no.
23 Q. Those -- those interactions, you're not able to
24 recall what they were about. Is that correct?
25 A. Usually if they're interactions, it's regarding

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1 the form. So -- and that's it. Just to make sure if we get
2 feedback from homeowners it's to make the forms appear more
3 friendly than authoritative. So we always try to -- we get
4 feedback that a form -- somebody took it a certain way. We
5 try to -- we're very thoughtful about that, because that's
6 not -- the intent is to just seek compliance and not, you
7 know, make people feel any certain way.

8 Q. How often do you talk with the assistant about
9 enforcement actions?

10 A. Generally -- well, it would never be regarding the
11 process. It would be only if a homeowner requested a -- had
12 a dispute regarding something that they didn't maybe
13 understand what the violation was. So as a board and our
14 committee, if somebody needs help with something, they can
15 request it and somebody will go out and help them.

16 Q. So do you ever determine what types of violations
17 that Terra West should issue?

18 A. I don't determine what violation should be issued.
19 I have reported violations as a board member.

20 Q. So you don't direct Terra West to issue courtesy
21 notices?

22 A. No.

23 Q. You don't direct Terra West to issue violation
24 notices?

25 A. If I report -- if I report something, I will send

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1 a photo. I will send a photo and then they take the process
2 from there. So we have a fine enforcement policy, and
3 that's how it works.

4 Q. Okay.

5 A. So I don't say, You need to do this, this, this,
6 and this and -- over the process. I don't handle the
7 process.

8 Q. Every time you send Terra West a photograph, it's
9 your understanding that there's a violation. Correct?

10 A. No.

11 Q. Why are you sending Terra West photographs if you
12 are not reporting violations?

13 A. It would be a potential violation, and it's up to
14 the management company to determine it based on the photo.

15 Q. Okay. Do you follow up with the management
16 company to determine whether or not courtesy notices are
17 issued when you --

18 A. I do not.

19 Q. -- when you report violations?

20 A. Sorry. I do not.

21 Q. Have there ever been times that you've reported
22 violations and the management company hasn't issued courtesy
23 notices?

24 A. I don't follow up. So I don't know.

25 Q. What's types of -- let me rephrase.

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1 What is your understanding as to what types of
2 conflicts board members are supposed to reveal to the
3 community?

4 MR. NOACK: Object. It's vague as to conflicts.
5 You can answer if you understand.

6 THE WITNESS: At what point in time?

7 Q. (BY MR. ELSON) At any point in time.

8 A. During a board meeting. Before voting on
9 something.

10 Q. Okay. And what types of conflicts should be
11 revealed?

12 A. If you stand to benefit or gain from something.
13 If you -- pretty much that's it. If you stand to benefit or
14 gain from your decision.

15 Q. What types -- let me rephrase.
16 What is your understanding as to -- let me
17 rephrase again.

18 As part of running for an election, a board member
19 fills out, I believe, what's called a candidate statement.
20 Is that correct?

21 A. A nomination form.

22 Q. A nomination form, okay.
23 What is your understanding as to what types of
24 conflicts board members are required to reveal in a
25 nomination form?

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1 A. Anything where they have a personal interest that
2 they can benefit from.

3 Q. Is there anything else that a board member is
4 supposed to reveal in a nomination form?

5 A. If you are related to somebody.

6 Q. What about relationships with vendors? Is that
7 something a board member is supposed to reveal?

8 A. No.

9 Q. What are you basing that on?

10 A. The NRED training manual.

11 Q. Do you have a copy of the NRED training manual?

12 A. I don't have one with me.

13 Q. Well, do you have one in your possession?

14 A. I don't.

15 Q. Do you have one at your home?

16 A. I don't.

17 Q. What is your understanding as to what types of
18 conflicts vendors are supposed to reveal?

19 A. I don't know if vendors have to reveal anything.

20 Q. What is your understanding as to what types of
21 conflicts community managers are required to reveal?

22 A. I believe it would be the same as a board member.
23 So if they stand to gain financially or -- or if they are
24 related to somebody. Although, for a community manager, you
25 can't be related to somebody. So I don't -- I don't know.

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<p>1 Q. Did Terra West reveal any conflicts as part of its 2 bid process with Anthem? 3 MR. NOACK: Objection. Speculation. 4 MR. ANTHONY: Join. 5 Q. (BY MR. ELSON) I'll rephrase. 6 Do you know if Terra West revealed any conflicts 7 as part of its bid process with Anthem? 8 A. I can't be specific, but I'm pretty sure that all 9 management bids have a disclosure in there about business 10 relationships that they have. 11 Q. Okay. Do you know if any sort of disclosure was 12 made about you working with Ms. Eassa? 13 A. What type of disclosure would that be? 14 Q. To the Anthem community. 15 A. No. There would be no reason to. 16 Q. Do you know if that's ever been disclosed to the 17 Anthem community? 18 A. Well, when they come to a board meeting. 19 Q. I mean, you worked with the same employer as 20 Ms. Eassa. Correct? Has it been -- is that correct? You 21 both worked for Mr. Boyack? 22 A. Oh, okay. Yes. 23 Q. Okay. Has that been disclosed to the Anthem 24 community? 25 A. It's not a disclosable item. It's irrelevant.</p> <p style="text-align: right;">Page 94</p>	<p>1 A. I do not know. 2 Q. As you sit here today, do you have a specific 3 recollection of Mr. Boyack making such a disclosure? 4 A. I do not. 5 Q. Do you agree or disagree that board members should 6 not accept compensation or gifts from members of the 7 community? 8 A. I do. 9 Q. You do agree? 10 A. Yes. 11 Q. Do expensive dinners count as compensation or 12 gifts? 13 MR. NOACK: Objection. Argumentative. 14 THE WITNESS: Dinners between neighbors are not 15 disclosable under the statute. 16 Q. (BY MR. ELSON) Are not disclosable or are not 17 required -- 18 A. They're not required -- they're not required to be 19 disclosed. 20 Q. Please, let's make sure that only one of us is 21 speaking at a time. 22 A. Okay. My apologies. 23 Q. It's fine. This is -- you've only been through 24 this process now twice. So . . . 25 A. Okay.</p> <p style="text-align: right;">Page 96</p>
<p>1 Q. Has that been disclosed to the Anthem community? 2 A. Not that I know of. Well, to the board it has. 3 Q. Has this been disclosed to the Anthem community? 4 A. Not that I know of. 5 Q. Has it been disclosed to the Anthem community that 6 you worked for Mr. Boyack? 7 A. I don't know. 8 Q. Did Mr. Boyack make that disclosure at the time he 9 was retained for general manager? 10 MR. NOACK: Objection. 11 MR. ANTHONY: Speculation. 12 MR. NOACK: Speculation. 13 Q. (BY MR. ELSON) Do you know if Mr. Boyack made any 14 disclosures to the Anthem community as part of being 15 retained as general counsel? 16 A. I can't be sure, but I don't think it's required. 17 Q. I'll reask the question. 18 Do you know if Mr. Boyack made any disclosures to 19 the Anthem community at the time he was retained as general 20 counsel or before? 21 A. I do not know. 22 Q. So it would be fair to say that you also don't 23 know if Mr. Boyack disclosed to the Anthem community 24 whether -- whether or not you worked for him prior to being 25 retained as general counsel?</p> <p style="text-align: right;">Page 95</p>	<p>1 Q. I just -- eventually, the court reporter might 2 start throwing objects at us, that's all. 3 MR. NOACK: We can only hope. 4 Q. (BY MR. ELSON) So as you sit here today, it's 5 your testimony that an expensive dinner doesn't count as a 6 gift? 7 A. You're going to need to rephrase that a little bit 8 better. 9 Q. If someone took you out to dinner and paid for 10 dinner, would you count that as a gift? 11 A. It depends on who the person is. If a vendor took 12 me out, it would be disclosable. If legal counsel took me 13 out, it would be disclosable. A dinner between neighbors 14 and homeowners is not disclosable. 15 Q. Is there a specific authority that you're basing 16 that on? 17 A. NRED training manual. 18 Q. And it specifically says that -- 19 A. What needs to be disclosed. 20 Q. Does it specifically say that expensive dinners 21 don't count as gifts? 22 MR. NOACK: Objection. Argumentative. 23 MR. ELSON: It's not argumentative. I'm just 24 asking her what it says and what it doesn't say. 25 THE WITNESS: In my training class, it tells you</p> <p style="text-align: right;">Page 97</p>

1 what type of disclosures are necessary.
 2 Q. (BY MR. ELSON) Does it expressly state that
 3 expensive dinners don't qualify as gifts?
 4 A. It depends on the person.
 5 Q. Does the training manual expressly state that
 6 expensive dinners between neighbors don't count as gifts?
 7 MR. NOACK: Objection. May call for speculation.
 8 You can answer if you recall.
 9 THE WITNESS: He's asked it so many times. One
 10 more time.
 11 Q. (BY MR. ELSON) Ms. Mossett-Puhek, do you think
 12 today is a game?
 13 MR. NOACK: Objection.
 14 MR. ELSON: I mean --
 15 MR. NOACK: That's argumentative. You are turning
 16 it into a game, Counsel --
 17 MR. ELSON: I'm not turning it into a game.
 18 MR. NOACK: -- when you ask questions like that.
 19 I'm going to instruct her not to answer the question. You
 20 are badgering the witness when you ask questions like that.
 21 MR. ELSON: So, I'm sorry, your witness can get an
 22 attitude with me and sassy with me? So why don't you
 23 instruct your witness to behave herself.
 24 MR. NOACK: My witness is behaving herself.
 25 MR. ELSON: Okay.

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1 MR. NOACK: You're asking --
 2 MR. ELSON: I'm going to --
 3 MR. NOACK: -- the question over and over.
 4 MR. ELSON: I'm not asking the --
 5 MR. NOACK: Well --
 6 MR. ELSON: -- question over and over. I'm asking
 7 it very carefully --
 8 MR. NOACK: And --
 9 MR. ELSON: -- because when I don't, you and the
 10 other attorney in this room list a series of objections that
 11 are speaking objections and specifically violate --
 12 MR. NOACK: Okay.
 13 MR. ELSON: -- Administrative Order 22-06 as
 14 improper objections.
 15 MR. NOACK: Okay. Tell me one objection --
 16 MR. ELSON: And so I --
 17 MR. NOACK: -- I've made that's a speaking
 18 objection.
 19 MR. ELSON: I'll be happy the next time we go on a
 20 break to read to you what the administrative order requires.
 21 MR. NOACK: Okay. My objections have been --
 22 MR. ELSON: But I'm not going to waste my --
 23 MR. NOACK: -- one word. I'm just saying you
 24 cannot sit here and ask my client in an accusatory manner if
 25 this is a game. You know what you are doing. It's not

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1 proper under the administrative order either. Ask your
 2 question or we could have it read back on the record so she
 3 can answer it and we can continue the line of questioning.
 4 I'm not going to have my witness be badgered by
 5 you.
 6 MR. ELSON: That's not badgering. I was just
 7 asking her if she thought today was a game.
 8 MR. NOACK: Okay. Well, I felt like it was
 9 badgering. So I'm going to speak up when that happens.
 10 MR. ELSON: Fair enough. I'll ask it again.
 11 Q. (BY MR. ELSON) Do you think today is a game?
 12 A. No, no.
 13 MR. NOACK: Same objection. You are trying to
 14 intimidate and harass and bully a witness. It's improper,
 15 and I'm not going to allow that to happen.
 16 MR. ELSON: Are you done?
 17 MR. NOACK: I don't know. It depends on your
 18 question.
 19 MR. ELSON: Mr. Noack, I just want to make sure
 20 you are done making whatever record you want to make.
 21 MR. NOACK: I believe I am.
 22 MR. ELSON: Okay. Fantastic. I don't even
 23 remember what the last question was.
 24 Madam Reporter, will you please read it back to
 25 the witness so this time she can actually answer the

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1 question.
 2 (Pause in proceedings.)
 3 Q. (BY MR. ELSON) I'm going to reask the question so
 4 the record is clear.
 5 Ms. Mossett-Puhek, does the training manual
 6 expressly state that expensive neighbor -- expensive dinners
 7 between neighbors don't count as gifts?
 8 MR. NOACK: Objection. Speculation. You can
 9 answer.
 10 THE WITNESS: I only recall what it states is
 11 disclosable. Other than that, I don't remember it word for
 12 word.
 13 Q. (BY MR. ELSON) Would you agree or disagree that
 14 violations pertaining to a unit owner are confidential?
 15 A. Yes.
 16 Q. Would you agree or disagree that board members
 17 shouldn't be discussing violations of another unit with
 18 another unit owner?
 19 A. Yes.
 20 Q. Is it appropriate to reveal any information to
 21 another unit owner regarding a violation?
 22 MR. ANTHONY: Calls for a legal conclusion.
 23 Q. (BY MR. ELSON) I'll rephrase.
 24 What is your understanding as to what type of
 25 information is appropriate to reveal to another unit owner

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1 regarding a violation?
 2 MR. NOACK: Objection. It's vague. You can
 3 answer.
 4 THE WITNESS: I think probably a general -- not
 5 anything specifically with a unit owner, but if there is a
 6 concern where -- you know, for example, Southwest Gas. You
 7 know, what the association is doing to address safety issues
 8 with the truck, I think that is not a confidential issue.
 9 So . . .
 10 Q. (BY MR. ELSON) Is it your understanding that a
 11 board member may reveal whether or not a courtesy notice has
 12 been issued to another homeowner?
 13 A. I think the way that it's addressed is that it's
 14 being handled by the association according to its fine and
 15 enforcement policy.
 16 Q. Are you able -- is it your understanding that a
 17 board member may reveal whether or not a courtesy notice has
 18 been issued to another unit owner?
 19 A. I don't know. I guess I've never really thought
 20 about it. It's never come up.
 21 Q. Is it your understanding whether or not a board
 22 member may reveal that a violation notice has been issued to
 23 another unit owner?
 24 A. That would be the same question.
 25 Q. Well, a courtesy notice is different than

1 a violation notice. Correct?
 2 A. No, it's a potential violation notice.
 3 Q. Okay. Well, what comes after the courtesy notice?
 4 A. A formal notice.
 5 Q. I'll use that term then.
 6 A. Okay.
 7 Q. Is it your understanding that a board member can
 8 reveal whether or not a formal notice has been issued to a
 9 unit owner to another unit owner? Is that a disclosable
 10 item?
 11 A. Disclosable?
 12 Q. Yeah. Are you able to tell other homeowners about
 13 that?
 14 A. No, you shouldn't.
 15 Q. What about a hearing notice? Is that something
 16 that you can tell other homeowners about?
 17 A. No.
 18 Q. What about what happened at the hearing?
 19 A. No.
 20 Q. The result?
 21 A. No.
 22 Q. The fines?
 23 A. No, but they're public. A homeowner can request
 24 the fines for what the association has fined. So --
 25 Q. Just to be clear, that's not something that should

1 be revealed to other unit owners unless the homeowner
 2 specifically requests so?
 3 A. Correct.
 4 Q. Just to go back to the courtesy notice, is the
 5 courtesy notice something that is supposed to be revealed?
 6 A. Yeah, I don't really -- probably there would be no
 7 reason to, so no.
 8 Q. Do you remember a time Ms. Collier complained
 9 about a Southwest Gas truck?
 10 A. Yes.
 11 Q. Did Anthem take action against the owner of the
 12 Southwest Gas truck?
 13 A. We discussed the matter with Southwest Gas.
 14 Q. Okay. Did Anthem take any action beyond
 15 discussing the matter with Southwest Gas?
 16 A. I'm not allowed to disclose that to you. It's
 17 confidential information.
 18 Q. Are you refusing to answer the question,
 19 Ms. Mossett-Puhek?
 20 A. I'm not allowed to disclose that to you. It's
 21 confidential homeowner information. So unless you want me
 22 to violate the statute, if it's okay with the judge, then
 23 I'll do it, but we can ask the judge or the discovery
 24 commissioner or whoever it is.
 25 MR. ELSON: You guys --

1 MR. NOACK: It depends on the --
 2 MR. ELSON: You guys have clearly made an issue
 3 out of the Southwest Gas. You spent, I don't know, probably
 4 at least an hour examining Ms. Collier at it -- about it at
 5 her deposition. I mean, if you are not going to have your
 6 client answer questions on the Southwest Gas, we absolutely
 7 will bring her back for a second deposition because we --
 8 THE WITNESS: It's okay. Let's find out.
 9 MR. ELSON: Why don't --
 10 MR. NOACK: I mean, I think we would -- if you are
 11 asking about an action taken that's a confidential action, I
 12 don't think she can --
 13 MR. ELSON: Just like you guys turned over
 14 information to me in written discovery, this is a judicial
 15 process. It is different. You are obligated to turn over
 16 information. If you wanted a confidentiality order or an
 17 AEO order, all of those things were proposed to Mr. Boyack
 18 and offered, but this is a judicial process where we are
 19 evaluating these issues. You guys have made the Southwest
 20 Gas an issue in this case. Again, you examined my client
 21 about it for an hour.
 22 MR. NOACK: And examining your client about
 23 reporting issues with the Southwest Gas truck and her
 24 observations are different than asking what actions a board
 25 member and board president took.

1 MR. ELSON: Are you aware that this -- I mean, you
2 guys have turned over logs to me about violations. Right?
3 MR. NOACK: I mean, if there's specific documents
4 that you're --
5 MR. ELSON: Okay. Well, I just want to be clear.
6 Is the witness going to answer these questions or not?
7 Because we will absolutely be filing a motion to compel and
8 bringing her back here a second time for a deposition.
9 MR. NOACK: Okay.
10 MR. ELSON: Because what we are not going to allow
11 happen is for you to examine my client about it, make an
12 issue about it at trial, and not allow me to ask
13 Ms. Mossett-Puhek questions about it as part of this
14 discovery process.
15 MR. NOACK: You can ask questions about it. I
16 don't think you can ask about board actions --
17 MR. ELSON: Absol- --
18 MR. NOACK: -- taken against another homeowner.
19 You could ask about the discussions that happened with
20 Southwest Gas and --
21 MR. ELSON: I'm going to make my record. Okay.
22 MR. NOACK: Yeah.
23 MR. ELSON: I'm just -- clear -- we will --
24 absolutely will be filing a motion to compel. We absolutely
25 will be seeking sanctions.

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1 didn't turn it over to me. So . . .
2 MR. NOACK: And so what I'm saying: Is your
3 argument that somehow Anthem has opened the door to
4 confidential information --
5 MR. ELSON: What I'm --
6 MR. NOACK: -- by either asking --
7 MR. ELSON: -- saying is --
8 MR. NOACK: -- your client questions or
9 disclosing --
10 MR. ELSON: -- is you guys are --
11 MR. NOACK: -- redacted --
12 MR. ELSON: -- playing games with confidential
13 information, because you've already revealed information
14 that would have, otherwise, been protected under the Nevada
15 statutes because we are now in litigation about these
16 issues. All of them become discoverable.
17 I've been involved in many lawsuits where this
18 type of information has been determined because it becomes
19 discoverable on whether or not, for example, equal
20 enforcement has occurred.
21 MR. NOACK: Okay. So it's your position that the,
22 otherwise, confidential information -- you would agree that
23 violations as to other homeowners is confidential? You
24 would agree with that?
25 MR. ELSON: I would agree that Chapter 116

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1 MR. ANTHONY: Well -- but you didn't even ask your
2 questions.
3 MR. NOACK: Yeah. Again --
4 MR. ELSON: All I did was ask one and I got told
5 she was going to refuse to answer it.
6 MR. ANTHONY: Yeah, that was one question.
7 MR. ELSON: Yeah. She should have answered that
8 question, gentlemen.
9 MR. ANTHONY: Says you.
10 MR. NOACK: It's a conf- -- her understanding is
11 it -- confidential information, and she's not -- I mean, if
12 the court --
13 MR. ELSON: You guys are --
14 MR. NOACK: -- requires us to enter into some sort
15 of protective order --
16 MR. ELSON: You've already turned --
17 MR. NOACK: -- to allow this information --
18 MR. ELSON: -- over confidential information as
19 part of the judicial process.
20 MR. ANTHONY: I don't know that that's true. Are
21 you talking about ledgers that have generic descriptions of
22 how much is fined for what violation?
23 MR. ELSON: No, I'm talking about ledgers that
24 attach it by address to fine. Absolutely.
25 You may not be aware of that because your counsel

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1 generally does not allow it to be turned over to other unit
2 owners.
3 MR. NOACK: And it's your position that the door
4 has been opened because of the disclosures in this case and
5 the issues --
6 MR. ELSON: Absolutely. Meet and confers were
7 conducted with Mr. Boyack when Mr. Boyack represented
8 Ms. Mossett-Puhek, to be clear, and it was agreed that that
9 type of information would be produced and turned over.
10 You guys are also making an issue out of the
11 Southwest Gas in this case. Correct? Was Ms. Collier not
12 examined about the Southwest Gas at her deposition?
13 MR. NOACK: Okay. I'm not under oath today, but,
14 yes, it's my understanding she was asked questions about the
15 Southwest Gas truck. Ms. Collier is not a board member.
16 MR. ELSON: So you can't veil -- you can't veil my
17 examination under confidentiality and examine my client on
18 these issues and not allow me to ask your side the same
19 types of questions.
20 MR. ANTHONY: She doesn't have a duty. She does.
21 MR. NOACK: You client has no duty of
22 confidentiality. So --
23 MR. ELSON: The record has been made.
24 MR. NOACK: Okay.
25 MR. ELSON: Are you going to allow the witness to

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1 answer these questions or not?
2 MR. NOACK: Well, I will allow the witness to
3 answer the question, but her answers may be that it's --
4 MR. ELSON: Okay.
5 MR. NOACK: -- confidential information. I didn't
6 object and instruct her not to answer. It's her
7 understanding that this is confidential information.
8 MR. ELSON: Again --
9 MR. NOACK: And if we have a court order
10 compelling it --
11 MR. ELSON: So -- so --
12 MR. NOACK: -- then --
13 MR. ELSON: And to be clear, this meet and confer
14 is not counting against my seven hours, because this is
15 absolutely unexpected that you guys would produce this type
16 of information during discovery and then claim that it can't
17 be discussed at a deposition.
18 MR. NOACK: So if you are talking about documents
19 or information that's been produced, then show us an exhibit
20 and ask us questions about an exhibit.
21 MR. ELSON: Southwest Gas has not been produced.
22 I didn't ask for that file.
23 MR. NOACK: Okay. Then you would agree that that
24 information is confidential and --
25 MR. ELSON: No, I would not agree that that

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1 information is confidential. What I would agree is that
2 Chapter 116 generally does not allow that type of
3 information to be produced to a unit owner. We are now in
4 litigation and information that may otherwise not be
5 obtainable through a records request through Chapter 116 to
6 a unit owner absolutely gets disclosed and discussed about
7 in litigation just as it has in this case and just as it has
8 in numerous other HOA actions.
9 MR. NOACK: Okay. Well, I -- it's my
10 understanding and position that my client is being cautious
11 so as not to improperly reveal confidential information.
12 That was her testimony. If you -- I mean, we can make a
13 record --
14 MR. ELSON: Do you want to have an off-the-record
15 conversation with your client on this topic?
16 MR. NOACK: I mean, we could. I don't think it's
17 going to change anything today. We will agree --
18 MR. ELSON: Okay.
19 MR. NOACK: I mean --
20 MR. ELSON: Then, absolutely, I just want to be
21 clear on this, we will file a motion to compel. We will ask
22 the court that you guys pay for the second deposition,
23 because now is my time to ask the witness about this. And
24 Ms. Collier, who Ms. -- Ms. Collier shouldn't have to pay
25 for a second deposition for this type of gamesmanship.

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1 MR. NOACK: This is not gamesmanship, I'm going to
2 be absolutely clear, and we are not --
3 MR. ELSON: Mr. Noack --
4 MR. NOACK: We are not agreeing to pay --
5 MR. ELSON: You won't even have an --
6 MR. NOACK: -- for an entire --
7 MR. ELSON: -- off-the-record conv- --
8 MR. NOACK: -- deposition over one -- you've asked
9 one question. Okay? That's two minutes of a deposition.
10 We're not going to pay for an entire deposition. If you
11 have four and a half hours about the Southwest Gas truck --
12 MR. ELSON: I'm going to --
13 MR. NOACK: -- that you want the court to order
14 some sort of sanction about, then you can make that record
15 with the court and we'll have a back-and-forth.
16 MR. ELSON: I'm going to continue on with my line
17 of questioning. We'll see how many questions
18 Ms. Mossett-Puhek refuses to answer.
19 MR. ANTHONY: Perfect.
20 MR. NOACK: Fair enough.
21 MR. ANTHONY: I think that's a great idea.
22 Q. (BY MR. ELSON) What action did Anthem take as it
23 relates to the Southwest Gas truck?
24 MR. NOACK: I'm just going to object. Overbroad.
25 Argumentative.

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1 MR. ANTHONY: Vague. What action -- what do you
2 mean? Action as to Southwest? Action as to a homeowner?
3 MR. ELSON: These are the types of speaking
4 objections that --
5 MR. ANTHONY: I'm trying to help.
6 MR. ELSON: -- I discussed.
7 Q. (BY MR. ELSON) Go ahead and answer the question.
8 A. The association had communications with Southwest
9 Gas legal or legal department about the truck.
10 Q. Who on behalf of the HOA had communications with
11 the legal department -- Southwest Gas legal department?
12 A. The attorney.
13 Q. Who is the attorney?
14 A. Ted Boyack.
15 Q. Okay. Was a courtesy notice ever issued to the
16 owner of the Southwest Gas truck?
17 A. I would be happy to provide you the documents, but
18 I'm unsure as to whether I can disclose that. So I choose
19 not to answer that.
20 Q. Would you like to discuss that issue with your
21 attorney?
22 A. I would like to discuss that with the Nevada Real
23 Estate Division to see if they think that I am able to
24 disclose this in a deposition, because I just don't know and
25 I want to be careful.

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1 Q. What was the ultimate resolution with the owner of
2 the Southwest Gas truck?
3 A. Southwest Gas agreed to have him park on an
4 alternate street so that there wasn't a safety issue at the
5 corner.
6 Q. Is that still occurring to this day?
7 MR. NOACK: Objection. May call for speculation.
8 Q. (BY MR. ELSON) I'll rephrase.
9 Do you have an understanding as to where the
10 Southwest Gas truck parks today?
11 A. I have seen it sometimes where it's agreed to
12 park, but I don't -- it's not like I look for it in general.
13 Q. Have you seen it in times -- in the location where
14 it was not supposed to park?
15 A. Since they agreed to park in a alternate location?
16 Q. That's correct.
17 A. I haven't, but I haven't been looking for it
18 either.
19 Q. What type of conversations did you have with
20 Ms. Collier regarding the Southwest Gas truck?
21 A. I don't recall specifically, but I think probably
22 99 percent of our communications are in text messages that
23 were produce.
24 Q. Okay. When did the association take these actions
25 against the Southwest Gas truck?

1 A. I don't think so. Like, how, like, they agreed to
2 park on another street? You mean that?
3 Q. Yes.
4 A. Okay. Yes. I think so, yes.
5 Q. What did Ms. Collier tell you about the Southwest
6 Gas truck?
7 A. She -- the -- initially when I contacted her, she
8 said she didn't like the piece of shit truck, staring at it
9 across from her house at the park.
10 (Pause in proceedings.)
11 Q. (BY MR. ELSON) Where was the Southwest Gas truck
12 parking at the time Ms. Collier complained about it?
13 A. In front of the park. The community park.
14 Q. Was it parking in front of her driveway?
15 A. At the time it was first brought up?
16 Q. Yes.
17 A. No.
18 Q. When did it start parking in front of her
19 driveway?
20 MR. NOACK: Objection. Speculation.
21 Q. (BY MR. ELSON) Let me rephrase. Was there a
22 point in time where the Southwest Gas truck started to park
23 in front of Ms. Collier's driveway?
24 A. Yes.
25 Q. When did you first become aware that it started to

1 A. What actions?
2 Q. When did Ms. Collier first complain about the
3 Southwest Gas truck?
4 A. Probably August, September of 2020.
5 Q. And what was the first step that the HOA took
6 after Ms. Collier received -- or strike that.
7 What was the first step Anthem took after it
8 received the complaint from Ms. Collier?
9 A. The first step, I don't recall.
10 Q. Okay. How long did it take Anthem to get legal
11 involved on the Southwest Gas truck issue?
12 A. We addressed it right away because it's a utility
13 vehicle. So we engaged legal counsel pretty quickly.
14 Q. So within a month or so?
15 A. It's likely.
16 Q. Okay. And how long was the dialogue -- how long
17 did it take for legal to reach the agreement with Southwest
18 Gas' legal department?
19 A. March 17th, 2021, was when I first heard about it.
20 Could have been a couple days before.
21 Q. Why do you recall that date so specifically?
22 A. It's in a text message where I notified
23 Ms. Collier that it's been resolved.
24 Q. Did you explain to Ms. Collier how it was
25 resolved?

1 park in front of Ms. Collier's driveway?
2 A. Ms. Collier texted it to me, that he had moved
3 from the park, which the rules prohibit parking in front of
4 the park for safety issues. So we put up signs and he
5 decided to park by his residence.
6 Q. And as part of parking in front of his residence,
7 was he also blocking Ms. Collier's driveway?
8 A. That is what she alleged.
9 Q. Did you witness that?
10 A. No.
11 Q. Okay. Why did Anthem -- well, let me rephrase.
12 After he started parking his truck in front of his
13 house, did Anthem continue to take steps to address the
14 situation?
15 A. At that corner was big safety issue. So we didn't
16 think that the truck should be in that area, because it was
17 big enough that people coming around the corner would have
18 to swing out.
19 Q. So it would be fair to say that Anthem took steps
20 to address the issue, but not necessarily because of the
21 reasons that Ms. Collier raised?
22 A. Initially, no. She did raise -- raise the issues
23 of backing out of -- her car later than that. So . . .
24 Q. What -- so what issues did Ms. Collier state about
25 the Southwest Gas truck when it was moved to park in front

1 of the owner's residence?
2 A. At some point in time she said it was blocking her
3 ability to leave her residence.
4 Q. Before that, did Ms. Collier continue to complain
5 about the Southwest Gas truck?
6 A. Before?
7 Q. Well, I guess what I'm trying to understand -- and
8 you can help me a little bit -- is it was parked in front of
9 the park.
10 A. Mm-hmm.
11 Q. That was a violation issue with the park because
12 you are not supposed to park in front of the park. Correct?
13 A. Mm-hmm.
14 Q. It then moved in front of the residence -- his
15 residence. Is that correct?
16 A. Actually, it went from parking in the middle of
17 the park to parking down at the end of the park and then
18 Ms. Collier sent me a bunch of stuff saying that he was
19 violating the fire lane code and all of this other stuff.
20 And, you know, I looked into it.
21 I didn't see anything there, but the main issue
22 was that where the truck now moved into -- front of where
23 his house is, which is the second on the corner -- was that
24 we wanted to resolve that issue, because there were still
25 complaints of people running the stop sign, not being able

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1 to see, and the view obstruction of the plant material, and
2 then coming around there and having the truck. It was just
3 too much in that corner.
4 Q. So when he was parking at the end of the park --
5 A. Mm-hmm.
6 Q. -- was there an issue with him parking the truck
7 at the end of the park?
8 A. He was still parking in front of the park.
9 Q. Okay. So that was still a compliance issue, from
10 your perspective, on behalf of Anthem. Is that correct?
11 A. I would say that's correct.
12 Q. So did Anthem say, Hey, you can't park here
13 either?
14 A. I believe -- and I can't be sure -- that I
15 requested the assistant to call and ask if he would mind not
16 parking in front of the park and park in front of his own
17 residence.
18 Q. Was that something discussed with the entire
19 board?
20 A. I don't recall.
21 Q. So you called the assistant, asked -- she asked
22 for him to move in front of the residence, and he started
23 then parking in front of the residence. Is that correct?
24 A. I believe, specifically, it was to park to the --
25 if you are looking at his house, to the left of his driveway

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1 so it was far enough away from the intersection.
2 Q. Then he parked to the right of his driveway which
3 was an issue as far as Anthem was concerned?
4 A. It was still close to the corner.
5 Q. Was this all being discussed by the entire board
6 at this point?
7 A. I don't recall.
8 Q. Was it --
9 A. Legal counsel was involved. So it's possible it
10 was discussed during executive session with legal counsel.
11 Q. Okay. Was it discussed amongst the board that the
12 Southwest Gas owner could park to the left of the driveway
13 but not the right of the driveway?
14 A. I believe that that was the resolution that came
15 up in a meeting, was that since he couldn't park in front of
16 the park that we would allow him to park in front of his
17 home away from the driveway to the left side.
18 Q. And that was discussed amongst the entire board?
19 A. I can't say for sure.
20 Q. But you --
21 A. So --
22 Q. -- recall it being discussed at a meeting?
23 A. It would have been discussed in a meeting, if it
24 was discussed. So -- with legal counsel, since legal
25 counsel was involved.

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1 Q. So then he started to park on the right side of
2 the driveway. Did Ms. -- from the park to the --
3 A. Yeah. I'm trying to like -- okay.
4 Q. Switching gears on you. Making sure you're with
5 me --
6 A. Okay.
7 Q. -- because my --
8 A. And I'm getting my location straight. So I'm with
9 you.
10 Q. My goal is not to confuse you.
11 A. Okay.
12 Q. My goal is just to understand what transpired. So
13 if at any point you don't understand, please let me know.
14 A. Thank you for that.
15 Q. So he goes from the end of the park to the right
16 side of the driveway. Did Ms. Collier -- how soon after he
17 started parking on the right side of the driveway did
18 Ms. Collier complain?
19 A. I -- I can't give you a time line.
20 Q. Well, was it, like, immediate? Was she like, Hey,
21 he's now parking on the right side of the driveway? Or did
22 you know that he started parking on the right side of the
23 driveway before Ms. Collier said anything about it?
24 A. I can't give you a time, but I know that when
25 she -- as I explained, 99 percent of our communications are

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<p>1 in text messages. So they can be verified there, but I 2 believe she said that she was having a problem exiting her 3 home and that part of his truck was blocking it. And I 4 asked her if she would take a picture from across the street 5 so that I could send it to management. 6 Q. Why did you want her to take a picture from across 7 the street? 8 A. Because if she's alleging a violation she needs to 9 be the one to do that and to report it to management. 10 Q. Why couldn't she take it from her own property? 11 A. Because you could see it from across the street. 12 Q. Okay. So it -- 13 A. You could see the property line. 14 Q. It was like a vantage point issue? You just 15 wanted her to -- 16 A. Yeah. 17 Q. -- take it from a distance so you could see 18 where the -- 19 A. So we could see where the truck was. 20 Q. Understood. So then when it was communicated to 21 the Southwest Gas owner that he couldn't park to the right 22 side of his driveway, do you recall what the response was 23 from either the owner or the legal department? 24 A. I don't. 25 Q. How long did it take for them to agree to move to</p> <p style="text-align: right;">Page 122</p>	<p>1 since there was an agreement between Southwest Gas and the 2 association of where he would park. 3 Q. How would you describe -- well, let me rephrase. 4 Did you have any interactions with Ms. Collier 5 about the Southwest Gas truck that aren't in these text 6 messages? 7 A. I -- I don't think so. 8 Q. Okay. Well, I just want to make sure that you are 9 not going to show up to trial and say Ms. Collier told me X 10 or Ms. Collier told me Y. 11 As you sit here today, do you intend on testifying 12 to -- about any interaction with Ms. Collier regarding the 13 Southwest Gas truck that isn't in those text messages? 14 MR. ANTHONY: Object to form. 15 THE WITNESS: There's no intention on my part 16 unless I'm asked a question and at that point I recall 17 something that maybe I don't recall at this point in time. 18 But . . . 19 Q. (BY MR. ELSON) But as you sit here today, there's 20 no recollection of any sort of interaction that you have 21 that we haven't already talked about. Is that correct? 22 A. Interaction? 23 Q. With Ms. Collier about the Southwest Gas truck. 24 A. About where he's parking? 25 Q. About anything. About the Southwest Gas guy, the</p> <p style="text-align: right;">Page 124</p>
<p>1 outside the neighborhood? 2 A. It's in the neighborhood. 3 Q. Oh. For some reason, to this day, I thought it 4 was outside the neighborhood. 5 A. No, it's in -- it's just on a parallel street. 6 Q. How long did that agreement take? 7 A. March 17th, 2021, is when I was notified. 8 Q. Do you recall how long he was parking on the right 9 side of the driveway until . . . 10 A. I don't. 11 Q. Okay. 12 A. So I'm sorry. 13 Q. Why didn't he -- why park on a parallel street? 14 Why not park to the left side of the driveway? 15 A. Because at this point, to finalize it, we wanted 16 to just get rid of the safety issue at that corner. 17 So . . . 18 Q. So to this day, could he park to the left side of 19 the driveway if he wanted to? 20 MR. ANTHONY: Speculation. 21 Q. (BY MR. ELSON) I'll rephrase. 22 Is it your understanding that if the Southwest Gas 23 owner started to park to the left side of the driveway that 24 a violation wouldn't exist? 25 A. You'd have to consult with legal counsel on that</p> <p style="text-align: right;">Page 123</p>	<p>1 truck, just anything regarding the issue. 2 A. I don't think so, no. 3 Q. Okay. Let's talk more specifically about 4 Ms. Collier. Was your first interaction with Ms. Collier 5 about the Southwest Gas truck? 6 A. No. 7 Q. When did you first meet or hear about Ms. Collier? 8 A. The community manager for FirstService sent me an 9 e-mail and said that Ms. Collier reached out to her about my 10 information and wanted to contact me. And I asked about 11 what. She said she didn't know. 12 Q. Okay. When did that occur? 13 A. It was maybe in -- Courtney was the manager. So 14 it had to have been July of 2020. 15 Q. So just a few months before the Southwest Gas 16 truck issue? 17 A. Yeah. Well, yes. I guess it's always been an 18 issue. So I'm not -- so . . . 19 Q. Before you heard about the -- 20 A. Yes. 21 Q. -- Southwest -- 22 A. Yes. 23 Q. -- Gas truck? 24 A. Correct. 25 Q. Did you end up agreeing to provide Ms. Collier</p> <p style="text-align: right;">Page 125</p>

1 your contact information in July of 2020?
2 A. I don't know if I provided the contact information
3 or if her contact information was provided to me and I
4 reached out to her. I don't recall at this point in time.
5 Q. Let me ask it this way: Did you end up speaking
6 to Ms. Collier in July of 2020?
7 A. I don't know if it was July or August.
8 Q. Did you speak with Ms. Collier before the
9 Southwest Gas truck issue came up?
10 A. I did.
11 Q. Okay. What did you and Ms. Collier talk about at
12 that time? Why did she want to talk to you?
13 A. She felt that the -- her community was falling
14 into disrepair and that there were parking issues.
15 Q. And how would you describe that interaction with
16 Ms. Collier at that time?
17 A. I thought it was great that a homeowner was
18 interested in helping the board and management address
19 issues in their community.
20 Q. Okay. Did you continue to communicate with her in
21 the following months?
22 A. I did.
23 Q. And how would you describe those interactions with
24 Ms. Collier?
25 A. They were mostly through text message. So . . .

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1 Q. Are there any interactions that you specifically
2 recall outside of those text messages in 2020 other than
3 that first conversation?
4 A. In October of 2020, she invited me and said I
5 could invite others to her home for drinks and appetizers.
6 October 23rd, 2020, I think, specifically.
7 Q. Is that when the invitation happened or when --
8 A. That's when the event happened.
9 Q. Okay. And so you went over to Ms. Collier's
10 residence in October of 2020. What happened there?
11 A. We had dinner and drinks.
12 Q. Okay. And how would you describe that
13 interaction?
14 A. Appetizers. Had a great time. She's a perfect
15 hostess.
16 Q. What did you guys talk about? Anything that you
17 recall?
18 A. Nothing specifically.
19 Q. And you would describe that as a positive
20 interaction?
21 A. Absolutely.
22 Q. Did you discuss the oleanders with Ms. Collier at
23 that time?
24 A. I did not.
25 Q. Did you discuss any association business with

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1 Ms. Collier at that time?
2 A. I did not.
3 Q. Anything else, as far as interaction-wise, outside
4 of the text messages that you can think of that occurred in
5 2020?
6 A. I don't think so, no.
7 Q. So let's switch gears to the beginning of 2021.
8 At some point in time, you went to dinner with
9 Ms. Collier at Michael's Gourmet Steakhouse or whatever the
10 name is. Do you remember the name of it?
11 A. Michael's.
12 Q. Okay. You went to dinner with Ms. Collier at
13 Michael's. Correct?
14 A. Correct.
15 Q. When did that occur?
16 A. February 12th, 2021.
17 Q. So let's talk about 2021 prior to February. Is
18 there anything that you recall about any specific
19 interactions with Ms. Collier in 2021 prior to that dinner
20 at Michael's?
21 A. All the interactions would be on the text
22 messages, which I haven't reviewed recently. She invited me
23 and my husband to dinner. My husband doesn't socialize with
24 people in the neighborhood. So I asked if I could invite
25 Sydney and -- because I didn't want to go alone, and she

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1 said yes.
2 Q. Okay. So -- but nothing -- just to be clear, as
3 far as oral communications -- because I understand we have
4 the text messages.
5 A. Yeah.
6 Q. Did you delete any text messages with Ms. Collier?
7 A. Absolutely not.
8 Q. Okay. So, I mean, the text messages speak for
9 themselves. Right?
10 A. Yes.
11 Q. They're all in writing?
12 A. Yes.
13 Q. And what I'm trying to understand is as far as
14 oral communications.
15 You have no specific recollections of anything
16 that sticks out to you in January or early February of 2021
17 as it relates to Ms. Collier. Correct?
18 A. Nothing specifically. She was just being very
19 kind and offering to bring food, because I was dealing with
20 health issues with my father. So it was -- we had a very
21 friendly relationship.
22 Q. So let's talk about Michael's for a moment then.
23 You guys went to Michael's and Sydney attended. Who else
24 attended the dinner at Michael's?
25 A. Her friend Jennifer and Ms. Collier.

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1 Q. And what happened at dinner at Michael's?
2 A. We ate, had conversation.
3 Q. Did you guys discuss any association business at
4 Michael's?
5 A. No.
6 Q. Would you generally describe the interactions
7 between you and Ms. Collier at Michael's as positive?
8 A. I would say so.
9 Q. Did you have a good time at Michael's?
10 A. I believe I probably did. They're -- her and her
11 friend are great company.
12 Q. So you attended Ms. Collier's deposition.
13 Correct?
14 A. I did.
15 Q. And you heard Ms. Collier describe this issue with
16 John Gruden. Do you recall Ms. Collier's testimony?
17 A. I do.
18 Q. Now, I want to switch to your recollection as
19 opposed to what was testified to at Ms. Collier's
20 deposition.
21 Do you recall any -- let me start with this
22 question: Do you recall seeing John Gruden at Michael's?
23 A. I don't know who John Gruden is until now.
24 Q. Do you recall seeing somebody wearing shorts at
25 Michael's?

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1 A. I don't recall.
2 Q. Okay. Do you recall being upset about another
3 patron at Michael's?
4 A. I don't recall that.
5 Q. Do you recall making comments about another patron
6 at Michael's?
7 A. I don't recall that.
8 Q. So it would be fair to say that you disagree with
9 Ms. Collier's recollection as to what occurred at Michael's
10 with this patron who was or may have been John Gruden?
11 MR. NOACK: Objection. Misstates prior testimony.
12 Argumentative, but you can answer.
13 THE WITNESS: I don't disagree. I'm just saying I
14 don't recall.
15 Q. (BY MR. ELSON) Okay. So it's possible that those
16 events occurred?
17 A. It's possible.
18 Q. Well, help me understand. And I mean this in the
19 most polite way possible. I like to have a good time.
20 Sometimes I consume alcoholic beverages in the process of
21 having a good time.
22 Were you consuming alcoholic beverages at
23 Michael's?
24 A. I ordered one drink.
25 Q. Okay. So it would be fair to say that you don't

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1 think something like alcohol affected your memory, your
2 recollection of these events at Michael's. Is that correct?
3 A. Actually, I would say that if I didn't have a
4 recollection that it was -- it would -- could have been a
5 probability, but it was only because the next day Mr. Woo
6 told me -- when I said I didn't -- you know, wasn't feeling
7 that great and I only ordered one drink, he said, You only
8 ordered one drink. She kept telling the waiter to fill up
9 your glass.
10 Q. Understood.
11 A. So I only ordered one drink, but apparently I got
12 more than I ordered.
13 Q. And were you drinking wine?
14 A. I had a martini.
15 Q. So is it . . . were you upset when you found that
16 out?
17 MR. NOACK: Objection. Vague. About what?
18 Q. (BY MR. ELSON) I'll rephrase.
19 Were you upset when you found out that the
20 waitress was -- or the server was providing you additional
21 drinks without your knowledge?
22 MR. ANTHONY: Misstates testimony.
23 MR. NOACK: Join. You can answer.
24 Q. (BY MR. ELSON) Does that misstate your testimony?
25 A. I don't remember what my testimony was.

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1 Q. Well -- but -- well, then let me restate my
2 understanding because I'm not trying to --
3 A. Okay.
4 Q. -- misstate your testimony anyway. It sounded to
5 me like you had only ordered one drink and you later found
6 out that you likely consumed more than one drink. Is that
7 correct?
8 A. That's correct.
9 Q. When you found that out, how did you feel?
10 A. Honestly, I don't recall, because we had --
11 because she provided a driver, I wasn't concerned about the
12 driving part of it. But I felt that maybe either she was --
13 and I had no reason to believe that she had ulterior
14 motives, but in my mind, I thought, Was she trying to get me
15 intoxicated to get information from me, or was she just
16 being a good hostess? So I don't know.
17 Q. Were you upset?
18 A. I don't recall.
19 Q. Did you --
20 A. It was a concern.
21 Q. You now -- so it would be fair to say that you now
22 maybe had a concern about Ms. Collier where you previously
23 didn't have a concern about Ms. Collier?
24 A. Correct.
25 Q. Okay. So you thought of Ms. Collier differently

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1 at this point?

2 A. I wouldn't say that.

3 Q. You would at least agree with me that you were

4 more cautious around Ms. Collier moving forward after

5 Michael's?

6 A. I didn't really have any contact with her after

7 that.

8 Q. Did you cut off contact with her following

9 Michael's?

10 A. No.

11 Q. Did she stop communicating with you?

12 A. No.

13 Q. So what happened? Because it sounds like you guys

14 were communicating with each other before Michael's.

15 A. I believe that maybe the next day -- and, again,

16 the text messages will be the testimony. I believe that we

17 had a few conversations about we had a nice time, and then I

18 think she sent me text messages saying that she talked to

19 Carmen because she had sent in -- or left a voice mail and

20 then Carmen returned her call. So she said she had talked

21 to Carmen around February 25th.

22 And then I don't remember what the conversation

23 was after that, but then we get into March. And on

24 March 15th, she sent me a text message -- I don't want to

25 say ranting because I understand her frustration, but

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1 basically ranting that not enough was being done, dah, dah,

2 dah, dah, dah regarding the Southwest guy.

3 And then two days later, I replied, This has been

4 handled. Can you please talk to your vendor? Because one

5 of the issues was that there were complaints that your

6 vendor was parking at the curb and creating a safety issue.

7 And that was the last communication and, Hope all is well.

8 She did the same to me. So there was really no change other

9 than -- any communication after that was from you.

10 Q. When you found out that Ms. Collier contacted

11 Ms. Eassa, did you discuss the contents of that

12 communication with Ms. Eassa?

13 A. No.

14 Q. So you never had a dialogue with Ms. Eassa about,

15 Hey, Ms. Collier contacted you. What did you guys discuss?

16 A. No. All I remember about that is that the -- she

17 left a voice message and the message was forwarded to me

18 from an old person that used to -- well, forwarded to

19 Ms. Eassa and then forwarded to me to listen to the voice

20 mail from Ms. Collier. And it was the same, she was

21 concerned. And so just stuff that everybody already knew

22 about.

23 So -- and then -- so Ms. Eassa called her back

24 and, you know, discussed the issues with her, I guess.

25 Never really talked about it.

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1 Q. So what was she -- you said she was concerned.

2 Was she concerned about the Southwest Gas truck or was

3 she -- was that a voice mail more about the community in

4 general, like the first call you had with Ms. Collier in

5 July or August of 2020?

6 A. I think it -- it was pretty lengthy. So I think

7 maybe the community in general. So -- yeah. So I don't

8 really recall. The voice mail was produced. So you have a

9 copy of that.

10 Q. Did you have any further conversation with

11 Ms. Eassa about the contents of that call?

12 A. No.

13 Q. Do you remember anything else about the contents

14 of Ms. Collier's call with Ms. Eassa?

15 A. I don't.

16 Q. Did the fact that Ms. Collier was contacting

17 Ms. Eassa -- did that affect how you viewed Ms. Collier at

18 that point in time?

19 A. Absolutely not. I was happy she was contacting

20 her, because I just didn't have the time.

21 Q. So then we segue into this oleander issue. Before

22 we start talking about the oleanders, was there anything

23 else that happened between you and Ms. Collier in 2021 that

24 we haven't talked about here today?

25 A. Nothing.

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1 Q. Was there anything else that caused you concerns

2 about Ms. Olier [sic] that we haven't talked about here

3 today?

4 A. Ms. OI- --

5 Q. I'm sorry. Maybe I misspoke.

6 A. I thought -- I think you were saying --

7 Q. It's been a long day for me, too,

8 Ms. Mossett-Puhek. So it may look like this job is easy,

9 but it is very difficult, I assure you. At least that's

10 what I tell my client. Let me rephrase.

11 Was there anything else that happened that

12 affected how you viewed or your relationship with

13 Ms. Collier that we haven't talked about in 2021 prior to

14 the oleander issue?

15 A. No. All of her frustrations were valid and, you

16 know, I sympathized with her.

17 Q. Well, that was going to be my next question for

18 you is: Did you agree with, generally, the types of

19 complaints that Ms. Collier was making about the community

20 or the way it looked or . . .

21 A. I did not.

22 Q. Okay. But you sympathized with her, nonetheless?

23 A. With the parking.

24 Q. Okay. Well, then let's break that down.

25 A. Okay.

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1 Q. She was complaining about parking. What
2 specifically was she complaining about with parking?
3 A. There appears to be -- and I can't say for sure --
4 a lot of cars in that community which may or may not be
5 caused by the percentage of rentals in that community. Do I
6 know how many rentals? I do not. All I can do -- guess is
7 based on off-site addresses. So it appears that there are
8 quite a bit more rentals than most communities which brings
9 extra cars. That's an issue that I noticed back in 2014,
10 2015, but it's always been a parking lot over there. And so
11 that's where I sympathized with her.
12 As far as her allegations that it's a slum I do
13 not agree with. It's got the same maintenance issues as
14 every -- almost every other community in Anthem.
15 Neighborhood, not community.
16 MR. ELSON: Let's go off the record for one
17 minute.
18 (Pause in proceedings.)
19 MR. ELSON: Back on.
20 Q. (BY MR. ELSON) So it sounds like Ms. Collier made
21 a couple complaints, one of which was about parking and the
22 other was that she thought the neighborhood was having
23 maintenance issues that made it look like a slum, I believe
24 is how maybe you or her described it?
25 A. Those were her complaints.

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1 Q. Okay. You agreed that parking was a problem. Was
2 that a problem that the association could address or was it
3 just there were parking issues that fall maybe outside of
4 the governing document enforcement purview of the HOA?
5 A. The only thing that the association could enforce
6 is commercial vehicles. We can't enforce passenger vehicles
7 on the public streets unless they constitute a nuisance,
8 parked in a fire lane, parked in front of a mailbox, things
9 like that.
10 Q. What about broken down cars? Is that something
11 that constitutes a nuisance?
12 A. It does, but we would have to know whose car it
13 is, first of all, which is hard to identify passenger
14 vehicles. We don't keep registration. So usually if
15 there's a broken down car, a ticket is put in with the City
16 of Henderson because they can access registration and see
17 who that vehicle belongs to. We can't.
18 Q. As a result of Ms. -- well, strike that. Let me
19 rephrase.
20 Have you referred vehicles to the City of
21 Henderson before?
22 A. We have.
23 Q. Is that something that is discussed amongst the
24 board when that occurs?
25 A. No.

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1 Q. Who makes the decision to refer matters to the
2 City of Henderson?
3 A. Whoever -- usually management does it. So it's
4 whoever reports it. It could be a homeowner. It could be a
5 board member. It's whatever -- it's the same as reporting
6 any other violation. Anybody can report a violation and
7 then management will address it accordingly under the
8 governing documents.
9 Q. Were any enforcement actions taken as a result of
10 Ms. Collier's complaints?
11 A. Enforcement?
12 Q. By the HOA. Like, was anybody referred to the
13 City of Henderson or any of its affiliates? Did the
14 association issue any courtesy notices or reach out to
15 homeowners in other regards? Was anything -- did anything
16 stem from the complaints that Ms. Collier made?
17 A. The association updated rules and regulations in
18 September of 2020, I believe, shortly after the board
19 started discussing the complaints, because the -- the -- the
20 complaints Ms. Collier had was discussed with the board and
21 that we needed to update the rules to how -- have some type
22 of parking control in there, at least with the commercial
23 vehicles. Add a few additional things that the statute
24 would allow us to enforce.
25 So we did update those. We hired parking

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1 enforcement to come in and do -- I think it was maybe a
2 couple times a month. Do nightly patrols of -- because it's
3 hard to say if a commercial vehicle is parked there because
4 it's a homeowner's vehicle that they're bringing home or if
5 somebody is actually working on the property. So there's
6 really no way to determine that during the day.
7 So we employed parking enforcement to come out
8 twice -- about twice a month, I think it was, to notice any
9 commercial vehicles on the streets between 11:00 at night
10 and 7:00 in the morning. And that continues to this day.
11 And, actually, it's in our budget that we've actually
12 stepped up those efforts and allowed more funds to control
13 those efforts or to control the parking of commercial
14 vehicles.
15 Q. As it relates to the, I'll call them, slum
16 allegations, did the HOA take any action as it relates to
17 those?
18 A. When Terra West first came on in August of 2020,
19 the -- the -- Glengarry was the first community that they
20 went in and tried to do as much compliance in there as
21 possible, because prior to that there really wasn't any
22 compliance in the community.
23 So I believe the first month there was over 480
24 violations issued by the inspector.
25 Q. During this transition period, it would be fair to

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1 say that the inspector made a thorough examination of the
2 community in August 2020?
3 A. No, I believe we have 11 neighborhoods. So -- and
4 he is out there two days a month.
5 Q. Okay.
6 A. So he tries to get what he can, but the board
7 wanted him to focus on Glengarry since that's where we had
8 the most complaints and another community, Sommerville.
9 They seem to have the most amount of renters, not that
10 there's anything wrong with renters.
11 MR. ELSON: I don't think -- let's break for
12 lunch.
13 THE WITNESS: Okay.
14 (A lunch recess was taken.)
15 MR. ELSON: Back on the record.
16 Q. (BY MR. ELSON) Good afternoon, Ms. Mossett-Puhek.
17 You understand that we are back on the record and that you
18 are still under oath here today. Is that correct?
19 A. I do.
20 Q. How many homes are in the Glengarry community? Do
21 you have an estimate?
22 A. It would be a guess.
23 Q. I don't want you to purely guess. I mean, are you
24 able to tell me whether it's roughly 50 homes, 60 homes, 100
25 homes?

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1 A. I would say somewhere between 120 and 170. I
2 mean, that's not real close, but something like that.
3 Q. When you say it's not real close, you mean it's a
4 wide gap --
5 A. Yeah, it's a wide --
6 Q. -- a wide range --
7 A. That's a wide range. So it's under 200, I
8 believe, though.
9 Q. Do you believe you revealed any information to
10 Ms. Collier about the Southwest Gas truck that would be
11 considered a breach of confidentiality?
12 A. I don't.
13 Q. Have you -- Ms. Mossett-Puhek, I don't want to
14 offend you. I ask this question of every witness I've ever
15 deposed. Have you ever been convicted of a felony?
16 A. No.
17 Q. Have you ever been convicted of a crime of moral
18 turpitude; that is, one involving deceit or dishonesty?
19 A. No.
20 Q. What is your understanding as to what decisions an
21 HOA can make outside of a noticed board meeting?
22 MR. NOACK: Objection. Calls for a narrative.
23 Overbroad. Vague. You can answer.
24 THE WITNESS: The president of the association
25 under the management contract has the full authority to give

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1 direction to the management company regarding the day-to-day
2 operations of the association and it does not require board
3 approval.
4 Q. (BY MR. ELSON) Are there -- what is your
5 understanding as to whether there are other types of
6 decisions that can be made outside of a noticed board
7 meeting?
8 MR. NOACK: Objection. Calls for a narrative.
9 It's overbroad.
10 THE WITNESS: Okay. So the management of the
11 association -- so I guess I'm confused. The manage- of a
12 association can be done by the direction of the board
13 president. Policies are set in place regarding homeowners
14 and assessments and things like that.
15 Q. (BY MR. ELSON) What decisions can a community
16 manager make?
17 MR. NOACK: Objection. Speculation. Calls for a
18 narrative.
19 Q. (BY MR. ELSON) I'll rephrase.
20 What is your understanding as to what decisions a
21 community manager can make for a homeowners association?
22 MR. NOACK: Objection. Overbroad. Calls for a
23 narrative.
24 THE WITNESS: The community manager follows the
25 direction of the board or the direction of the board

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1 president, whoever the board liaison is. It's not
2 necessarily the board president. That's the default unless
3 the board chooses somebody else.
4 So the community manager follows -- again, I'm
5 repeating myself. Sorry. Follows direction of the board
6 and then ensures that all of the policies are followed
7 accordingly. There's really no other decisions other than
8 facilitating the board's will.
9 Q. (BY MR. ELSON) What is a board liaison?
10 A. Under the management contract, it is the person
11 designated by the board to give the direction to the
12 management company for the day-to-day operations.
13 Q. What decisions can a board liaison make?
14 MR. NOACK: Objection. Calls for a narrative.
15 Overbroad.
16 THE WITNESS: It all depends on the association.
17 So generally you can -- as the board president and liaison
18 in my position when I was the president, I would give
19 instruction to the management company regarding vendors,
20 dealing with vendors if there were issues paying bills,
21 giving extensions up to three months. Anything longer than
22 three months, the board has decided that they would like to
23 hear the reason why, because we generally don't go longer
24 than six months on any violation to cure.
25 Just how to -- just things that come up in the

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1 day-to-day management. So I don't -- if you have something
2 specific, I'd be happy to answer it, but . . .

3 Q. (BY MR. ELSON) As it pertains to Anthem, when you
4 describe the board liaison, were those -- the answer you
5 just provided, were those powers of the board liaison, or
6 was that also mixed in with the powers of the president?
7 Because you -- I understand you look confused.

8 A. Yeah.

9 Q. I'm -- when you gave your answer, you said, When I
10 was the president and board liaison, and then you described
11 how things worked. Sounded to me like you were jointly
12 describing the role of both of them. Is that correct?

13 A. Okay. Gotcha now.

14 Q. So I want to talk only about the board liaison --

15 A. Okay.

16 Q. -- for a moment. As it pertains to Anthem, what
17 decisions can a board liaison make?

18 A. The ones that I just described, which is to give
19 management direction regarding vendors, to give management
20 direction regarding vendors -- did I already say vendors?
21 Vendors. Accounting. Just anything that comes up in the
22 day-to-day operations. Duties.

23 I can -- the board liaison can direct any member
24 of our dedicated staff to do anything. So if there's
25 something that somebody else needs to handle, as the

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1 liaison, I could direct a member of the staff to do that.

2 Q. It sounds like the authority -- your understanding
3 of the authority is very similar to the authority of the
4 president between the board liaison and the president.

5 A. It is.

6 Q. Is that correct?

7 A. It is, yes.

8 Q. At what point does either the board liaison or the
9 president need to go to the entire board and discuss issues
10 with the entire board before providing this type of
11 direction to either management or the vendors?

12 MR. NOACK: Objection calls for a narrative.

13 THE WITNESS: So in my experience, the things that
14 go to the full board are anything that incurs expenses for
15 the association. So if we were to approve, you know,
16 landscaping or locks, pedestrian locks or something,
17 anything regarding the finances, and spending that money has
18 to be board approved.

19 Q. (BY MR. ELSON) So anything that causes additional
20 costs to be incurred is something that the board liaison or
21 the president would be required to discuss with the entire
22 board before a decision is made. Is that correct?

23 A. No.

24 Q. How did I misstate that?

25 A. So these are -- so big expenses, anything we --

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1 our association has a procurement policy, but anything under
2 \$7,500, the board president can sign off on without any
3 other approval from the board.

4 So if I wanted to direct management to purchase
5 additional signs for areas in the community, I could give
6 that direction and sign off under the procurement policy.

7 Q. Without ever discussing it with the rest of the
8 board?

9 A. Correct. It's noticed on the next agenda the
10 action that was taken.

11 Q. And then the board approves it retroactively?

12 A. No, it's a procurement policy that gives the full
13 authority to the board president for expenses under \$7,500.

14 Q. Is there a specific statute within Chapter 116
15 that permits that?

16 MR. ANTHONY: Calls for a legal conclusion.

17 Q. (BY MR. ELSON) What is your understanding as to
18 whether or not a specific statute in Chapter 116 exists that
19 permits that?

20 A. My understanding is this went before the ombudsman
21 in 2020- -- 2020 -- that it went before the ombudsman in
22 2020. And at that point -- well, she was the ombudsman.
23 She was the mediator. She's the ombudsman now. She -- when
24 I brought that up, because I was concerned about that as a
25 homeowner, she said - she instructed the board president to

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1 put it on the agenda to make sure that everybody was in
2 agreement with that. And then any time there was an
3 election, all of the board members needed to be presented
4 with that. And if anybody had an objection to it, it had to
5 go on an agenda. So if there were no objections to any of
6 the governing documents, nothing could stay. That was their
7 opinion.

8 Q. And where was this opinion expressed?

9 A. The real estate division. A informal conference
10 with myself and the former board president, Mark West. It's
11 documented. I produced that document and in discovery.

12 Q. That document has been produced in this case?

13 A. It has.

14 (Pause in proceedings.)

15 Q. (BY MR. ELSON) So let's take cost -- so it sounds
16 like the board president can make decisions that don't
17 affect costs and can also make decisions that affect costs
18 of the association up to \$7,500 without involving the
19 remainder of the board. Is that correct?

20 A. I'm sorry. Could you just run that by me one more
21 time.

22 Q. When I asked you how did I misstate my
23 understanding, you then described that even decisions that
24 incur costs could be made as long as those costs are less
25 than \$7,500.

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1 A. Yes.
 2 Q. So a board president can make decisions that don't
 3 cause any additional costs to be made and a board president
 4 can make decisions that cause costs to be made as long as
 5 those costs are below \$7,500.
 6 A. As long as they're costs that are within the
 7 governing documents or the budget, yes.
 8 Q. And that's also true of the board liaison?
 9 A. So I should probably clarify this for you, because
 10 I think you are misunderstanding the two. The management
 11 contract calls for a board liaison. All management
 12 contracts have that. The board liaison acts to give
 13 direction to the management company. It defaults to the
 14 president unless at the time of a reorganization of the
 15 officers board members choose to make another board member
 16 the liaison. So the board president is the automatic
 17 default unless the entire board chooses to have a different
 18 liaison to give direction to. I think that -- hopefully
 19 that makes sense.
 20 Q. It makes sense.
 21 A. Okay.
 22 Q. But at the same time, does the board liaison have
 23 the power to make decisions or is that --
 24 A. Yes.
 25 Q. -- something that's --

1 A. To give direction to the management company on any
 2 enforcement of the governing documents or any expenditures.
 3 Q. Okay. And if the board liaison is someone other
 4 than the board president, does the board president still
 5 have that decision-making ability?
 6 A. No.
 7 Q. Okay. So if the board liaison is somebody other
 8 than the president, what role does the president play at
 9 that point in time?
 10 A. The board president has all powers under Chapter
 11 82 and the governing documents, which is basically they're
 12 the CEO. They can sign for loans. There's a lot of things
 13 that the bylaws in Chapter 82 allow a board president to do.
 14 Q. Without --
 15 A. So --
 16 Q. -- board approval?
 17 A. Depends on what it is.
 18 Q. I just want to make sure I understand this. The
 19 board president can sign a loan on behalf of the
 20 association --
 21 A. No, I'm not saying that specific thing. I'm just
 22 saying that those are some of the duties of the board
 23 president I can't give you specifics.
 24 Q. So you would agree with me that the board
 25 president can't sign a loan on behalf of the association

1 without board approval?
 2 A. I wouldn't agree, because there are circumstances
 3 where there's only the board president and no other board
 4 members. And if the association needed a loan to carry on
 5 its stuff, the board president could do it unilaterally.
 6 Q. Well, let's focus on Anthem --
 7 A. Okay.
 8 Q. -- which has always had at least three board
 9 members since --
 10 A. (Gesturing).
 11 Q. -- 2020. Is that correct?
 12 A. (Gesturing).
 13 Q. It's always had at least three board members?
 14 A. 2003. It's always had five board members.
 15 Q. In 2020, how many board members did it have?
 16 A. Five.
 17 Q. 2021?
 18 A. Five.
 19 Q. 2022?
 20 A. Five.
 21 Q. Okay. So let's focus on Anthem in --
 22 A. All right.
 23 Q. -- these hypotheticals.
 24 In Anthem, could the board president take out a
 25 loan without a vote of the rest of the board?

1 MR. ANTHONY: Incomplete hypothetical.
 2 THE WITNESS: Depends on how many board members
 3 there were. We have five, but that doesn't mean there's
 4 always five there.
 5 Q. (BY MR. ELSON) Let me ask it this way: Does the
 6 agreement to take out a loan have to occur at a noticed
 7 board meeting?
 8 MR. ANTHONY: Incomplete hypothetical and calls
 9 for a legal conclusion.
 10 MR. ELSON: I'll rephrase.
 11 Q. (BY MR. ELSON) Is it your understanding that if
 12 the board president were to take out a loan on behalf of the
 13 association that it would have to occur in a noticed board
 14 meeting?
 15 A. I don't have any information on that, so I don't
 16 know.
 17 Q. What oversight exists over the board liaison for
 18 Anthem?
 19 A. No general oversight except the reports that are
 20 put out there. Anything that the board president does
 21 regarding the finances, we do notice on a agenda that those
 22 things occurred like such as the procurement policy, actions
 23 outside of a meeting. Let me see.
 24 Q. Who ensures that those matters make it on an
 25 agenda? The board liaison?

1 A. Actually, the board liaison -- the president has
2 control over the agenda. The president sets the agenda.
3 And a draft is sent out to the board a week before the
4 meeting. The board looks at the draft agenda and sees if
5 there's anything else that they want on there or if they
6 have any questions about anything.
7 Q. Well, I'm just confused because it sounds like the
8 board liaison has a significant amount of authority. Is
9 that correct?
10 A. Correct.
11 Q. Okay. And sounds like there's virtually no
12 oversight over the board liaison. Is that correct?
13 MR. ANTHONY: Objection. Misstates testimony.
14 MR. NOACK: Join.
15 MR. ANTHONY: Speculation.
16 MR. ELSON: If it misstates testimony, the witness
17 can certainly tell me.
18 THE WITNESS: So I don't know what oversight you
19 are talking about. The only oversight for boards is through
20 the Nevada Real Estate Division. Those are the only people
21 that have oversight over boards. Boards determine among
22 themselves how they want to operate and how they want to
23 manage the association. That is strictly a board function,
24 board decision.
25 As far as oversight, it is -- I have always, as

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1 board president -- have always believed in having two people
2 know everything that's going on. So when I was board
3 president, everything that I did or directed management to
4 do was discussed with Sydney, who was my vice president. He
5 didn't do the same.
6 Q. (BY MR. ELSON) Did that upset you?
7 A. No.
8 Q. Who is the person now that ensures -- that helps
9 ensure that everything you're doing as the board liaison --
10 who is the second chair?
11 MR. NOACK: Objection. Lacks foundation.
12 THE WITNESS: Right now?
13 Q. (BY MR. ELSON) Well, let me ask you this: Are
14 you the board liaison?
15 A. I am one of the board liaisons. We appointed two.
16 Q. Who is the second one?
17 A. The board president.
18 Q. Which is who?
19 A. Ken Brensinger.
20 Q. And when did you appoint a second board liaison?
21 A. December of 2021.
22 Q. Who was the second -- so there was no second board
23 liaison before December of 2021. Is that correct?
24 A. Correct.
25 Q. And at that point in time -- prior to December of

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1 2021, who was the board liaison? Was that Sydney Woo?
2 A. He was the president board liaison for -- from
3 August 2021 to December 2021. Oh, until January. Till he
4 left. So . . .
5 Q. Sounds like there were issues with that process
6 and that's why it was changed.
7 A. The board discussed that things weren't getting
8 done and that there needed to be a second liaison. And that
9 was done in a noticed meeting.
10 Q. Is there supervision over the community manager?
11 MR. ANTHONY: Speculation.
12 MR. NOACK: Join.
13 Q. (BY MR. ELSON) Do you know if there's supervision
14 over the community manager?
15 A. Before Terra West was sold, the owner supervised,
16 Carmen.
17 Q. And who is the owner?
18 A. Catherine Mathison.
19 Q. When did Terra West sell?
20 A. I think it was July of 2021.
21 Q. And who supervised Ms. Eassa after Terra West
22 sold?
23 A. Natalia DuBois, who was the chief exec- -- no, she
24 was something. Executive officer or operating officer. I
25 don't really know what her title is, but Carmen reported

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1 directly to Natalia.
2 Q. What is your understanding of what supervision
3 occurred over Ms. Eassa?
4 A. I don't have any understanding.
5 Q. What is your understanding as to Anthem's
6 expectations as to what supervision occurred over Ms. Eassa?
7 MR. NOACK: Objection. Argumentative.
8 Speculation.
9 THE WITNESS: In my opinion, I didn't expect any
10 supervision. She's a licensed manager and well qualified.
11 Q. (BY MR. ELSON) Let's talk about the enforcement
12 and violation process. We talked a little bit about
13 inspections already. Is that correct?
14 A. Correct.
15 Q. Is that typically the first step in the violation
16 and enforcement process?
17 A. The first step? I'm not sure the first step.
18 Q. Well, to me, there's two ways that a violation or
19 an enforcement could occur. Either somebody reports it.
20 A. Mm-hmm.
21 Q. Is that correct?
22 A. One of them.
23 Q. Okay. You just said "mm-hmm," and I was just --
24 A. Okay. Correct. Sorry.
25 Q. We catch everybody every time.

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1 A. Okay. Sorry.
2 Q. Again, no disrespect.
3 A. No problem.
4 Q. Or an inspection could take place and the
5 inspector would notice a violation?
6 A. Correct.
7 Q. To me, those are the two ways. Either somebody
8 reports it or an inspector notices it. Is that correct?
9 A. Yes.
10 Q. Can you think of any other way?
11 A. Trying to think, but, no, I think that's fair to
12 say, that it's reported by somebody or the inspector finds
13 it.
14 Q. Okay. And I'm assuming -- correct me if I'm
15 wrong -- that if somebody reports it there's still some sort
16 of inspection that occurs before the enforcement process
17 takes place. Is that correct?
18 A. It would depend on what it is. The management
19 company requires photos where they can be obtained. And if
20 the photo is sent in, then they determine that. If they
21 can't tell or there is no photo, then the management company
22 gives direction to the inspector to take a look at the area
23 and take a photo if he can.
24 Q. Okay. And if a violation -- if the management
25 company determines -- well, let me rephrase this.

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1 So let's say that either based on the photo or
2 based on the inspection somebody determines that a violation
3 exists at the management company. Who then determines
4 whether or not to issue a courtesy notice?
5 A. Well, if the management company finds there's a
6 violation, they issue the notice under the fine enforcement
7 policy.
8 Q. Okay. What I'm trying to figure out is: Who at
9 the management company makes that determination, if you
10 know?
11 MR. ANTHONY: Speculation.
12 THE WITNESS: Whoever is sent the notice or
13 whoever it's reported to, which would probably be the
14 assistant. She handles the violation process.
15 Q. (BY MR. ELSON) So typically that person would be
16 the assistant?
17 A. Yes. Not the assistant manager, but the
18 assistant.
19 Q. Because we determined there was no assistant
20 manager. There was just an assistant. Sometimes that
21 assistant would qualify as the assistant manager, but there
22 is no formal role as assistant manager?
23 A. No.
24 Q. That's what I understood. So now I'm even more
25 confused, because I thought when we talked about this

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1 before -- the way I understood it was there was no assistant
2 manager. It just turned out that some of the assistants may
3 have qualified as an assistant manager, but they were, in
4 fact, assistants.
5 A. May I clarify?
6 Q. Absolutely.
7 A. Okay.
8 Q. Because I want to understand where I went wrong.
9 A. So -- okay. So as I previously testified to, the
10 board, at some point, decided that it wanted to -- instead
11 of having an admin -- we'll just call it an administrative
12 assistant, which is the person in almost every management
13 company that takes care of the violation process -- that we
14 decided that we would like to have an assistant manager who
15 would act as the assistant. The admin. So we tried that
16 and it didn't work. But they are licensed provisional
17 managers. So they technically could be deemed an assistant
18 manager even though they had the functions and duties of the
19 admin.
20 Q. Yeah.
21 A. Does that make sense?
22 Q. And --
23 A. Okay.
24 Q. That's how I understood it.
25 A. Okay.

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1 Q. That's why I was referring to them --
2 A. Okay.
3 Q. -- all as assistants, because --
4 A. Yeah.
5 Q. -- my --
6 A. It's a little confusing. So . . .
7 Q. My understanding was is they were all assistants.
8 Some of them just may have been overqualified and could have
9 qualified as an assistant manager, but that they were still
10 performing the duties of an assistant.
11 A. No.
12 Q. Then I am still really confused, because I thought
13 that's what you just described to me. So where am I going
14 wrong?
15 A. Okay. So we have a manager and we have an admin.
16 Q. Yes.
17 A. When they could not -- when Terra West could not
18 find us any admins, they said, We have somebody who is
19 getting ready to take their licensing for community manager,
20 which would make them a provisional, which means they must
21 train for two years before they get their community manager
22 license.
23 So during this provisional training time, they
24 would act in the capacity of an admin, but they were
25 licensed. So if there were a necessity when the manager was

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1 gone for a manager under a license to act that they could do
 2 it without having the manager come back and have to follow
 3 up on things.
 4 Q. Okay. So their role was technically as an
 5 assistant. But if the manager was unavailable, sometimes
 6 they would fill in for the manager above and beyond their
 7 role as an assistant?
 8 A. No.
 9 Q. This is very confusing. Then where am I going
 10 wrong now?
 11 A. There -- they are licensed provisional managers
 12 that said they would accept to do the duties of an admin but
 13 have full authority to act as a manager if we needed them
 14 to.
 15 Q. When would you need them to act as a manager?
 16 A. When the manager was on vacation, if something
 17 happened, or that they could actually come out and do common
 18 area inspections and leave the office. Admin can't do that.
 19 A manager can.
 20 Q. Okay. How would you like me to refer to this
 21 person? Can I call them an assistant?
 22 A. Who?
 23 Q. The assistant.
 24 A. Admin.
 25 Q. So you just want me to call them an admin to make

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1 sure we are using the correct term?
 2 A. If you are talking about the person who does the
 3 violation process and doesn't have general -- any manager
 4 duties, it's an admin.
 5 Q. No. What I'm talk- -- we went through this list
 6 of people.
 7 A. Mm-hmm.
 8 Q. We went through Adriana, Chrislyn, Ashley, Mia,
 9 Laura. And it was my understanding that these people all
 10 acted as assistants even though some of them were
 11 provisional community managers.
 12 A. Correct.
 13 Q. Okay. Why can I not call them assistants if
 14 that's what they were?
 15 A. They had assisting duties, but they're managers.
 16 Q. They weren't managers. Was their title manager?
 17 A. No. I believe maybe we, at some point, maybe put
 18 on the portal that they were an assistant manager, but they
 19 did admin duties.
 20 Q. Okay. Well, then I'm going to clarify. When I've
 21 been referring to assistants, I've been referring to
 22 Adriana, Chrislyn, Ashley, Mia, and Laura. Has that been
 23 your understanding throughout this deposition?
 24 A. That's fair, yes.
 25 Q. Okay. And that's been your understanding

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1 throughout this deposition. Correct?
 2 A. Correct.
 3 Q. Okay. Moving forward, when I refer to Adriana,
 4 Chrislyn, Ashley, Mia, or Laura, I'm going to refer to them
 5 as assistants. Is that -- so you understand what I'm
 6 referring to as an assistant?
 7 A. Agreed.
 8 Q. Okay. And when you refer to an assistant, I'm
 9 going to understand you are referring to Adriana, Chrislyn,
 10 Ashley, Mia, Laura, unless you tell me otherwise.
 11 A. Agreed.
 12 Q. At the time the assistant makes the determination
 13 to send out a courtesy notice, does the assistant involve
 14 the board in that determination?
 15 A. No.
 16 Q. Does the assistant involve the president or the
 17 board liaison in that determination?
 18 A. There can be times where they consult with the
 19 board president or board liaison or -- if it's unclear.
 20 Q. What are the times that you are thinking of when
 21 you say that as you sit here?
 22 A. I believe that the inspector noted downspouts that
 23 weren't painted in a certain community. I didn't even know
 24 they existed, but then when it went to the assistant, the
 25 assistant couldn't find anywhere where they were required to

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1 be painted.
 2 So -- and I'm going to have to backtrack on that,
 3 because she didn't ask me until they were already sent out,
 4 the notices, and people came back and said that the builder
 5 gave them the downspouts to install themselves. And so she
 6 asked me about that.
 7 And so when the homeowners sent in the evidence
 8 that it was a builder thing when their home was built, then
 9 I made the decision to close all the violations since it was
 10 something from the builder and not something that they put
 11 in after the fact that needed architectural approval.
 12 Q. Prior to the courtesy notices going out, was there
 13 a discussion with the -- let me rephrase.
 14 Was the inspector instructed to look for these
 15 downspouts?
 16 A. No.
 17 Q. Did the inspector come up with that on his own?
 18 A. He inspects many communities. So I can only
 19 assume that part of what he was instructed to do in one
 20 community may be carried over.
 21 Q. And so then the assistant heard about it from --
 22 the assistant issued the courtesy notices.
 23 A. Mm-hmm.
 24 Q. Correct? Is that a yes?
 25 A. Yes, correct.

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1 Q. And then the assistant came to you after a
2 homeowner reached out to the assistant. Is that correct?
3 A. Correct.
4 Q. And you made the decision without discussing it
5 with the board to have all of those courtesy notices
6 withdrawn?
7 A. I have the authority to do that, correct.
8 Q. Let's flip that hypothetical. Let's say you were
9 going to make the decision to move forward with all of the
10 courtesy notices in the violation process. Is that
11 something you would have reached out to the board to
12 discuss?
13 MR. ANTHONY: Incomplete hypothetical.
14 THE WITNESS: I don't make that decision.
15 MR. ANTHONY: Speculation.
16 THE WITNESS: I don't make that decision.
17 Q. (BY MR. ELSON) What do you mean you don't make
18 that decision?
19 A. I don't make the decision on how the notices
20 proceed.
21 Q. Well, somebody reached out to you and you said,
22 Stop the process. Correct?
23 A. I'm --
24 Q. The assistant reached out to you, and you said,
25 Stop the process. Correct?

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1 A. No.
2 Q. You -- we just discussed that the assistant
3 reached out to you and you said cancel all of the courtesy
4 notices that deal with this pipe.
5 A. We said to close all the violations because it
6 was -- because they weren't indeed violations. So I told
7 her to close them because they were not violations.
8 Q. Okay. I understand that.
9 A. Okay.
10 Q. So I said let's flip that hypothetical.
11 If you were going to say let's leave all of those
12 violations open, would you have taken it to the board and
13 discussed it with the rest of the board before making that
14 decision?
15 MR. ANTHONY: Same objection.
16 THE WITNESS: I don't get involved in the process
17 of moving things forward.
18 Q. (BY MR. ELSON) With all due respect, you did.
19 The assistant came to you.
20 A. Uh-huh.
21 Q. The assistant said, What do I do? At that point,
22 you are now involved in the process. Correct?
23 A. I'm involved in determining if there's a violation
24 of the governing documents which is my duty as a board
25 member.

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1 Q. And I understand that. And you made a decision
2 that there was not a violation and had all of them closed
3 out?
4 A. Yes.
5 Q. So it would also be fair that if you determined
6 there was a violation you would have told the assistant to
7 proceed?
8 A. No. I would have just said there's no violation.
9 Q. If you had determined there was a --
10 A. That I --
11 Q. -- a violation, what would you have done?
12 A. Nothing.
13 MR. ANTHONY: Same objection. Same objection.
14 THE WITNESS: The process would have moved
15 forward.
16 Q. (BY MR. ELSON) You wouldn't have responded back
17 to the assistant? You would have ignored her?
18 A. No.
19 Q. Well, I'm just confused.
20 A. Well -- and I apologize, because the questions
21 you're presenting do not make sense to me because it's stuff
22 that does not happen. So I'm just trying to answer you
23 respectfully, but you are presenting questions to me that
24 don't happen.
25 Q. Okay.

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1 A. And I'm trying to figure it out.
2 Q. So that's never happened where the assistant has
3 came to you and said, Hey, I have a question about this. Is
4 this a violation? And you've determined that it was?
5 A. This -- no.
6 Q. It's never happened?
7 A. Not that I recall.
8 Q. Okay. Then I guess this is truly a hypothetical.
9 And so what I'm trying to understand is if you had
10 determined it was a violation, what would you do?
11 MR. ANTHONY: Same objection.
12 MR. NOACK: Yeah. Incomplete hypothetical.
13 THE WITNESS: It was already determined to be a
14 violation by management. And when they got push back from
15 the homeowners that said, no, this is a builder thing, we
16 didn't put it in after the fact, then that's where I am
17 contacted about the dispute and then I will research the
18 dispute and let them know this is -- based on what has been
19 given to us by homeowners, this was a builder improvement
20 and so went cannot enforce it at this time. So to close it
21 down and tell them, We apologize. We were unaware of this.
22 Q. (BY MR. ELSON) Have you ever requested that a
23 formal notice be sent?
24 A. A formal notice?
25 Q. That's correct. Well, let me take a step back.

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1 What comes after the courtesy notice stage?
2 A. A formal notice.
3 Q. What comes after the formal notice stage?
4 A. A hearing notice.
5 Q. What comes after the hearing notice?
6 A. A hearing determination.
7 Q. Okay. And is there something that takes place
8 between the formal -- the hearing notice and the hearing
9 determination?
10 A. Hearing notices require homeowners to submit a
11 formal response, and that goes in the board packet.
12 Q. And I guess what I'm getting at is before the
13 hearing determination there's an executive session.
14 Correct?
15 A. The executive -- the hearing session is the
16 executive session.
17 Q. Yes.
18 A. It's all in the same meeting.
19 Q. Well, you said "hearing determination," which to
20 me sounds like that's the ruling. Is that not the ruling?
21 A. That's the ruling.
22 Q. Okay. And before the ruling is made, there's a
23 hearing that occurs at the executive session?
24 A. Correct.
25 Q. Okay. And then after the hearing determination,

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1 if there's a fine, then the fine takes place. Correct?
2 A. That's correct.
3 Q. Okay. Have you ever instructed management to send
4 a courtesy notice?
5 A. I've been -- I've notified management about
6 observed violations. The courtesy notice is the process.
7 Q. Have you ever told management to send a courtesy
8 notice?
9 A. I don't recall.
10 Q. Okay. Have you ever told management to send a
11 formal notice?
12 A. Not that I recall, but not likely.
13 Q. Have you ever told management to send a hearing
14 notice?
15 A. The only hearing notice would have been the
16 health, safety, welfare on two units. Three units.
17 Q. Okay. So that answer is, yes, you've told
18 management --
19 A. Yes.
20 Q. -- to send a hearing notice. Correct?
21 A. Yes.
22 Q. And you specified it occurred on three units. Is
23 that correct?
24 A. Three separate issues.
25 Q. What were those three separate issues?

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1 A. Oh, I guess I'm not disclosing who they are.
2 The one was vandalism at the gates -- the
3 pedestrian gates in Glengarry and in Clermont Park. The
4 other one was a renter who was calling leaving threatening
5 messages on the manager's voice mail, and that hearing
6 actually took place the same night as Ms. Collier's hearing
7 on health, safety, welfare.
8 Q. Okay. That's two. Was there a third one?
9 A. The third one was the vandalism.
10 Q. Okay. Then maybe I missed one. I had one on the
11 gates, one on the vandalism.
12 A. No, no, no. The -- vandalizing the gates was one.
13 Q. Okay. What was the second?
14 A. The second was a renter leaving threatening
15 messages on management's voice mails.
16 Q. Okay. And what was the third?
17 A. The third one was Ms. Collier's --
18 Q. Okay.
19 A. -- view obstruction.
20 Q. Before instructing management to issue a hearing
21 notice, do you discuss that with the board on whether or not
22 a hearing notice should be issued?
23 A. It's always discussed with the attorney who
24 advises how to proceed in those matters and that -- what
25 type of notice would be required.

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1 Q. Is the board involved in that process?
2 A. No.
3 Q. As it pertained to Ms. Collier, it's your
4 testimony here today that Mr. Boyack was consulted before
5 the hearing notice was sent as it pertained to the oleanders
6 on the house safety welfare violation. Is that correct?
7 A. Yes.
8 Q. Okay. Who else was present for that
9 communication?
10 A. I don't recall how it took place, if it was via
11 e-mail or via the phone.
12 Q. Okay. Regardless of the means of the
13 communication, who else was involved in those
14 communications?
15 A. As I said, I don't know if it was via phone or
16 e-mail. If it was e-mail, other people could have been
17 copied on it.
18 Q. If it was via e-mail would those e-mails have been
19 produced in this litigation?
20 A. No.
21 Q. Why?
22 A. They're attorney-client privileged.
23 Q. Okay. If it was . . .
24 If it was via e-mail, were those e-mails at least
25 turned over to your attorney to evaluate the e-mails and

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1 prepare a privilege log? Were they gathered and turned
2 over?
3 A. Well, the attorney would have them.
4 Q. Did you -- do you recall seeing e-mails on this
5 subject?
6 A. Excuse me. On what subject?
7 Q. On -- with Mr. Boyack regarding Ms. Collier.
8 MR. ANTHONY: Objection. Vague.
9 Q. (BY MR. ELSON) Well, I mean, you looked for
10 documents. Correct?
11 A. I looked for them?
12 Q. Yes.
13 MR. ANTHONY: Objection. Vague.
14 Q. (BY MR. ELSON) As part of the written discovery
15 process, you reviewed and searched for documents. Is that
16 correct?
17 A. Correct.
18 Q. Okay. As part of your review, do you recall
19 seeing e-mails with Mr. Boyack?
20 A. I don't necessarily recall specific e-mails. I
21 did refer to the billing and the billing documents.
22 Q. As it sits here today, do you recall a specific
23 telephone conversation with Mr. Boyack regarding Ms. Collier
24 and the oleander bushes regarding the house safety
25 violation?

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1 A. I do.
2 Q. Do you recall who else was present for that
3 telephone conversation?
4 A. I don't know -- recall if there was anybody else,
5 but if there was, it would have been Mr. Woo.
6 Q. Outside of Ms. Collier's home, are there oleanders
7 planted within the Anthem community?
8 A. I believe that there are some, but I'm not a
9 horticulturist so I can't definitively say.
10 Q. Are there oleanders planted on the common elements
11 within the Anthem community?
12 A. No.
13 Q. Are there -- does your home have oleanders planted
14 on it?
15 A. No.
16 Q. Ms. Collier contends that oleanders are planted on
17 about 60 percent of the homes in Anthem. Have you heard
18 that statistic before?
19 A. No.
20 Q. Do you have any reason to dispute its accuracy?
21 A. There could be no reason, but it's unlikely.
22 Q. Why do you say that?
23 A. 60 percent of the community is a lot.
24 Q. Well, I understand that. That's why it surprises
25 us that the oleanders were such a huge issue to Anthem, and

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1 that's why I'm trying to understand what Anthem's position
2 is on the number of homes that have oleanders planted on
3 them.
4 So as you sit here today, have you taken the time
5 to evaluate the number of homes within Anthem that
6 have oleanders planted on them?
7 A. No.
8 Q. When did oleanders become a prohibited plant
9 within Anthem?
10 A. 2014.
11 Q. Were you on the board at that time?
12 A. I was.
13 Q. Prior --
14 A. Oh, I'm sorry. Did you say when did they become a
15 prohibited plant?
16 Q. That's correct.
17 A. Okay. Can I change?
18 Q. Absolutely.
19 A. Okay. They were prohibited up until 2014. When I
20 was on the board, I did not understand why they were
21 prohibited. I had never heard of the City of Henderson. So
22 when discussing the rules with the board, we took them off
23 the prohibited list. And so from 2014 to 2018, they were
24 allowed until the then board president, Mark West,
25 discovered through the City of Henderson that they were

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1 prohibited and the guidelines were changed again.
2 Q. So if there are a significant number of homes
3 within Anthem that have oleanders, unless those oleanders
4 were planted between 2014 and 2018, it would be fair to say
5 that those oleanders were planted when, in fact, they were a
6 prohibited plant?
7 MR. NOACK: Objection. Incomplete hypothetical.
8 MR. ANTHONY: Join.
9 THE WITNESS: I can't make that determination. I
10 just don't know.
11 Q. (BY MR. ELSON) Was the only -- let me rephrase.
12 Is it your understanding that the only reason that
13 oleanders became a prohibited plant again in 2018 was
14 because the City of Henderson has them as a prohibited
15 plant?
16 A. The only information I have on that is what was
17 sent out in a newsletter by the board president, that he was
18 having the landscapers remove all of the oleanders. This
19 was 2017, 2018 -- maybe 2017 -- having landscapers remove
20 all the oleanders in the common areas because they were a
21 prohibited plant by Henderson.
22 Q. So oleanders were, at one point, planted on the
23 common areas within Anthem?
24 A. Yes.
25 Q. Was that done before or after 2014?

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1 A. After 2014. I believe it was 2015, 2016.
2 Q. It would be fair to say that there are political
3 divisions within Anthem. Is that fair?
4 MR. NOACK: Objection. Argumentative.
5 MR. ANTHONY: Object to form.
6 Q. (BY MR. ELSON) I mean, not everybody gets along?
7 A. There are certain board factions from board to
8 board that exist in every community.
9 Q. And that's fine. I'm not --
10 A. Yeah.
11 Q. -- trying to say Anthem --
12 A. Yeah.
13 Q. -- is any different. I'm just simply saying, be
14 fair to say that board factions exist.
15 A. Yes.
16 Q. Right? Do you believe that part of the motivation
17 for Mark West in making oleanders a prohibited plant, again,
18 had anything to do with these board factions or maybe
19 political motivations?
20 A. Zero.
21 MR. ANTHONY: Objection.
22 MR. NOACK: Objection. Speculation.
23 MR. ANTHONY: Speculation.
24 MR. NOACK: Sorry.
25 Q. (BY MR. ELSON) That's -- go ahead and answer the
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1 question.
2 A. Zero.
3 Q. And so you understand that his sole source of
4 motivation was the fact that they were a prohibited plant by
5 the City of Henderson. Correct?
6 A. I believe that. And if I would have known that, I
7 would have never changed the guidelines or had the board
8 change them.
9 Q. Prior to taking enforcement action against
10 Ms. Oleander -- or --
11 MR. ELSON: She might as well be called --
12 MS. COLLIER: Sorry.
13 MR. ELSON: -- Ms. Oleander. Right?
14 MS. COLLIER: Sorry.
15 MR. NOACK: It's off the record.
16 THE WITNESS: How rude.
17 MR. ELSON: Freudian slip, if I ever heard one.
18 THE WITNESS: Well, you called her Olier.
19 Q. (BY MR. ELSON) Let me rephrase. Prior to Anthem
20 taking any enforcement action against Ms. Collier for the
21 oleanders, was there any review of the amount of oleanders
22 that were planted within the Anthem community?
23 A. Not that I'm aware of.
24 Q. Prior to Anthem finding Ms. Collier -- so we're
25 switching gears, because I started with -- last question was
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1 just the enforcement process. Now I'm talking about the
2 fine itself.
3 Was there any review of the number of oleanders
4 that were planted within the Anthem community?
5 A. No.
6 Q. As you sit here today, do you believe that any
7 sort of review should have been conducted on oleanders
8 within the Anthem community before Ms. Collier was fined?
9 A. No.
10 Q. Why is that?
11 A. Because the fine was not for oleanders. It was
12 for a view obstruction. They're two separate issues.
13 Q. So Ms. Collier was never fined for oleanders being
14 a prohibited plant?
15 A. No.
16 Q. Prior to Ms. Collier having the enforcement
17 process brought against her for oleanders, are you aware of
18 any other enforcement issues or violation issues with
19 Ms. Collier and her property?
20 A. Prior to the view obstruction? I believe in a
21 letter to you when you reached out to me for clarification
22 on notices received I contacted management and they told me
23 that there was the -- no arc notice that was sent out and I
24 told you that another painting notice was in the queue for
25 no arc.
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1 Q. And so to me that's all the oleander process. So
2 I'm talking about before that time frame, was there any
3 issues with Ms. Ol- -- Ms. Collier in the beginning of 2021
4 before the oleanders?
5 A. I don't believe so, no.
6 Q. 2020?
7 A. I don't believe so, no.
8 Q. Any of the preceding years that you're aware of?
9 A. Not aware.
10 Q. Where do you live in Anthem?
11 A. Earlstone.
12 Q. Okay. What is your path of ingress and egress out
13 of the community?
14 A. Well, we'll start with egress. I believe my
15 community -- I turn right on Crathes and head straight out
16 to Anthem Highlands Drive and leave the community that way.
17 Q. Is that the same way you come into the community?
18 A. I -- it's the same. Different direction, correct.
19 Q. And it's my understanding that takes you directly
20 past Ms. Collier's residence. Is that correct?
21 A. Correct.
22 Q. Ms. Collier's residence is at the corner of
23 Crathes and Culloden?
24 A. Correct.
25 Q. Be fair to say that you leave the community a
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1 normal amount of times as an average person. Right? You
 2 leave the community probably every day, sometimes multiple
 3 days? Sometimes you may not leave every day, but you are
 4 leaving the community, on average, probably at least seven
 5 times a week. Is that fair?
 6 A. No.
 7 Q. Okay. Help me understand how your frequency is
 8 different than maybe an ordinary homeowner.
 9 A. I've had a work-from-home job the last two years,
 10 and sometimes I would never leave my house in a week.
 11 Q. But every time you leave or come back in the
 12 community, you drive by Ms. Collier's home. Is that
 13 correct?
 14 A. Correct.
 15 Q. How were the oleanders first brought to Anthem's
 16 attention?
 17 A. It was brought to Anthem's attention in a board
 18 meeting in July of 2020 by members of the Earlstone
 19 community.
 20 Q. Do you recall which members?
 21 A. It was Cynthia Heard and I don't know what -- I
 22 don't know if she was president at that time or if she
 23 was -- held another position, but Cynthia Heard and
 24 Ms. Hendrickson was present at that meeting as well.
 25 Q. Was she vocal about the oleanders in the meeting?

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1 A. She was.
 2 Q. And it sounds like two people. Were there more
 3 than two people complaining about the oleanders?
 4 A. From what I recall, just the Earlstone community.
 5 And they didn't really identify them as oleanders. They
 6 just said a very large plant, and they weren't sure what it
 7 was. So . . .
 8 Q. And what did they ask to be done at that time?
 9 A. They just brought to our attention that it was a
 10 concern, it was a safety issue for the people turning into
 11 Earlstone, and that it was a view obstruction and they
 12 couldn't see. They were concerned about school children
 13 coming -- because at that point, there was not a third stop
 14 sign. So they were concerned about people coming out of
 15 Glengarry or people going into Glengarry, which they blow
 16 that stop sign, too, that they wouldn't see kids walking to
 17 school.
 18 Q. Let's take a moment and talk about the third stop
 19 sign.
 20 Were you involved in the process to obtain a third
 21 stop sign at that intersection?
 22 A. I don't necessarily believe that Anthem was
 23 involved too much. It came from a homeowner in Earlstone.
 24 Actually, I think it was -- and I can't be sure, so I don't
 25 want to say, but based on comments at later meetings, I

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1 believe it was Ms. Heard's husband that contacted the City
 2 of Henderson about that area. And I believe maybe at some
 3 point we did as well. Just because of the safety issue of
 4 people going through there. And at some point I believe
 5 there was a traffic study done, but I'm not -- I don't
 6 recall too much of that -- how that all got started.
 7 Q. Okay. Well, we know in July of 2020 -- or at
 8 least it's your testimony here today that two members of
 9 Earlstone showed up and made comments about the oleanders.
 10 Correct?
 11 A. At least one did.
 12 Q. At least one did?
 13 A. Yeah.
 14 Q. Okay. And prior to that, when did you first
 15 become aware that people were complaining about the stop
 16 sign issue at that intersection?
 17 A. I don't think I was aware up until that. So --
 18 that people were complaining about the stop sign.
 19 Q. And so if Anthem took any steps to address the
 20 controlled nature of that intersection, it would have been
 21 after July of 2020, at least to the best of your
 22 recollection. Is that correct?
 23 A. So I became board president in May -- late May --
 24 last week of May, June 2020. Even though I was on the
 25 Anthem board for a full year, I was not privy to any

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1 complaints from homeowners because I was not the board
 2 president. And that's usually handled by the board
 3 president and management. So there could have been
 4 something taken -- some action taken prior to then that I
 5 didn't know about and it just took time for it to -- to be
 6 resolved by the City of Henderson, but I wasn't aware of any
 7 issues with a stop sign prior to Ms. Collier contacting me
 8 and talking about those issues.
 9 Q. Ms. Collier talked about the lack of a stop sign
 10 to you?
 11 A. No, she talked about people running the stops
 12 signs.
 13 Q. She didn't talk about the fact that there wasn't a
 14 third stop sign. Is that correct?
 15 A. I don't recall.
 16 Q. When was this third stop sign installed?
 17 A. I can't give you an exact date, but I believe it
 18 was brought up at a meeting in early 2021 by the --
 19 Ms. Heard's husband who mentioned something about the stop
 20 sign being in place.
 21 Q. Is it accurate to say that the third stop sign was
 22 installed before the courtesy notice was sent to Ms. Collier
 23 regarding her oleanders?
 24 MR. NOACK: Objection. Speculation.
 25 THE WITNESS: I would probably say that it was

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1 installed prior to that, yes.
 2 Q. (BY MR. ELSON) Certainly installed before the
 3 executive session meeting. Is that correct?
 4 A. Correct.
 5 Q. When was the first time you discussed with
 6 Ms. Collier her oleanders?
 7 A. I believe it was maybe August or September of
 8 2020. It was after the board meeting where the homeowners
 9 complained about it.
 10 Q. And what did you first discuss with Ms. Collier
 11 about the oleanders?
 12 A. Just that there was complaints at the meeting that
 13 they were a view obstruction.
 14 Q. Did you ask that Ms. Collier take any steps to
 15 address the complaints with the oleanders?
 16 A. I don't know if I specifically asked for certain
 17 steps. I mean, I -- I know that I informed her about the
 18 complaints. And I believe she may have offered to trim
 19 them, but I don't know if that happened. And I don't know
 20 at whose suggestion it would have been.
 21 Q. Did you continue to discuss the oleanders with
 22 Ms. Collier prior to the enforcement process starting with
 23 Anthem? Did you ever discuss them again?
 24 A. I don't recall, but it wouldn't have been the
 25 oleanders. It would have been the view obstruction.

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1 Q. Did you ever request that Ms. Collier simply trim
 2 back her oleanders?
 3 A. I do not recall that, no.
 4 Q. Who made the decision to send a courtesy notice to
 5 Ms. Collier regarding the oleanders?
 6 A. For the no arc violation, I don't know how that
 7 came about. It possibly could have been me after I reviewed
 8 the architectural application that you requested.
 9 Q. So your -- I want to make sure I understand this.
 10 Timing-wise on how this process played out, I made the
 11 request for the arc application and then the courtesy notice
 12 went out regarding the oleanders?
 13 A. No.
 14 Q. Okay. Help me understand where I went wrong.
 15 A. You I spoke with you via phone. And during that
 16 conversation, you said you were retained regarding the
 17 parking issues and that Ms. Collier had complained about the
 18 lack of enforcement in Glengarry. The oleanders were not
 19 even an issue that I felt that you were calling to discuss
 20 except that you stated during that conversation that they
 21 were grandfathered in because they were there when she
 22 purchased the home.
 23 Q. Why would I have brought up the oleanders if they
 24 weren't an issue?
 25 A. You brought it up that they were grandfathered in.

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1 Q. I just, out of nowhere, unprovoked said, The
 2 oleanders are grandfathered in?
 3 A. You -- yes, that's what you said, because they
 4 were there when she moved in.
 5 Q. Okay. And that caused you to go pull the arc
 6 applications and evaluate what the circumstances were
 7 surrounding the oleanders?
 8 A. No.
 9 Q. Okay. Well, then after I brought that up in
 10 discussion with you, what happened next?
 11 A. I didn't even think anything about it, because
 12 there's no way that I would have been able to necessarily
 13 tell when they were planted. So you requested the arc
 14 application and some information -- any arc application you
 15 requested. So I gathered the information that you
 16 requested. I sent you a letter addressing the parking, but
 17 during a cursory review to make sure I wasn't revealing any
 18 confidential information, I noticed that there was no
 19 application for the oleanders after you had told me that
 20 they were there when she moved in and that she was
 21 grandfathered in.
 22 And then -- so I did the review. And I was able
 23 to check MLS at the time based on your statement to see if
 24 they were, in fact, there when she purchased the property
 25 and they weren't. So that courtesy notice was sent on 4/12,

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1 and I believe you contacted me and I sent you a letter on
 2 4/14 of 2021 -- 2021.
 3 Q. When did you call the City of Henderson?
 4 A. The City of Henderson? I believe, based on the
 5 records that were produced, that I contacted them on
 6 March 2nd and said that the homeowners had made a complaint
 7 about this being a view obstruction, because it's on a
 8 corner and they said that they would come out and check.
 9 Q. Prior to calling the City of Henderson, did you
 10 discuss that with the rest of the board?
 11 A. No.
 12 Q. Was the rest of the board aware that you were
 13 going to call the City of Henderson?
 14 A. No.
 15 Q. Prior to contacting the City of Henderson, what
 16 investigation did you conduct as it relates to the
 17 oleanders?
 18 A. I didn't conduct an investigation.
 19 Q. You didn't pull any association records?
 20 A. Nope.
 21 Q. Did you ask Ms. Collier to trim the oleanders
 22 prior to contacting the City of Henderson?
 23 A. I don't recall ever asking her to trim the
 24 oleanders.
 25 Q. Why was your first approach to the issue of the

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1 oleanders -- because at that point, you obviously thought it
 2 was an issue. Right?
 3 A. It was a view obstruction and a safety issue
 4 for residents in the community based on their attendance at
 5 board meetings.
 6 Q. You thought it was an issue. Correct?
 7 A. I thought it was a view obstruction, yes.
 8 Q. Why was your first step in that process to contact
 9 the City of Henderson instead of any of the other -- any of
 10 the other options you had at your disposal?
 11 MR. ANTHONY: Assumes facts.
 12 MR. NOACK: Join.
 13 THE WITNESS: I contacted the City of Henderson to
 14 determine if it was a view obstruction. I'm not capable of
 15 determining that. I had to go based off what homeowners
 16 felt was a view obstruction. So in order to attempt to
 17 shift some liability to the City of Henderson, I wanted them
 18 to take a look and see if, in fact, they thought it was. I
 19 was concerned about the liability to the association if we
 20 didn't act.
 21 Q. (BY MR. ELSON) I just want to make sure I
 22 understand your testimony. You're not capable of
 23 determining something was a view obstruction. Is that
 24 correct?
 25 A. I'm not capable of doing that, no.

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1 Q. Didn't the association do just that at the
 2 executive session meeting in June of 2021?
 3 A. The architectural guidelines basically state that
 4 plant material on corner lots that cause a view obstruction
 5 for others is what the violation was. And so since others
 6 reported it as a view obstruction to them, we couldn't
 7 dismiss their complaints.
 8 Q. But you made a determination?
 9 A. That there was a violation of the governing
 10 documents that plants on corner lots that caused a view
 11 obstruction were a violation of the governing documents.
 12 Q. So you would agree with me that you, in fact, made
 13 a determination that you originally felt you were incapable
 14 of making?
 15 MR. ANTHONY: Misstates testimony.
 16 MR. NOACK: Join.
 17 THE WITNESS: The City of Henderson could clarify
 18 if the association needed to proceed, and then based on
 19 their evaluation, then we would determine how to proceed, if
 20 it was an architectural violation or if it was a health,
 21 safety violation. The determination was made based on --
 22 not the City of Henderson. We don't enforce the City of
 23 Henderson rules. We enforce our own governing documents and
 24 the governing documents state that view obstructions on
 25 corner lots are a violation.

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1 Q. (BY MR. ELSON) So you could have made that
 2 determination without involving the City of Henderson? I
 3 mean, you are telling me, as you sit here today, your own
 4 governing documents expressly state this?
 5 A. At that point, I wasn't aware of that until it got
 6 further into the process and it was discussed with legal
 7 counsel on how to proceed. Contacting the City of Henderson
 8 is routine.
 9 Q. How many times have you contacted the City of
 10 Henderson?
 11 A. On different issues maybe four, five times.
 12 Q. It's not that routine then. Right? It's maybe
 13 once a year?
 14 A. That I personally have contact with them.
 15 Q. Prior to fining Ms. Collier in June of 2021, when
 16 was the last time that you contacted the City of Henderson?
 17 A. I only contacted them once, March 2nd, and then
 18 again in December of 2021.
 19 Q. So after the enforcement process was initiated,
 20 that you felt that City of Henderson would be in the best
 21 position to make a determination, you didn't follow back up
 22 with the City of Henderson before the executive session
 23 meeting in June of 2021?
 24 A. I did not.
 25 Q. Did anyone on behalf of Anthem contact the City of

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1 Henderson?
 2 A. No.
 3 MR. ANTHONY: Speculation.
 4 Q. (BY MR. ELSON) Do you know whether anyone on
 5 behalf of Anthem contacted the City of Henderson?
 6 A. Regarding?
 7 Q. The oleanders prior to the executive session --
 8 A. No.
 9 Q. -- meeting in June of 2021.
 10 A. No.
 11 Q. No, you don't know or no such contact occurred?
 12 A. Actually, I will change that. You, in your
 13 response to the hearing on behalf of Ms. Collier,
 14 specifically stated in there that Henderson Code Enforcement
 15 confirmed that Judy Hendrickson filed a complaint with them
 16 regarding the oleanders. And so that's what we -- my
 17 inquiry to the City of Henderson was simply that, just an
 18 inquiry, but you stated in your response that Judy
 19 Hendrickson filed a complaint with the City of Henderson.
 20 So I assumed that's who has been contacting the City of
 21 Henderson.
 22 Q. Okay. Let me reask my question so we get an
 23 answer.
 24 On behalf of Anthem, was any contact made with the
 25 City of Henderson other than your initial phone call prior

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1 to the board meeting -- the executive board meeting in June
2 of 2021?
3 A. No.
4 MR. ANTHONY: Speculation.
5 Q. (BY MR. ELSON) How many complaints has Anthem
6 received about the oleanders -- well, let me rephrase.
7 Prior to the executive session meeting, the
8 oleanders were trimmed. Is that correct?
9 A. Yes.
10 MR. NOACK: Objection. Never mind.
11 THE WITNESS: Sorry.
12 Q. (BY MR. ELSON) It's my understanding they were
13 trimmed to 24-inches. Is that your understanding?
14 A. That's what you stated in your response.
15 Q. Did you or anyone else on behalf of Anthem take
16 any steps to verify the height of the oleanders prior to the
17 executive session meeting in June of 2021?
18 A. I don't think so.
19 Q. Why or why not?
20 A. Because the oleanders, as far as we were concerned
21 under our governing documents, we didn't have a height
22 requirement.
23 Q. Did you or anyone else on behalf of Anthem drive
24 throughout the rest of the Anthem community to look for view
25 obstructions on corner lots prior to the executive session

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1 meeting in June of 2021?
2 MR. ANTHONY: Speculation.
3 THE WITNESS: Nobody drives to look for
4 violations. We only respond to reported violations.
5 Q. (BY MR. ELSON) Let me ask the question one more
6 time. Did you or anyone else on behalf of Anthem inspect
7 the rest of the Anthem community for corner lot view
8 obstructions prior to the executive session meeting in June
9 of 2021?
10 MR. ANTHONY: Speculation.
11 MR. NOACK: Join.
12 THE WITNESS: Not that I'm aware.
13 Q. (BY MR. ELSON) How many complaints has Anthem
14 received about the oleanders since Ms. Collier trimmed the
15 oleanders prior to the executive session meeting in June of
16 2021?
17 MR. ANTHONY: Speculation.
18 MR. NOACK: Join.
19 Q. (BY MR. ELSON) Let me rephrase.
20 How many complaints are you aware of about the
21 oleanders since Ms. Collier trimmed the oleanders prior to
22 the executive session meeting in June of 2021?
23 A. I'm not aware of any view obstruction complaints.
24 Q. And to be perfectly clear, the only complaint that
25 you are aware of about these oleanders are the complaint

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1 that we already discussed in the board meeting in July of
2 2020. Is that correct?
3 A. I'm sorry. Can you repeat that?
4 Q. The only complaint that you are aware of about
5 these oleanders was the complaint that we already discussed
6 at the board meeting in July of 2020. Is that correct?
7 A. I don't understand what you mean by the only
8 complaint that I'm aware of.
9 Q. There was a complaint by a homeowner in Glengarry.
10 Correct?
11 A. Yes.
12 Q. Okay.
13 A. No, in Earlstone.
14 Q. Oh, I'm sorry. I misspoke. It was a complaint by
15 a homeowner in Earlstone. Correct?
16 A. Mm-hmm, correct.
17 Q. In July of 2020?
18 A. Yes, yes.
19 Q. You're not aware of any complaints after June of
20 2021 regarding the oleanders. So what I'm trying to cover
21 is the time gap between July and June. Were you aware of
22 any other complaints regarding these oleanders other than
23 the complaint that occurred in July of 2020 that we already
24 discussed?
25 A. Only what was -- the same people complaining in

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1 July were at a meeting in early -- in July -- same people at
2 the meeting in July 2020 were at a meeting in early 2021,
3 and the view obstruction was discussed at that point.
4 Q. Do you recall when that meeting was in 2021?
5 A. I don't know. It would have been early, because
6 that's how I'm familiar about the stop sign, because it was
7 brought up by this homeowner, that the stop sign was put in
8 and at least helped a little bit. I wasn't personally aware
9 of the stop sign being put in.
10 Q. As part of the fine process for the oleanders, did
11 the board discuss that that intersection was a controlled
12 intersection three-way stop?
13 MR. ANTHONY: Speculation.
14 THE WITNESS: There would be no reason --
15 Q. (BY MR. ELSON) I'll rephrase.
16 A. -- for us to --
17 Q. Were you at the board meeting where the board
18 discussed the fine on the oleanders in June of 2021?
19 A. Yes.
20 Q. Okay. Including that meeting or any other
21 communications that you were involved in, are you aware of
22 whether or not the board considered that that was a
23 controlled intersection with a three-way stop?
24 A. No.
25 Q. During the board meeting or any other

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1 communications in which you were involved in, did the board
 2 review any code -- Henderson Code or any other type of code
 3 pertaining to the oleanders and whether or not the oleanders
 4 were in compliance with that code?
 5 MR. ANTHONY: Speculation.
 6 THE WITNESS: The board didn't discuss City of
 7 Henderson Code, because we don't enforce it. We discuss the
 8 governing documents and if there was a violation regarding
 9 view obstructions within the governing documents.
 10 Q. (BY MR. ELSON) Prior to -- I guess at any point
 11 prior to Ms. Collier being fined regarding the oleanders,
 12 did the board discuss this issue with legal?
 13 MR. ANTHONY: Speculation.
 14 THE WITNESS: Yes.
 15 Q. (BY MR. ELSON) The entire board?
 16 A. No.
 17 Q. Anyone other than yourself? I mean, we talked
 18 about one conversation with Mr. Boyack. Is that correct?
 19 A. Correct.
 20 Q. Okay. Let's set aside that communication with
 21 Mr. Boyack.
 22 Did any other communications with legal occur
 23 regarding the oleanders prior to Ms. Collier being fined?
 24 A. I can't be sure. Sometimes the conversations that
 25 the board president has with legal, sometimes it's clarified

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1 with just the conversations. Other times if legal thinks
 2 it's necessary, they'll follow up with a memorandum.
 3 Q. Do you recall any other conversations with legal,
 4 other than the one that we've talked about?
 5 A. Regarding the view obstruction?
 6 Q. Yes. Regarding the oleanders prior to Ms. Collier
 7 being fined?
 8 A. Prior? I believe there were two different
 9 conversations.
 10 Q. Prior to the fines?
 11 A. Prior.
 12 Q. Okay. We talked about one occurred before the
 13 health, safety, welfare violation went out. Correct?
 14 A. Both of them were regarding that.
 15 Q. Both of them occurred before the health, safety,
 16 welfare violation went out?
 17 A. I believe there were two conversations according
 18 to the legal billings when I look at them.
 19 Q. Okay. And as you sit here today, you were a part
 20 of both of them?
 21 A. Yes.
 22 Q. Or at least that's your understanding. Correct?
 23 A. Correct.
 24 Q. Okay. Do you recall anybody else being a part of
 25 those conversations?

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1 A. I don't recall if Sydney was involved or not.
 2 Q. If you believed that a health, safety, welfare
 3 violation existed -- which is a pretty serious violation.
 4 Correct? --
 5 A. Correct.
 6 Q. -- why was there such a time gap between you
 7 contacting the City of Henderson and the association taking
 8 enforcement action?
 9 A. I don't believe there was a significant time gap.
 10 I believe I contacted the City of Henderson on March 2nd to
 11 determine if there was a safety issue to determine if there
 12 was liability for the association. Never heard back from
 13 the City of Henderson. And then it came to my attention at
 14 your request of documents that I reviewed that there,
 15 indeed, was no architectural application for those. And
 16 that's how the process started. So that was within a month.
 17 Q. But wasn't a health, safety, welfare violation at
 18 that point?
 19 A. It wasn't.
 20 Q. So when you guys first started the process with
 21 Ms. Collier, you didn't even start the process as a health,
 22 safety, welfare violation. Correct?
 23 A. It should have been started as a health, safety,
 24 welfare violation as I indicated in my e-mail to you that
 25 the arc application -- the no arc shouldn't have been sent.

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1 It should have been sent as a health, safety, and that was
 2 in an e-mail to you.
 3 Q. So should the no arc violation ever have been
 4 sent?
 5 A. I believe -- it should have been sent out as a
 6 view obstruction, and it wasn't sent out properly, which I
 7 communicated to you via e-mail and acknowledged that both of
 8 them were sent out and that they -- we would just see which
 9 one resolved it. So you should have an e-mail --
 10 Q. So she --
 11 A. -- in the disclosures.
 12 Q. So she shouldn't have been fined for both?
 13 A. She wasn't fined for both.
 14 Q. So it should have never been a no arc violation.
 15 It should have only been a health, safety, welfare
 16 violation?
 17 A. It could have been both, but when it was
 18 communicated about the health, safety, that's what was
 19 supposed to go out. In the no arc, it specifically says
 20 view obstruction. So it's a matter of an inexperienced
 21 assistant sending that out, and that is when I contacted
 22 legal counsel and asked him what we should do.
 23 Q. How come health, safety, welfare violation wasn't
 24 sent out in July of 2020 or the seven or eight, nine -- nine
 25 months that followed July of 2020? Why did it take so long

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1 for the association to send out a health, safety, welfare
2 violation?
3 MR. ANTHONY: Speculation. Form.
4 MR. NOACK: Argumentative.
5 MR. ANTHONY: Compound.
6 THE WITNESS: And so I don't have an answer for
7 you other than we were trying to -- I brought the issue up
8 to Ms. Collier about them being a view obstruction. We try
9 to work with our homeowners and try to resolve it that way.
10 And when they stayed the same and the view -- or the
11 obstruction safety issue with Southwest Gas was resolved or
12 becoming -- coming to an end, that's when we moved on and
13 said, What other areas do we have regarding this safety in
14 this area which was when I contacted the City of Henderson
15 so that we could finalize any safety issues in those.
16 Q. (BY MR. ELSON) Well, you contacted the City of
17 Henderson before the Southwest Gas issue was resolved.
18 A. Two weeks before.
19 Q. Yeah. It was still before. Right?
20 A. Yeah, but we -- but I kind of already knew that it
21 was on its way to being resolved but did not have
22 confirmation of that.
23 Q. So if you didn't ask Ms. Collier to trim the
24 oleanders bushes before you called the City of Henderson,
25 did you ask her to do anything else with respect to the

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1 oleanders bushes?
2 A. I don't recall having a conversation about what
3 action to take. I just remember having a conversation about
4 that homeowners complained it was a view obstruction to
5 which she replied to me in a text message with some
6 profanity that F them and, you know, when Anthem starts
7 enforcing all of their CC&Rs, then she'll take care of that
8 issue.
9 Q. If you never discussed with Ms. Collier how to
10 resolve the issues before you contacted the City of
11 Henderson, how would Ms. Collier have known what to do to
12 resolve the issue?
13 MR. NOACK: Objection.
14 MR. ANTHONY: Objection.
15 MR. NOACK: Incomplete hypothetical. Speculation.
16 MR. ANTHONY: Join.
17 THE WITNESS: I can't read Ms. Collier's mind, but
18 in my own mind, if somebody told me that my vegetation was
19 causing a safety issue for them, I would take corrective
20 action on my own.
21 Q. (BY MR. ELSON) What corrective action would you
22 have taken prior to March of 2021 to resolve the oleander
23 issues?
24 MR. ANTHONY: Speculation. Incomplete
25 hypothetical.

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1 THE WITNESS: If they were my oleanders?
2 Q. (BY MR. ELSON) Yeah. What would you have done?
3 You said you would have taken corrective action.
4 A. If I knew it was a safety issue, I would have
5 taken them out because I wouldn't have had to -- want
6 to maintain something constantly that created a safety issue
7 for my fellow homeowners.
8 Q. How long -- as part of your investigation, you
9 determined a length of time that the oleanders were planted
10 on the property. Is that correct?
11 A. There was no investigation, as I previously
12 testified to. It's an observance of documents that I
13 reviewed prior to responding to you.
14 Q. So Anthem didn't conduct an investigation prior to
15 June of 2021?
16 MR. NOACK: Objection. Misstates prior testimony.
17 THE WITNESS: I'm saying there was not an
18 investigation. There was a review of documents to which I
19 was able to see based on a assessor website photo and Google
20 Earth images and MLS that -- and those were all sent to you
21 in my correspondence, that those oleanders were there, that
22 they were planted after the purchase of the home.
23 Q. (BY MR. ELSON) So I want to understand everything
24 that you are aware of that occurred on behalf of Anthem
25 before Ms. Collier was fined for the oleanders.

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1 You reviewed the documents you just described?
2 A. (Witness nodded head.)
3 Q. You contacted the City of Henderson one time. You
4 spoke with legal twice. You had the board meeting -- the
5 executive meeting in June of 2021. Is there anything else
6 that you're aware of that occurred as it relates to these
7 oleanders?
8 A. As it relates to the view obstruction, no.
9 Q. How long does an association have -- well, strike
10 this.
11 In your review of the documents you just
12 described, did you come up with a time frame as to when you
13 believe the oleanders were planted?
14 A. I did.
15 Q. And when was it?
16 A. I believe, based on the Google Earth image from
17 March of 2019, that they were not present at that time. So
18 they would have fallen under the guidelines of the 2018
19 guidelines.
20 Q. I think I got your timing mixed up. You said the
21 Google Earth images of March of 2019?
22 A. Of 2019, because you told me that your client felt
23 they were grandfathered in because they were there prior to
24 the purchase of the home. And so when I looked at the --
25 first of all, I was concerned about where they were planted.

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1 So the assessor, which can't be verified unless you have a
2 surveyor come out there, shows that it's possible that some
3 of those are planted on association property, but I was
4 advised by our geotech professional in other matters not to
5 rely on those so much, that we would have to have a surveyor
6 come out to determine, actually, what was association
7 property.
8 So the Google Earth image from March 2019 show a
9 different plant material. In order to determine what the
10 plant material was and if it was oleander, that photo was
11 sent to our consultant arborist and horticulturist and he
12 did not believe that those were oleanders but couldn't
13 identify what type they were. So it would have been after
14 2019. I believe also in that image, which is a street view
15 image, that there are two oleanders planted in the yard that
16 weren't there until after the purchase of the home.
17 Q. So just to unwrap everything you just testified
18 to, it's your understanding that the oleanders were not
19 planted until after March of 2019?
20 A. Based on the Google Earth photo, that was my
21 conclusion.
22 Q. Okay. You heard Ms. Collier's testimony about the
23 timing of when the oleanders were planted. Correct?
24 A. Correct.
25 Q. Okay. It's my understanding that you disagree

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1 with Ms. Collier's testimony in that regard. Is that fair
2 to say?
3 A. No.
4 Q. I believe Ms. Collier testified that they were
5 planted before March of 2019.
6 A. There were two oleanders bushes in the front yard.
7 They were relocated to the side yard which consists of maybe
8 six, seven -- five, six, seven plants. So although the
9 oleanders in the front yard from the Google Earth photo were
10 still planted, at some point between then they were
11 relocated and additional plants were added based on the
12 Google Earth images.
13 Q. So do you agree with her testimony as it relates
14 to when the oleanders were planted?
15 A. No.
16 Q. Okay. What parts of her testimony do you disagree
17 with, if you recall?
18 A. I believe that -- well, I don't believe that she
19 testified as to when they were planted. I believe you told
20 me that they were planted in 2018 before the guidelines went
21 into effect.
22 Q. I'm talking about at her deposition --
23 A. I don't recall that.
24 Q. Okay. How long does an association have to issue
25 a -- to initiate the violation process after it becomes

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1 aware of a potential violation?
2 MR. ANTHONY: Speculation. Calls for a legal
3 conclusion.
4 MR. NOACK: I'll join.
5 Q. (BY MR. ELSON) I'll rephrase.
6 What is your understanding of how long the
7 association has to initiate the violation process after it
8 is aware of a potential violation?
9 A. I'm not aware that there's any time limitation.
10 As -- as -- when it's -- when it's discovered.
11 Q. You're not aware that the HOA has a reasonable
12 amount of time to initiate the violation process?
13 MR. ANTHONY: Asked and answered.
14 MS. REPORTER: I didn't hear your answer.
15 Q. (BY MR. ELSON) I didn't hear you because the
16 attorney spoke over you.
17 A. There -- it's my belief that there is no time
18 frame. It's when observed.
19 Q. Okay. So what happens if the association doesn't
20 initiate the violation process in a reasonable time frame
21 after discovering the violation?
22 MR. ANTHONY: Speculation. Incomplete
23 hypothetical.
24 Q. (BY MR. ELSON) You can answer as to your
25 understanding.

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1 A. I don't know what -- what you would determine a
2 reasonable violation. If somebody did something five years
3 ago and it could be identified that it was a violation of
4 the governing documents, a violation could be brought.
5 Q. Even if the association knew about it for the
6 entire five years?
7 MR. ANTHONY: Same objection.
8 Q. (BY MR. ELSON) As to your understanding.
9 A. I don't think the association would know about it
10 for five years and do nothing.
11 Q. Well, I mean, with these oleanders, somebody drove
12 by this intersection every day for years after the oleanders
13 were planted. Right?
14 A. This violation has nothing to do with oleanders.
15 It's a view obstruction.
16 Q. Well, I mean, did the oleanders become a view
17 obstruction overnight?
18 MR. ANTHONY: Objection. Form.
19 MR. NOACK: Argumentative.
20 THE WITNESS: They might. They grow pretty fast.
21 Q. (BY MR. ELSON) So the oleanders grew from 2 feet
22 to 8 feet in one day?
23 A. I'm --
24 Q. Well, let me rephrase.
25 How tall were the oleanders at the time Anthem

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1 initiated the violation process?
 2 MR. NOACK: Objection. Speculation.
 3 Q. (BY MR. ELSON) Do you know how tall the oleanders
 4 were at the time the -- Anthem initiated the violation
 5 process? You saw them. Correct?
 6 A. I did.
 7 Q. What's your best estimate as to how tall the
 8 oleanders were at the time that Anthem initiated the
 9 violation process?
 10 A. So the grade level is higher than the level of the
 11 curb. So there's probably a couple feet up to grade level
 12 and then probably another 5 feet. So I would guess maybe
 13 about 7 feet when it was reported as a view obstruction.
 14 Q. So in July of 2020?
 15 A. In -- yeah. Well, I don't know when I looked at
 16 them. All I know is when the homeowners came to the board
 17 meeting.
 18 Q. Well, you -- so in July of 2020?
 19 A. July of 20-- July of 2020.
 20 Q. So they were roughly 7 feet in July of 2020?
 21 A. I --
 22 Q. Above street level?
 23 A. As I stated, I don't know that I even looked at
 24 them in July. We were engaged in a management transition.
 25 There was a lot going on with new inspectors and everything

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1 else.
 2 Q. I mean, somebody reported the violation, the
 3 oleanders as a potential view obstruction --
 4 A. Mm-hmm.
 5 Q. -- and a health, safety issue. Is that correct?
 6 A. They said it was a view obstruction.
 7 Q. They didn't say, This is dangerous?
 8 A. They said it was a view obstruction.
 9 Q. Yeah. Did they say it was dangerous or not?
 10 A. If they used those exact words, I can't tell you.
 11 Q. I mean, would it matter if it was a view
 12 obstruction and it wasn't dangerous? I mean, if somebody
 13 was reporting it --
 14 A. I'm not an engineer.
 15 Q. Do you think they were reporting activity that
 16 wasn't dangerous?
 17 MR. ANTHONY: Speculation. Incomplete
 18 hypothetical.
 19 THE WITNESS: You never know.
 20 Q. (BY MR. ELSON) Okay. Well I'm asking you what
 21 your mindset was. When these homeowners came to you and
 22 said, Hey, this is an issue. This intersection is an issue.
 23 There are these oleanders there. Did you believe, at that
 24 time, that they thought the oleanders were potentially
 25 dangerous?

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1 A. They said that the plant material was a view
 2 obstruction for them entering the community.
 3 Q. Okay. And I'm asking you for your interpretation
 4 of what they were saying. In your mind, did you believe
 5 that they thought the oleanders were dangerous?
 6 A. I can't tell you what they were thinking. All I
 7 know is if something is reported as a view obstruction and
 8 is -- we might consider that a safety issue. So that
 9 would -- something that would go to the new management
 10 company.
 11 Q. Okay. So then let's use this terminology, because
 12 I think we can agree on this. They were reporting a safety
 13 issue. Is that how you understood it in July of 2020?
 14 A. That's fair.
 15 Q. Okay. So a safety issue gets reported in July of
 16 2020 at an intersection that you drive by every single time
 17 you leave your house to depart the neighborhood or enter the
 18 neighborhood to go to your house, and you didn't look at the
 19 oleanders at that time to think whether or not it was a
 20 safety issue?
 21 A. I did not. It wasn't for me.
 22 Q. It wasn't for you.
 23 A. I never noticed a problem.
 24 Q. What substantially changed about the oleanders
 25 from July of 2020 until March 1st of 2021? Did they change

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1 in any way?
 2 MR. NOACK: Objection. Speculation.
 3 THE WITNESS: I have no idea.
 4 Q. (BY MR. ELSON) Did you ever discuss with Terra
 5 West what investigation Terra West conducted into the
 6 oleanders prior to June of 2021, the executive session
 7 meeting?
 8 A. Did I discuss with Terra West?
 9 Q. Yeah. I mean, I would ask you what investigation
 10 Terra West conducted, but then the attorneys are going to
 11 object. So I'm asking you: Are you aware of what type of
 12 investigation Terra West conducted into the oleanders before
 13 the executive session meeting in June of 2021?
 14 A. No.
 15 Q. Terra West never came to you and said, Hey, we did
 16 X, Y, Z, or we did any type of investigation. Is that
 17 correct?
 18 A. I don't -- no, they wouldn't have.
 19 Q. As it relates to arc submittals and, for example,
 20 backyard installations such as the one that occurred at
 21 Ms. Collier's residence, does the HOA typically monitor that
 22 process -- that installation process?
 23 A. It -- no, it just depends on what the
 24 architectural guidelines are in effect at that time. They
 25 allow for the arc committee to go into the backyards and

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<p>1 watch the progress if they want to. I don't know what 2 FirstService did prior to then, but we don't go into 3 people's back yards. 4 Q. Is it -- are there any steps taken as it relates 5 to -- it's my understanding something like a notice of 6 completion occurs with the homeowner after they complete the 7 arc installation. 8 A. Correct. 9 Q. Does Anthem take any steps after the notice of 10 completion is submitted by the homeowner? 11 A. To my recollection, FirstService, management 12 company, was doing all of the signing off on the completion 13 forms. I don't know how they came about signing off, but 14 the -- it was changed to have the arc committee sign off on 15 completion forms and homeowners had to present photos. And 16 if the arc committee didn't think the photos satisfied their 17 ability to determine compliance, then they would request an 18 inspection. 19 Q. And is that something that -- same type of 20 process -- is your -- that your understanding as to what 21 occurred under FSR? 22 A. I don't know what occurred under FSR. 23 Q. You were on the board for approximately over a 24 year with FSR. Is that correct? 25 A. So I will explain to you how boards usually work.</p> <p style="text-align: right;">Page 214</p>	<p>1 MR. ANTHONY: Calls for speculation and expert 2 opinion. 3 Q. (BY MR. ELSON) You can answer as to your 4 understanding. 5 MR. NOACK: It's argumentative. 6 THE WITNESS: You specifically mentioned best 7 practices. So the board has -- the way that this board does 8 it is that we allow homeowners so that we are not being 9 invasive and going to their properties or scheduling 10 inspections, that if they wanted to provide a photograph and 11 they could -- the committee could determine if compliance is 12 achieved, then there would be no further action and the arc 13 committee would sign off on the completion forms. 14 MR. ELSON: Let's go off the record. 15 (Pause in proceedings.) 16 (Andrea exited the proceedings.) 17 Q. (BY MR. ELSON) Ms. Mossett-Puhek, we are back on 18 the record. You understand that you are still under oath. 19 Is that correct? 20 A. Correct. 21 Q. Okay. Let's talk about the executive session 22 meeting as it relates to the oleanders that occurred in 23 June of 2021. Do you recall that meeting? 24 A. Yes. 25 Q. What do you recall transpiring at that meeting.</p> <p style="text-align: right;">Page 216</p>
<p>1 And usually if you are a director and you are not an 2 officer, you are not involved in anything regarding the 3 management of the association. You are only involved at the 4 point in the meetings where you have to make decisions that 5 require a full board action. So I was not privy to any of 6 that information. 7 Q. Okay. So it would be fair to say you don't know 8 how that process worked under FSR? 9 A. I do not. 10 Q. But if FSR did it correctly, it would follow a 11 process similar -- not necessarily identical, but similar to 12 what you described? 13 MR. ANTHONY: Speculation. Incomplete 14 hypothetical. 15 Q. (BY MR. ELSON) Is that your understanding? 16 A. I -- I -- I don't agree with the word "correctly," 17 because every board and every management company to 18 determine how they want to handle that architectural 19 process, when they delegate those duties to management or 20 they delegate it to the arc committee or they delegate it to 21 the board. 22 Q. Fair to say that you would agree that typically 23 after a notice of completion is provided that it's best 24 practice for somebody to review the installation and inspect 25 the home even if it's an outside inspection of the home?</p> <p style="text-align: right;">Page 215</p>	<p>1 Could you be more specific? 2 MR. NOACK: Yeah. Just object. Overbroad. 3 Q. (BY MR. ELSON) Okay. Do you believe Ms. Collier 4 was provided a fair opportunity to present her position at 5 that meeting? 6 MR. NOACK: Objection. It's argumentative. You 7 can answer. 8 THE WITNESS: I believe Ms. Collier received due 9 process under the statute. 10 Q. (BY MR. ELSON) Do you believe that meeting was 11 fair? 12 A. I do. 13 Q. So have you reviewed Mr. Woo's deposition 14 transcript? 15 A. I think -- I believe I read some of it. 16 Q. Mr. Woo called that deposition -- that executive 17 session meeting an embarrassment. Do you recall that 18 testimony? 19 MR. NOACK: Object. It misstates prior testimony. 20 You can answer. 21 THE WITNESS: I don't recall reading that 22 specific -- 23 Q. (BY MR. ELSON) Okay. 24 A. -- part. 25 Q. If Mr. Woo testified that that executive session</p> <p style="text-align: right;">Page 217</p>

1 meeting, in fact, was an embarrassment, would you agree with
2 that characterization?
3 MR. NOACK: Object. It's an incomplete
4 hypothetical. It's argumentative.
5 THE WITNESS: Is there any context in his
6 deposition as to why he felt that? Was it you?
7 Q. (BY MR. ELSON) Okay. Do you believe you
8 conducted yourself appropriately at the executive session
9 meeting?
10 A. I do.
11 Q. Do you believe everyone conducted themselves
12 appropriately at that executive session meeting?
13 A. I do not.
14 Q. Who do you believe did not conduct themselves in
15 an appropriate manner?
16 A. You, Mr. Elson.
17 Q. What do you -- why do you believe that I did not
18 conduct myself in a appropriate manner?
19 A. I believed you were combative and were dismissive
20 of my authority in running the board meeting and refused to
21 listen to the questions that I ask and answer appropriately,
22 but instead try to get others involved, which is the
23 community manager, when I was directing my questions to you.
24 Q. Did that upset you?
25 A. I don't think it upset me, but it was frustrating.

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1 Q. Does it upset you when somebody questions your
2 authority?
3 MR. NOACK: Objection. It's argumentative.
4 Q. (BY MR. ELSON) You can go ahead and answer the
5 question.
6 A. It frustrated me that you came in so
7 disrespectful.
8 Q. Ms. Mossett-Puhek, does it frustrate you when
9 people don't respect your authority?
10 MR. NOACK: Objection. Argumentative.
11 THE WITNESS: Generally, I have no opinion.
12 Q. (BY MR. ELSON) Okay. Did you raise your voice at
13 that meeting?
14 A. Not intentionally.
15 Q. Do you recall yelling at that meeting?
16 A. Not intentionally.
17 Q. When you say "not intentionally," does that mean
18 the conduct didn't occur or you just did it as a reflex?
19 A. Neither.
20 Q. So what do you mean by "not intentionally"?
21 A. My computer that I used was not very good and when
22 it comes to Zoom meetings, just like when I'm on the phone
23 in the car, I tend to talk louder. So, often, I will --
24 people -- other board members might say, Oh, you know, you
25 are too loud, or, We can't hear you, or, You're cutting out,

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1 unfortunately. I've tried to stay close to my computer
2 and -- so I don't feel like I'm yelling from afar.
3 Q. Was Ms. Collier ultimately fined as a result of
4 the oleanders issue?
5 A. Ms. Collier was not fined for oleanders.
6 Q. Ms. Colliander -- you keep making this distinction.
7 The oleanders created a view obstruction. Is that your
8 testimony?
9 A. Correct.
10 Q. And Ms. Collier was fined as a result of the view
11 obstruction?
12 A. That's my recollection.
13 Q. Okay. Do you recall how much she was fined?
14 A. It was \$2,000.
15 Q. Who proposed the \$2,000 fine amount?
16 A. Ken Brensinger made the motion for that.
17 Q. Did he make that motion during the board meeting
18 or after the board meeting?
19 A. During the board meeting.
20 Q. And it was Mr. Brensinger that -- let me ask it
21 this way: Who first brought up the idea of the fine amount
22 for \$2,000?
23 MR. ANTHONY: Speculation.
24 THE WITNESS: So when the -- when that matter came
25 to -- we go through the hearings and then we make decisions

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1 on the determinations. So when the amount came up about a
2 health, safety, welfare fine, it was discussed with the
3 board that in discussions with legal counsel -- what would
4 be an appropriate fine amount. And he said that there -- it
5 was a board decision, but that health, safety, welfare fines
6 could be up to \$5,000. And I believe that's in the statute.
7 Q. (BY MR. ELSON) Okay. Who first proposed the fine
8 amount of \$2,000?
9 A. Ken Brensinger.
10 Q. Okay. You testified before he did it as a motion.
11 Are you saying that you didn't bring up the idea of the fine
12 of \$2,000 before Mr. Brensinger made the motion?
13 A. I did not.
14 Q. Was the fine amount discussed before
15 Mr. Brensinger made a motion for 5- -- for \$2,000?
16 MR. ANTHONY: Speculation.
17 THE WITNESS: I just don't recall that.
18 Q. (BY MR. ELSON) So is it possible that you
19 proposed the fine amount of \$2,000 and then Mr. Brensinger
20 made the ultimate motion?
21 MR. NOACK: Objection.
22 THE WITNESS: No.
23 MR. NOACK: Misstates testimony. It's been asked
24 and answered. You can answer.
25 THE WITNESS: No.

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1 Q. (BY MR. ELSON) So you're 100 percent positive as
2 you sit here today that Mr. Brensinger proposed the fine
3 amount of \$2,000?
4 MR. NOACK: Objection.
5 MR. ANTHONY: Misstates testimony.
6 MR. NOACK: Asked and answered.
7 THE WITNESS: 100 percent positive.
8 Q. (BY MR. ELSON) Okay. So if Ms. Breeden testified
9 that it was, in fact, you that came up with the fine amount
10 of \$2,000, you would disagree with Ms. Breeden. Is that
11 correct?
12 A. That is correct.
13 Q. Was Mr. Brensinger part of the telephone
14 conversation with Mr. Boyack?
15 A. No.
16 Q. How many other homeowners that you're aware of has
17 Anthem fined \$2,000 or more?
18 A. I can only speak to the time that I have been on
19 the board. And during the time that I've been on the board
20 since 2020, I can't recall any.
21 Q. 2019. Right? Didn't you get on the board in 2019
22 and then you became the board president in 2019?
23 A. Yeah, so 2019.
24 Q. Just wanted to make sure --
25 A. Yes.

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1 Q. -- I wasn't --
2 A. Thank you.
3 Q. -- confused on the timing.
4 So Mr. Woo -- my recollection is he testified that
5 you controlled the dialogue and you controlled the narrative
6 on the violation discussion regarding the oleanders with
7 Ms. Collier. If, in fact, Mr. Woo testified to that, would
8 you agree or disagree with that characterization?
9 MR. NOACK: Objection. Incomplete hypothetical.
10 You can answer.
11 THE WITNESS: I would need to know the context of
12 that questioning, because as the board president and the
13 legal liaison, when I communicate with the attorney, I
14 inform the board of what the attorney has advised.
15 Q. (BY MR. ELSON) Why not have the entire board
16 communicate with the attorney?
17 A. It's not possible.
18 Q. That's not possible?
19 A. No.
20 Q. I mean, I've represented many HOAs and had many
21 discussions with many boards and it's your -- I just want to
22 make sure I understand. It's not possible for an entire
23 board to have a conversation with the attorney?
24 MR. NOACK: Object to form.
25 THE WITNESS: At a meeting.

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1 Q. (BY MR. ELSON) At what meeting?
2 A. At a noticed meeting.
3 Q. I don't know what you mean.
4 Did you talk to Mr. Boyack at a noticed meeting?
5 A. The board -- entire board would speak to legal
6 counsel at a noticed meeting. If the entire board spoke to
7 Mr. Boyack outside of a noticed meeting, it is a quorum and
8 that is prohibited.
9 Q. But a quorum is not prohibited at a workshop?
10 A. You're not making decisions at a workshop. You
11 are discussing.
12 Q. Let's say you were to discuss with Mr. Boyack on
13 the phone but not make a decision while you're with
14 Mr. Boyack on the phone. Is that permissible?
15 MR. ANTHONY: Objection. Incomplete hypothetical.
16 Calls for a legal conclusion.
17 MR. NOACK: Join.
18 THE WITNESS: Am I allowed to talk to Mr. Boyack
19 on the phone --
20 Q. (BY MR. ELSON) And I'll make a --
21 A. -- by myself?
22 Q. No. Is the board allowed to talk to Mr. Boyack on
23 the phone and not make a decision?
24 MR. ANTHONY: Same objection.
25 THE WITNESS: They don't.

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1 Q. (BY MR. ELSON) Well, I'm just confused because a
2 moment ago you told me that if that situation occurred that
3 would constitute a quorum and be an unlawful board meeting
4 if the entire board was present on the phone call with
5 Mr. Boyack. Is that correct, or is that not correct?
6 A. I'm not following you. But the -- if the
7 entire board -- if more than three members were present, it
8 would be a quorum.
9 Q. Okay.
10 A. And that's why a legal liaison is established, to
11 make contact with the attorney about any things that we need
12 advice on, and the liaison reports back to the board.
13 Q. So one board member can contact the attorney and
14 discuss issues with the attorney, but if three or four board
15 members did that, that same conversation would then become
16 prohibited?
17 MR. ANTHONY: Speculation. Calls for a legal
18 conclusion.
19 THE WITNESS: It wouldn't happen unless -- outside
20 of the legal liaison position, if it is something that the
21 entire board wanted to address with the attorney, it would
22 happen in a executive session.
23 Q. (BY MR. ELSON) Okay. That's not what I asked
24 you. Because I want to make sure I understand this. You
25 contacted Mr. Boyack outside of a board meeting and had a

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<p>1 telephone call with him. Correct?</p> <p>2 A. Correct.</p> <p>3 Q. Not once, but twice?</p> <p>4 A. Probably many times.</p> <p>5 Q. I'm talking just with respect to Ms. Collier.</p> <p>6 Happened twice. Correct?</p> <p>7 A. Before that hearing, correct.</p> <p>8 Q. Okay. And if one other board member had been</p> <p>9 present with you during that call with Mr. Boyack, would</p> <p>10 that have been appropriate?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. If two other board members had been present</p> <p>13 with you for those calls with Mr. Boyack, would that have</p> <p>14 been appropriate?</p> <p>15 A. We wouldn't do that.</p> <p>16 Q. Why?</p> <p>17 A. That's just not how we run our association. If</p> <p>18 something is that important that it requires a full board,</p> <p>19 it's addressed in meeting. If it's just inquiries on how to</p> <p>20 handle situations, the legal liaison has contact with the</p> <p>21 board -- or with legal counsel.</p> <p>22 Q. (BY MR. ELSON) I mean, that sounds like a way</p> <p>23 that you have it set up to give yourself ultimate control</p> <p>24 over the process.</p> <p>25 MR. ANTHONY: Objection.</p> <p style="text-align: right;">Page 226</p>	<p>1 rarely do attorneys get involved in the violation process.</p> <p>2 But now that you are involved, then it was best to contact</p> <p>3 legal counsel, make him aware of what was going on, and get</p> <p>4 his advice on how the board should proceed.</p> <p>5 Q. (BY MR. ELSON) Were you leading the discussion</p> <p>6 among the board about whether or not Ms. Collier should be</p> <p>7 fined?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Do you recall what other board members were saying</p> <p>10 during the discussion about whether or not Ms. Collier</p> <p>11 should be fined?</p> <p>12 A. So this was the discussion after the hearing. So</p> <p>13 that is when it took place, the discussion with legal</p> <p>14 counsel, and what they said the fine amount could be. And I</p> <p>15 don't know -- I'm trying to think if I can remember anything</p> <p>16 else about that, but I just -- I just don't. I'm sorry.</p> <p>17 Q. Okay. Did the board review any code or discuss</p> <p>18 any code?</p> <p>19 A. Any what?</p> <p>20 Q. I believe you already testified to this, that the</p> <p>21 board didn't review or discuss any code; for example, the</p> <p>22 City of Henderson Code?</p> <p>23 A. Oh, City of Henderson Code. I don't recall. It's</p> <p>24 possible since you included the violation notice from the</p> <p>25 City of Henderson in your response, but I don't recall</p> <p style="text-align: right;">Page 228</p>
<p>1 MR. NOACK: Objection.</p> <p>2 MR. ANTHONY: Go ahead.</p> <p>3 MR. NOACK: Misstates testimony. It's</p> <p>4 argumentative.</p> <p>5 MR. ANTHONY: Form.</p> <p>6 THE WITNESS: The board members decide who the</p> <p>7 liaison is and they appointed me as liaison.</p> <p>8 Q. (BY MR. ELSON) Your friends decided. Right?</p> <p>9 A. They're my --</p> <p>10 MR. NOACK: Objection.</p> <p>11 THE WITNESS: -- colleagues.</p> <p>12 MR. NOACK: Argumentative.</p> <p>13 THE WITNESS: They're my colleagues.</p> <p>14 Q. (BY MR. ELSON) And it was important enough for</p> <p>15 you to call Mr. Boyack and have not one but two</p> <p>16 conversations with him about a health, safety violation that</p> <p>17 ultimately led to a \$2,000 fine, but it wasn't important</p> <p>18 enough to involve other board members in those phone calls?</p> <p>19 MR. ANTHONY: Misstates --</p> <p>20 Q. (BY MR. ELSON) I just want to make sure I</p> <p>21 understand this.</p> <p>22 MR. ANTHONY: Misstates testimony.</p> <p>23 THE WITNESS: Your question, I'm not quite</p> <p>24 understanding. The liaison, when there's a question about</p> <p>25 how to proceed on any matter that involves an attorney,</p> <p style="text-align: right;">Page 227</p>	<p>1 anything specific.</p> <p>2 Q. Did the board review any site visibility</p> <p>3 documents?</p> <p>4 A. I believe the architectural guidelines were</p> <p>5 brought up.</p> <p>6 Q. What specifically was brought up about the</p> <p>7 architectural guidelines?</p> <p>8 A. The -- the section of the guidelines about corner</p> <p>9 lots and view obstructions and maintenance. I think it was</p> <p>10 maintenance -- it was mainly corner -- view obstructions on</p> <p>11 corner lots.</p> <p>12 Q. Anything other than the architectural guidelines</p> <p>13 that you recall the board discussing?</p> <p>14 A. I remember Mr. Woo -- I believe that the</p> <p>15 discussion came up about the photo that you held up, and</p> <p>16 Mr. Woo said that that photo was taken past the position of</p> <p>17 the line of demarcation for the stop sign. So it was not an</p> <p>18 accurate photo that presented the view obstruction.</p> <p>19 Q. Were there any photographs presented that did</p> <p>20 present an accurate view of the view obstruction?</p> <p>21 A. I don't -- possibly in the board packet, but I</p> <p>22 don't know.</p> <p>23 Q. If there were any photographs presented, would</p> <p>24 they have been produced in this litigation?</p> <p>25 A. If they were in the board packet, I don't know.</p> <p style="text-align: right;">Page 229</p>

1 Q. As you sit here today, do you have a specific
2 recollection of any photographs being discussed other than
3 the photograph that I showed during the executive session
4 meeting?
5 A. No, I don't.
6 MR. ELSON: Let's mark this as 1. It's already
7 marked as 1. I'm going to hand it to the witness.
8 Q. (BY MR. ELSON) Showing you what's been marked as
9 Exhibit 1.
10 (Exhibit 1 was marked.)
11 THE WITNESS: Okay.
12 Q. (BY MR. ELSON) Have you seen Exhibit 1 before?
13 A. Should I read through it?
14 Q. I mean, you can flip through it to make sure you
15 are familiar with the document. At this point, I don't plan
16 on asking you any specific questions about any of the
17 language within it.
18 A. These all together . . . Okay.
19 Q. Have you ever seen Exhibit 1 before?
20 A. Yes.
21 Q. What is Exhibit 1?
22 A. It is your comprehensive response to the
23 violation.
24 Q. Did the board discuss this letter at the executive
25 session meeting?

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1 A. I don't recall specifically. I know it was sent
2 to us the day of the meeting. So I don't know if there was
3 anything specifically in here that was discussed at the
4 meeting.
5 Q. Do you know if all of the board members had
6 reviewed the letter at the time of the executive session
7 meeting?
8 MR. ANTHONY: Speculation.
9 MR. NOACK: Join.
10 THE WITNESS: I can't tell you. It would have
11 been their duty to do so.
12 Q. (BY MR. ELSON) Okay. Had you reviewed the letter
13 in its entirety at the time of the executive session
14 meeting?
15 A. I reviewed it when it was forwarded by the
16 manager. So it was prior to the meeting.
17 Q. And did you review it in its entirety?
18 A. I did.
19 Q. Okay. At no point during the meeting, though, was
20 it discussed with all of the board members whether or not
21 they had reviewed the letter. Is that correct?
22 A. I don't recall.
23 Q. Were the points that Ms. Collier raised in that
24 letter -- were they discussed at the executive session
25 meeting?

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1 A. I thought you said you weren't going to ask me any
2 questions about the contents, because then I have to read
3 what her points were.
4 Q. If you want to review the letter in its entirety
5 before answering that question, you are more than welcome
6 to.
7 A. Okay. I'd like to do that.
8 Q. Let me ask it this way to make it's easier on you,
9 Ms. Mossett-Puhek: Did the board discuss anything about the
10 reasonableness of the timing of the violation as to how long
11 the oleanders had been on the property before the violation
12 process was instituted?
13 A. I don't recall.
14 Q. Did the board discuss any equal enforcement issues
15 at the executive session meeting?
16 A. I don't recall.
17 Q. Did the board discuss oleanders being planted
18 elsewhere within the community at the executive session
19 meeting?
20 A. I don't recall.
21 Q. Did the board discuss the outcome that was
22 ultimately reached by the City of Henderson as it related to
23 their determination on whether or not the oleanders
24 constituted a view obstruction at the executive session
25 meeting?

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1 A. The only thing I may recall about that is that the
2 notice you provided -- somebody had -- I believe that was a
3 title -- I believe the plant height was a Title 15 City of
4 Henderson code violation, but somebody had handwritten Title
5 19, which is the site visibility, on top of that.
6 So I believe, at some point, that it was
7 questioned why the site visibility was still on or was on
8 there. So -- but that's all I recall.
9 Q. Did the board discuss that the City of Henderson
10 had determined that the oleanders were no longer a view
11 obstruction at the time of the executive session meeting?
12 A. I don't have any evidence that I've seen that that
13 was a determination by the City of Henderson.
14 Q. You never called the City of Henderson to confirm
15 that way one or the other. Is that correct?
16 A. Confirm what?
17 Q. That City of Henderson had determined that it was
18 no longer a view obstruction.
19 A. I didn't know what the City of Henderson was doing
20 after my initial phone call.
21 MR. ELSON: You can clean up the stickers later.
22 Q. (BY MR. ELSON) Handing you what's been marked as
23 Exhibit 2. Have you ever seen Exhibit 2 before?
24 A. I have.
25 Q. What is Exhibit 2?

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1 A. It is a courtesy notice.
2 Q. Okay. Who made the decision for Anthem to issue
3 that courtesy notice?
4 A. I did.
5 Q. What authority gave you the decision to determine
6 that Anthem should issue a courtesy notice?
7 MR. ANTHONY: Seeks a legal conclusion.
8 Q. (BY MR. ELSON) What was your understanding as to
9 your authority at the time you instructed Anthem to issue
10 this courtesy notice?
11 A. As a board member and as the board president, I
12 had the authority to request courtesy notices be issued if I
13 believe there's a violation of the governing documents.
14 Q. Showing you what's been marked as Exhibit 3. Have
15 you ever seen Exhibit 3 before?
16 A. May I read through it?
17 Q. Absolutely.
18 A. Thank you.
19 Q. Take your time to familiarize yourself with it,
20 and let me know when you're ready.
21 A. Okay.
22 (Exhibit 2 was marked.)
23 (Exhibit 3 was marked.)
24 Q. (BY MR. ELSON) Have you seen Exhibit 3 before?
25 A. I have.

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1 Q. Is that the e-mail that caused you to direct Terra
2 West to issue the courtesy notice in Exhibit 2?
3 A. It appears to be.
4 Q. Exhibit 3 is about your conduct. Is that correct?
5 A. It appears to be.
6 Q. Did you think it was appropriate for you to
7 instruct that a courtesy notice be issued when somebody was
8 reporting your alleged misconduct to legal counsel?
9 A. The courtesy notice is because you are not
10 allowed, as a representative of a unit owner, or even a unit
11 owner is not allowed to contact our legal counsel and incur
12 fees for the association.
13 Q. Did you think that it was appropriate for you to
14 instruct Terra West to issue a courtesy notice when somebody
15 was reporting your alleged misconduct to legal counsel?
16 A. My courtesy notice instruction was based on the
17 fact that you copied legal counsel, which incurs legal fees
18 for the association. So the courtesy notice was
19 appropriate.
20 Q. Even though it was about your misconduct?
21 A. It has nothing to do with my conduct. It has
22 nothing to do with the e-mail. It has to do with you
23 copying legal counsel and you're not authorized to do that.
24 Q. Did you discuss it with anybody before you
25 instructed Terra West to issue a courtesy notice?

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1 A. I'm not required to discuss it with anybody.
2 Q. Not what I asked you, Ms. Mossett-Puhek.
3 Did you discuss it with anybody before you
4 instructed Terra West to issue the courtesy notice?
5 A. I don't recall.
6 Q. Who would you have discussed it with?
7 A. Maybe Sydney.
8 Q. Sydney denied you ever discussed it with him. He
9 denied knowledge of the courtesy notice even being issued.
10 Are you aware of that?
11 A. That's why I said "maybe."
12 Q. Who else would you have discussed it with?
13 A. Nobody.
14 Q. You can understand how it would look like you are
15 trying to silence somebody reporting your misconduct by
16 sending out Exhibit 2. Correct?
17 MR. NOACK: Objection. Argumentative.
18 MR. ANTHONY: Join.
19 THE WITNESS: That's your opinion, but it would
20 not be mine.
21 Q. (BY MR. ELSON) Do you think you should have been
22 screened off the matter about somebody reporting misconduct
23 by you?
24 MR. ANTHONY: Seeks a legal conclusion.
25 THE WITNESS: They're allegations and your

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1 opinion.
2 Q. (BY MR. ELSON) Let me ask you this: When is it
3 appropriate to screen off board members from certain
4 matters?
5 MR. ANTHONY: Seeks a legal conclusion.
6 Q. (BY MR. ELSON) What is your understanding?
7 A. I don't even understand what you are talking
8 about.
9 Q. You never heard of board members having to be
10 screened off of matters before?
11 A. No.
12 Q. Is that because you've never been screened off of
13 anything because you control the entire process?
14 MR. NOACK: Objection. Argumentative. Compound.
15 Q. (BY MR. ELSON) How would you describe
16 Ms. Breeden?
17 MR. NOACK: Objection. Vague. Overbroad. Calls
18 for a narrative.
19 Q. (BY MR. ELSON) Go ahead and answer the question.
20 A. Ms. Breeden, when she first became a board member,
21 I did not feel that she did a review of governing documents
22 for NRS 116, as she's required to do before making decisions
23 at hearings.
24 She was generally not a participant in board
25 workshops or board meetings with vendors. Somewhere around

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1 December of 2020, she -- well, actually, it was around
 2 November -- no, December of 2020. She actually volunteered
 3 to meet with myself and the community manager regarding a
 4 City of Henderson complaint that we had filed regarding our
 5 back asphalt area where there was a wash and water or debris
 6 from the wash was covering the trail and we wanted them to
 7 clean it up. She participated in that.
 8 Shortly after that, she sent me a Christmas card,
 9 which was very nice, saying that -- just wished me, you
 10 know, happiness in the New Year and all of that. And I
 11 responded back to her that I know that we hadn't gotten time
 12 to get to know each other and I looked forward to us working
 13 more together on board projects in the New Year. And that's
 14 pretty much my dealings with Ms. Breeden.
 15 Q. Would you believe her to be a truthful person?
 16 MR. NOACK: Objection. Calls for speculation.
 17 Q. (BY MR. ELSON) Do you have any experience with
 18 Ms. Breeden where you believed she was an untruthful person?
 19 A. I -- I don't think that that presented itself to
 20 me ever where I could make that determination.
 21 Q. What about Mr. Woo? Do you believe Mr. Woo to be
 22 a truthful person?
 23 A. I do.
 24 Q. How would you characterize your relationship with
 25 Mr. Woo? Is it a good relationship?

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1 A. At what point in time?
 2 Q. At any point in time. Has it changed? Was it
 3 once a good relationship and it's no longer?
 4 A. I haven't spoken with Mr. Woo since January of
 5 2022.
 6 Q. Okay. Prior to January of 2022, would you
 7 describe your relationship with Mr. Woo as a good
 8 relationship?
 9 A. From the time that he came on the board until
 10 probably December, January of 2021, we had a very good
 11 relationship. We would meet monthly to -- he would come to
 12 my house and we would spend two or three hours reviewing the
 13 board packets, make sure we had all the information and any
 14 information that we didn't have to request from management.
 15 Q. And what happened in December or January?
 16 A. In December or January, the -- it was brought to
 17 our attention by vendors and -- that they were sending
 18 information to the board that was not being forwarded,
 19 because he was the board liaison at that point. It was not
 20 being forwarded to the rest of the board. And regarding
 21 landscape projects that we needed to make decisions on and
 22 just -- he was working on things that he -- the budget,
 23 things like that that he excluded the rest of the board
 24 from. We normally have a budget workshop that he said that
 25 he wanted to do on his own.

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1 Q. Should the board liaison have been forwarding
 2 communications to the entire board?
 3 MR. ANTHONY: Legal conclusion.
 4 THE WITNESS: They do it when necessary. It's not
 5 a complete obligation. So . . .
 6 Q. (BY MR. ELSON) So then wasn't it Mr. Woo's -- I
 7 just want to make sure I understand it from your
 8 perspective. Wasn't it within Mr. Woo's authority to
 9 determine whether or not to send correspondences to the
 10 entire board?
 11 MR. ANTHONY: Legal conclusion.
 12 THE WITNESS: No. To some degree, the board
 13 liaison has that discretion. So, example, if I get a rate
 14 sheet for interest rates, do I forward that to the board?
 15 No, I do not forward that to the board. So I might put it
 16 in a board packet, but to us, rate sheets for interest rates
 17 are irrelevant because our rates are set in policy that
 18 they're prime in the collection policy. It's just something
 19 that's forwarded on.
 20 So as far as -- these were things that needed to
 21 have board action before December -- well, actually, the
 22 budget was before October. And we were given, like, days
 23 to -- for the rest of the board to look at the budget. So
 24 he was not forwarding us the draft budgets or the -- the
 25 review of the policies or anything else for us to timely

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1 review.
 2 Q. Okay. But you originally testified that he wasn't
 3 forwarding communications from vendors. Now you are talking
 4 about budgets and other things. So which was it? Was it --
 5 A. I don't believe I said that.
 6 Q. Okay. So you were upset that he wasn't forwarding
 7 budgets for review?
 8 MR. NOACK: Objection. Misstates prior testimony.
 9 It's argumentative.
 10 MR. ANTHONY: Join.
 11 THE WITNESS: I don't know that I'd necessarily
 12 say I was upset. I was concerned and it was the vendors who
 13 told us that they had sent us the information and that --
 14 Q. (BY MR. ELSON) So what vendors?
 15 A. Reserve study specialists, landscape vendor that
 16 they -- we had designs that they put together that we needed
 17 to address so that we could apply for the rebates. And
 18 Mr. Woo said he was working on it. He was trying to get
 19 everything together. He was just trying to do too much.
 20 So -- I think -- and . . .
 21 Q. And so you determined that you wanted to take that
 22 power back from him?
 23 MR. NOACK: Objection. Argumentative.
 24 THE WITNESS: I don't know where you would get
 25 that from.

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1 Q. (BY MR. ELSON) Oh, okay. Well, Mr. Woo resigned
2 after the board meeting where you became a board liaison.
3 Is that correct?
4 A. Where the liaison positions were split.
5 Q. Yeah. And you became that position again.
6 Correct?
7 A. No, it was a dual position. He still served as a
8 liaison.
9 Q. For how long until he resigned?
10 A. Well, the decision to have two board liaisons to
11 address the different matters of the association was decided
12 in December and he accepted that position, accepted that he
13 would take the position of liaison 1. It's in the minutes.
14 It's in the recording. And I took the position of liaison 2
15 so I could work on things that he didn't have time for
16 because of his job.
17 Q. And then he resigned a few weeks later?
18 A. He resigned sometime around the middle of January.
19 Q. A few weeks later?
20 A. (Witness nodded head.)
21 Q. Correct?
22 A. Correct.
23 Q. Do you think Mr. Woo felt that you undermined him?
24 MR. NOACK: Objection. Speculation.
25 MR. ANTHONY: Join.

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1 THE WITNESS: You would have to ask Mr. Woo.
2 Q. (BY MR. ELSON) Was Mr. Woo okay with the process
3 that played out where you became board liaison 2?
4 MR. NOACK: Objection. Speculation.
5 MR. ANTHONY: Join.
6 THE WITNESS: We had conversations after that
7 about other board business. So . . .
8 Q. (BY MR. ELSON) Why did you resign as president?
9 A. Because my dad was dying.
10 Q. So you wanted to take a reduced role within the
11 association. Is that correct?
12 A. I didn't have the time to be the president of the
13 association and do -- commit the necessary time necessary to
14 be the president of the association.
15 Q. Let's talk about the paint scheme issue with
16 Ms. Collier's residence. Who -- first, what is your
17 understanding as to why Ms. Collier first received a
18 courtesy notice for the paint scheme?
19 A. I believe it had to do with an observation of
20 somebody painting and it was brown trim, which does not
21 exist in Glengarry.
22 Q. Who directed -- let me rephrase.
23 What is your understanding as to who made the
24 determination that Ms. Collier would receive a courtesy
25 notice for the paint scheme?

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1 A. From what I recall, it was during an architectural
2 inspection and I was contacted by the committee chair and
3 asked if there was an arc since I was a member -- was I a
4 member of the arc at that time? I don't remember if I was
5 in arc. But as president, I'm copied on all architectural
6 submissions to monitor oversight of the architectural
7 committee.
8 So I believe he asked me to pull it up and see if
9 there was an architectural submission, and I told him I
10 didn't know. And he said that he doesn't think it's
11 compliant. So I believe I contacted the assistant and told
12 her to have the inspector look and determine if there was
13 any compliance and, if not, to issue a courtesy notice.
14 Q. Who was the person that contacted you?
15 A. The arc committee chairman is --
16 Q. Yeah.
17 A. -- Frank Capello.
18 Q. Frank Capello --
19 A. Yes.
20 Q. -- contacted you?
21 Have those communications been produced?
22 A. It was via phone.
23 Q. So Frank called you up and said, Hey, there's an
24 issue with Ms. Collier's residence. We believe that it's
25 outside of the scope of Glengarry paint scheme, and you

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1 reviewed it and then you contacted the assistant?
2 A. I believe that he was out doing his completion
3 form inspections and trying to sign off on if things were
4 correct, things that he couldn't tell from the pictures.
5 Phoned me, to my recollection, and said -- usually when you
6 notice things taking place, the architectural committee or
7 management or even myself will say, If it appears that it's
8 not compliant, it usually means that no arc was submitted.
9 So he asked me if I could look into it, and I
10 contacted management to look at it and told him to have the
11 inspector take a look at his next inspection.
12 Can I add the dates of that?
13 Q. Yeah, absolutely. I would love to know what --
14 A. The dates -- the dates were in approximately, I
15 want to say, either March or maybe April of 2021, but I know
16 that it was Ms. Collier's testimony that the painting was
17 done a year prior, in 2020, but it was in 2021.
18 Q. Ms. Collier -- I'm sorry. I don't understand what
19 you are saying. You are saying Ms. Collier painted her
20 house in 2021?
21 A. No. I'm saying, from what I understand,
22 Ms. Collier testified that the trim was done a year prior
23 and didn't understand why a violation was issued a year
24 later on the trim when it was only issued a month after it
25 was noticed that somebody was painting the house and that

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1 was in 2021.
2 Q. Okay. So that's what I want to make sure. Your
3 testimony is Ms. Collier is incorrect. She did not paint
4 her house in March of 2020. She, instead, painted her house
5 in March of 2021?
6 A. The trim.
7 Q. Yes, the trim.
8 A. Yes, correct.
9 Q. What proof do you have that Ms. Collier painted
10 her house in March of 2021 rather than the painting
11 occurring in March of 2020?
12 A. April -- about April of 2021, and it was because
13 it was observed by the architectural committee member as
14 somebody painting the trim. Somebody on a ladder painting
15 the brown trim.
16 Q. Did anybody take a photograph of the painter
17 painting in March of 2021?
18 A. I don't think so.
19 Q. Is there any other type of extrinsic evidence that
20 exists that would support your testimony that the painting
21 occurred in 2021 rather than 2020?
22 MR. ANTHONY: Object to form.
23 THE WITNESS: I believe so.
24 Q. (BY MR. ELSON) What?
25 A. I believe there is a photo of the oleanders -- and

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1 I can't be sure. It should be in the disclosures of the
2 oleanders and you could see the trim of the house and that
3 was -- that photo is of the oleanders in March of 2021 and
4 the trim of the house was not changed. And then later
5 photos revealed -- I'm assuming when the inspector came out
6 and took his photo, per the courtesy notice, the color of
7 the house -- the trim had changed.
8 MR. ELSON: Would you guys agree to identify that
9 photograph?
10 MR. NOACK: Yeah, sure.
11 MR. ELSON: Because that seems like a pretty
12 important point of contention. Correct? And I don't have
13 all the photographs with me, otherwise I would.
14 THE WITNESS: I can help him make sure you get it.
15 No problem.
16 MR. NOACK: We can send that to you formally or --
17 yeah, or identify it.
18 MR. ELSON: I think a letter would make sense.
19 MR. NOACK: Yeah, that's what I mean. I mean, we
20 can send it to you with a letter.
21 MR. ELSON: Yeah.
22 MR. NOACK: Yeah.
23 MR. ELSON: Sometime maybe in the next couple
24 weeks, especially with the upcoming mediation.
25 MR. NOACK: Sure.

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1 Q. (BY MR. ELSON) Are you aware of whether or not
2 issues ever occurred with Anthem's website regarding the
3 paint schemes?
4 MR. NOACK: Object. Calls for speculation. It's
5 vague as --
6 MR. ELSON: I asked for her --
7 MR. NOACK: -- vague as to "issues."
8 MR. ELSON: I asked for her knowledge of it.
9 THE WITNESS: So, for my knowledge, I do have, I
10 believe, some e-mails from the prior management company
11 when -- when I first became board president. So I think it
12 would have been in June or July of 2020. And the board at
13 that -- the newly elected board determined at that point
14 that they wanted to focus on architectural violations.
15 Because of COVID, a lot of people were doing things, you
16 know, and we needed to make sure they were compliant.
17 So I inquired about the paint schemes with
18 FirstService, because I believe there was -- and I just
19 can't be sure because I haven't, like, reviewed that in a
20 long time, but something to the effect where maybe somebody
21 thought that when Frazee went out of business that
22 Sherwin-Williams didn't coordinate the paint schemes and
23 they weren't the right paint schemes, but the e-mail
24 confirms with -- or Ashley Haute with Sherwin-Williams
25 confirmed that she reviewed the paint schemes from Pulte

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1 from the builder and that -- confirmed that they were the
2 paint schemes that Sherwin-Williams had. So that was early
3 2020.
4 And then as an inquiry to your request to
5 produce -- and it may not have been your request to produce
6 but maybe one of the questions. I contacted
7 Sherwin-Williams and asked our representative, Ashley, if
8 she knew when the Glengarry paint schemes were placed on the
9 web portal. And she sent me something, which has also been
10 produced in the disclosures that they were put -- that
11 Glengarry was put on March 10th of 2021. But as far as what
12 was in FirstService's portal prior to then, I don't recall.
13 With management transitioning, Terra West creating our new
14 web portal for us, some things took time to get loaded in
15 there.
16 Q. So then you would agree with me -- I'm sorry. It
17 was March 10th, you stated?
18 A. March 10th.
19 Q. So you would agree with me that prior to
20 March 10th of 2021 Glengarry was not listed on the website
21 for paint schemes. Is that correct?
22 A. They were not on the Sherwin-Williams website. I
23 can't tell you when they were posted on the Terra West
24 website.
25 Q. Does that affect your analysis on whether or not

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1 Ms. Collier should have been fined for the paint scheme
2 violation?
3 A. It does not.
4 Q. Why is that?
5 A. Because if somebody -- it's in the architectural
6 guidelines that painting -- unless you are painting the same
7 color -- requires architectural approval. And she could
8 have contacted management if there were any issues if they
9 weren't available on the portal.
10 Q. Are you aware that Ms. Collier testified she did,
11 in fact, try and contact management?
12 A. I am.
13 Q. Does that change your analysis on whether or not
14 Ms. Collier should be fined for the paint scheme violation?
15 A. It does not because she was able to reach
16 management and converse with management on several occasions
17 in February of 2021. And it's in her text messages.
18 Q. About conversing with management?
19 A. Yes, about talking to Carmen.
20 Q. What about the violation hearing for the paint
21 scheme? What was discussed at the violation hearing
22 pertaining to Ms. Collier at that executive session meeting?
23 A. Usually unless a homeowner shows up to a hearing,
24 the board goes off the formal response filed if the
25 homeowner has any response. And the determination -- if

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1 there's no response, then it is determined to be a violation
2 because it hasn't been disputed.
3 Q. Was the communication that you and I had regarding
4 the paint scheme issues -- was that provided to the entire
5 board for the executive session meeting?
6 A. It was. It was in the June 9th board packet.
7 Q. It was in a packet for a board meeting that wasn't
8 the board meeting where the executive session took place?
9 A. You sent me an e-mail regarding 45 days and 12
10 months to come into compliance. I cannot, as board
11 president, approve anything greater than three months. So I
12 had management put it in the board packet for the meeting.
13 We have board packets where all the documents are for the
14 meeting. It was in that board packet.
15 Q. Was the paint scheme discussed in June 9th of
16 2021?
17 A. I can't recall specifically if that was discussed.
18 It is on the agenda of that June 9th meeting under homeowner
19 correspondence for the board to review.
20 Q. Should it have been placed in the board packet for
21 the executive meeting where the violation was being
22 discussed?
23 A. It was a courtesy notice and an extension request.
24 So those are -- anything that requires board action goes in
25 the board packet.

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1 Q. Okay. What I'm asking you is: What meeting was
2 it where the board determined that the paint scheme was a
3 violation and Ms. Collier was to be fined as a result of
4 that issue?
5 A. I believe that was -- from what I recall, your
6 request was put in the June 19th board packet. From what I
7 recall from looking at the notices that were previously
8 disclosed, a formal notice was sent. So I can only
9 assume -- and I don't want to guess -- that the board
10 declined to allow that extension and to allow the process to
11 move forward. A formal notice was issued the next day on
12 June 10th, and then a hearing notice would have been issued
13 sometime -- 15 days after that. And I believe that the
14 hearing -- and so the hearing notice also has a formal
15 response. So both a formal and a hearing response was sent
16 to Ms. Collier via e-mail and postal -- U.S. postal. We did
17 not receive responses on either one and the meeting that
18 determined that there was a violation took place the end of
19 July 2021.
20 Q. Okay. So I want to make sure I understand this
21 correctly. In June 9th of 2021, the board expressly
22 discussed the request for additional time as it relates to
23 the paint scheme?
24 A. I do -- I don't recall that. I don't recall if it
25 was discussed or not.

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1 Q. Okay. But it was put in the board packet for
2 June 9th of 2021?
3 A. Correct.
4 Q. Was it put in the board packet for July of 2021?
5 A. It wouldn't be.
6 Q. Why wouldn't it be if you received communication
7 from the homeowner on an issue that was being discussed at
8 an executive session in July of 2021?
9 A. If we receive a request from a homeowner that is
10 longer than the three months that I'm allowed, it goes into
11 the board packet. The board, which I have testified to, I
12 do not know what particular discussion took place regarding
13 it. Everybody was aware that there was a request made. If
14 no action was taken and no extension was granted, it would
15 move forward in the process, which that appears to what has
16 happened because it was moved forward June 10th, the day
17 after the meeting.
18 Q. Okay.
19 A. So it would never show up again, because all
20 responses would be through a formal response that the
21 homeowner would be required to submit.
22 Q. Well, you're aware that Mr. Woo and Ms. Breeden
23 both testified that they never saw the correspondence
24 between you and I discussing the extension request?
25 A. It's in the board packet and --

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1 Q. How do you know it was in the board pack?
2 A. Because I looked at the board packet. We keep
3 copies of the board packet.
4 Q. Was the board packet, like, sent in some
5 memorialized fashion?
6 A. The management company is supposed to keep copies
7 of all board packets sent, whether it's closed session or
8 open session.
9 Q. The same management company that Ms. Collier is
10 accusing of harassment in this case?
11 A. I don't know what Ms. Collier's accusing
12 management of. I'm happy to get you a copy of the board
13 packet unless we've already disclosed it.
14 Q. I would assume it's already been disclosed because
15 you would have had an obligation to disclose it. So if it
16 hasn't been disclosed, I'm assuming your counsel is going to
17 immediately remedy that violation to the extent a violation
18 exists.
19 A. It would have been sent -- Anthem needs to
20 disclose that. Those are Anthem's records.
21 MR. NOACK: I can look at what's been disclosed --
22 Q. (BY MR. ELSON) You, as a party to this lawsuit,
23 would also need to disclose it, especially given the written
24 discovery that would have been provided to you.
25 A. And I don't have copies of the board packets.

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1 That is in management's possession. I don't keep copies of
2 anything. All the stuff we get is shredded when we leave
3 the meeting.
4 MR. ANTHONY: What's the date we are looking for?
5 THE WITNESS: June 9th.
6 MR. ANTHONY: Twenty--
7 MR. NOACK: '21.
8 MR. ANTHONY: -- two? One?
9 THE WITNESS: May I add something?
10 Q. (BY MR. ELSON) Absolutely.
11 A. I don't believe in your request to produce that
12 you requested the board packet. I think it was agendas and
13 minutes and things like that. So . . .
14 Q. I'm not going to get into what discovery
15 obligations exist and don't --
16 A. Yeah.
17 Q. -- exist. I'll let your counsel --
18 A. Okay.
19 Q. -- have that conversation --
20 A. Thank you.
21 Q. -- with you. Please don't interrupt me. I'm --
22 A. I'm sorry.
23 Q. I'm just --
24 MR. NOACK: Let's not talk over one another. The
25 court reporter is not going to be able to --

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1 THE WITNESS: Okay, sorry.
2 Q. (BY MR. ELSON) You just interrupted me again, but
3 I'll move on.
4 Was there any direction provided by NRED on
5 providing homeowners additional extensions as a result of
6 COVID?
7 A. Extensions, no.
8 Q. Time to come into compliance?
9 A. I -- the only things I recall from NRED are that
10 they wanted us to not enforce parking so much because people
11 may be living together. There were some issues where people
12 moved campers into communities because they may have lost
13 their homes and so they were living with relatives.
14 So NRED had the instruction not to -- not to
15 enforce that so much. And City of Henderson had that as
16 well. So other compliance matters, I think, may be -- and I
17 can't be for sure. So maybe I shouldn't guess. So -- but
18 there was something else, and I just can't remember what it
19 was.
20 Q. You would agree with me that repainting a house is
21 a financial expense? It's something different than maybe
22 moving your trash cans up to your house timely or pulling
23 weeds or things like that? Right? I mean, repainting a
24 house costs money to do. Correct?
25 A. Repainting an entire home costs money. And the

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1 board has -- regarding painting an entire home, the board
2 has granted extensions for up to six to seven months, but
3 not the trim.
4 Q. Was it ever explained to Ms. Collier that she
5 could have a three-month extension or maybe a six- to
6 seven-month extension?
7 A. You were communicating on behalf of Ms. Collier.
8 And we would expect that since you were representing her
9 that you would return the formal notice maybe requesting
10 less of an extension but we never heard.
11 Q. Because you never communicated that, did you?
12 A. Well, you got sent the formal notice.
13 Q. My question to you is: Did you ever communicate
14 it to Ms. Collier that a shorter extension would have been
15 approved?
16 A. It's in the formal notice to Request 1.
17 Q. At the time the extension request was made, why
18 didn't you respond back and say a shorter extension would be
19 approved but not 12 months?
20 A. That's not my decision. That's a board decision.
21 I could only do three months.
22 Q. Why didn't you communicate that?
23 A. That's something that you provided in document --
24 or a request in an e-mail. It was put in the board packet,
25 and the board -- I cannot tell you if it was discussed.

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1 Q. That's not what --
2 A. I don't have an answer for you. I'm sorry.
3 Q. That's not what I asked you, Ms. Mossett-Puhek.
4 A. I don't have an answer for you. I'm sorry.
5 Q. Were you pissed off at that point?
6 MR. NOACK: Objection. Argumentative.
7 THE WITNESS: About?
8 Q. (BY MR. ELSON) About -- in general. I mean, I've
9 looked at your e-mails. They seem angry. Were you angry at
10 that point in time?
11 A. I don't recall.
12 MR. NOACK: Objection. Argumentative.
13 THE WITNESS: Not that I recall.
14 Q. (BY MR. ELSON) Did you not tell Ms. Collier that
15 you could give a three-month extension because you were
16 angry at her?
17 MR. NOACK: Objection. Argumentative.
18 THE WITNESS: There would be absolutely no reason
19 for me to be angry with Ms. Collier. She's never done
20 anything to me. I thought we were on friendly terms. There
21 would be no reason for me to be angry with her.
22 Q. (BY MR. ELSON) How did the flag pole violation
23 come about?
24 A. That was reported by the architectural committee
25 chairman. He was out doing the clearance of the completion

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1 forms and he said that he noticed it waving in the wind.
2 Being a former Marine and military person, flags are, I
3 guess, something that he notices. So he reported that to
4 the management company to see if there was an architectural
5 application to make sure that it was installed properly.
6 Q. This is Mr. Capello again?
7 A. Yes, correct.
8 Q. The same Mr. Capello that wrote a declaration
9 against Ms. Collier in this court matter. Correct?
10 MR. NOACK: Objection. Calls for speculation.
11 It's argumentative.
12 THE WITNESS: Mr. Capello has never had anything
13 to do with this and has not written a declaration.
14 Q. (BY MR. ELSON) Just his wife?
15 A. Just his wife, correct, as a board member.
16 Q. Was there video taken of the flag pole waving?
17 A. No, I don't -- I don't think that's done.
18 Q. Photographs are done but not video?
19 A. No. I'm not aware of anybody ever videoing
20 anything in an association.
21 Q. Well, I'm just confused. You guys take a lot of
22 photographs. You personally take photographs. Mr. Capello
23 was out there and apparently witnessed this dangerous
24 condition and didn't document it?
25 A. It was sent to the management company to see if

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1 there was an architectural application to make sure it was
2 installed correctly.
3 Q. So it wasn't documented?
4 A. What wasn't documented?
5 Q. This unsafe flag pole waving in the wind?
6 MR. ANTHONY: Object to form.
7 MR. NOACK: I'm going to object. It misstates
8 testimony.
9 THE WITNESS: That's why there was a courtesy
10 notice issued. I think that's documentation.
11 Q. (BY MR. ELSON) I mean, at that point in time, it
12 had already risen to a legal matter. Right? You guys had
13 been served with the NRED complaint by that point in time?
14 A. The flag pole is a violation. That's not a legal
15 matter.
16 Q. Ms. Mossett-Puhek, at the time the courtesy notice
17 was issued for the flag pole, had Anthem been served with
18 the NRED intervention affidavit?
19 A. Mr. Elson, I cannot tell you that for sure.
20 MR. NOACK: Yeah. Objection. Speculation.
21 Q. (BY MR. ELSON) Do you know when Anthem was served
22 with that?
23 A. Specific date, I do not.
24 Q. Was Mr. Boyack consulted prior to the courtesy
25 notice being issued for the paint scheme?

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1 A. He was.
2 Q. He was consulted for the paint scheme?
3 A. He was -- no. The paint scheme? No, not the
4 paint scheme. I -- flag pole, sorry.
5 Q. Mr. Boyack was consulted for the flag pole
6 courtesy notice?
7 A. Correct.
8 Q. Why?
9 MR. ANTHONY: Objection to the extent it calls for
10 attorney-client privilege. You can answer to the extent --
11 THE WITNESS: That I don't discuss attorney-client
12 privilege?
13 MR. ANTHONY: Correct.
14 Q. (BY MR. ELSON) Why did you want to contact
15 Mr. Boyack?
16 A. Because at that point in late November or late
17 October -- I'm not really sure when the NRED was served. In
18 late October, I believe that we knew about the NRED and were
19 concerned that there would be allegations, as there is now,
20 of harassment and he said something --
21 MR. ANTHONY: There you go.
22 THE WITNESS: And he said something. He advised
23 the board.
24 Q. (BY MR. ELSON) So you were aware of the NRED
25 matter at the time the courtesy notice went out on the flag

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1 pole?
 2 A. I wasn't sure of when the courtesy notice went
 3 out. I don't have that timing down.
 4 Q. Okay. I won't split hairs with you, but I guess I
 5 don't --
 6 A. Thank you.
 7 Q. -- understand your testimony. You contacted
 8 Mr. Boyack because you were aware that the matter was being
 9 escalated in a legal fashion. Is that fair?
 10 A. I don't really recall, but I believe it was
 11 brought to my attention by management that there was this
 12 notice and that they knew that there was some type of
 13 pending legal matter and wanted to know what the board
 14 wanted to do, because anytime attorneys are involved, it
 15 goes straight to the board and/or the legal liaison, which
 16 is me, and then I contact the attorney on how to proceed.
 17 Q. So you contacted Mr. Boyack?
 18 A. Yes.
 19 Q. Why would you contact Mr. Boyack if you weren't
 20 the president?
 21 A. I was the legal liaison.
 22 Q. You were the legal liaison?
 23 A. And I believe I was still the president. Was I
 24 the president?
 25 Q. I don't know. These are important questions for

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1 you, because I thought you resigned from being the president
 2 in September of the 2021. I also thought you --
 3 A. Okay.
 4 Q. -- weren't the legal liaison until December or
 5 January of 2021. So I guess I'm just, again, confused.
 6 I've been confused a lot today. Hopefully you'll clear this
 7 up for me.
 8 At the time you contacted Mr. Boyack regarding the
 9 flag pole, were you the president?
 10 A. I was the legal liaison.
 11 Q. How were you the legal liaison if you weren't
 12 appointed that position until December of 2021?
 13 A. I wasn't appointed the legal liaison position in
 14 December of 2021. I had always served as a legal liaison.
 15 And when I resigned as president, I did not resign as legal
 16 liaison. I stayed as the legal liaison.
 17 Q. And kept the same powers as if you were the
 18 president?
 19 A. What are the same powers.
 20 Q. Well, we went through this and it sounded to me
 21 like for the half hour we talked about this earlier today
 22 that the legal liaison's powers were very similar to the
 23 president's powers in what authority was granted to the
 24 legal liaison?
 25 A. I don't recall that.

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1 Q. Not the legal liaison. The board liaison. Right?
 2 Is there a legal liaison? Board liaison? Is
 3 there a difference?
 4 A. Yes.
 5 Q. Okay. So were you the board liaison in -- when
 6 you contacted Mr. Boyack in the fall of 2021?
 7 A. I was a legal liaison.
 8 Q. Let's start here: What was the specific date that
 9 you contacted Mr. Boyack in the fall of 2021? Do you
 10 recall?
 11 A. I don't.
 12 Q. Who else was present on -- with the communication
 13 when you contacted Mr. Boyack?
 14 A. I don't know. I don't know how -- if I contacted
 15 him phone or e-mail. I don't recall.
 16 Q. Okay. If you contacted him by e-mail, is that
 17 something you would have produced to Mr. Noack for Mr. Noack
 18 to prepare a privilege log for me on?
 19 MR. ANTHONY: Incomplete hypothetical.
 20 MR. NOACK: Join.
 21 THE WITNESS: Yeah. I -- as far as I am aware,
 22 attorney client discussions are privileged. So it would be
 23 up to Mr. Boyack to disclose anything.
 24 Q. (BY MR. ELSON) Okay. Well, then after today, I
 25 want to make sure that Mr. Noack communicates with you and

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1 prepares an appropriate privilege log on these types of
 2 communications.
 3 MR. ELSON: Is that something that can be done,
 4 Mr. Noack?
 5 MR. NOACK: Sure.
 6 MR. ELSON: To the extent anything exists in
 7 writing.
 8 THE WITNESS: And --
 9 MR. ELSON: And here's the other thing. I want to
 10 make sure I'm clear on this as well. With respect to these
 11 conversations, if they're on Mr. Boyack's billing
 12 statements, that's also something that you guys should
 13 review. Again, I don't need to know the communications, but
 14 the billing statements have been heavily redacted that have
 15 been produced in this case. So that's also something that
 16 would -- should be dealt with as part of the privilege log.
 17 MR. NOACK: Okay.
 18 MR. ELSON: Can I get that in the next two weeks
 19 as well?
 20 MR. NOACK: Again, I'll talk to Mr. Boyack's
 21 office. That's who is going to be in possession of
 22 potentially privileged communications. So . . .
 23 MR. ELSON: Well, theoretically, if your client
 24 was doing the communication, her e-mail address would have
 25 these communications.

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1 MR. NOACK: And to the extent -- she's
2 testified -- at least my understanding is that she may have
3 communications and potentially other board members have had
4 communications with Boyack's office. If you're just looking
5 for hers, then I'll --
6 MR. ELSON: I'm looking for communications
7 regarding Ms. Collier.
8 MR. NOACK: Right. So, yeah, to the extent -- I
9 can prep a privilege log with the communications that
10 Ms. Mossett-Puhek has. It's no problem.
11 MR. ELSON: Well, I understand you were brought in
12 for overflow to handle these types of document issues.
13 Right? So . . .
14 MR. NOACK: I -- it's not my deposition, but I
15 don't think that's correct. I don't know what "overflow"
16 means.
17 Q. (BY MR. ELSON) At the time Ms. Collier was issued
18 a courtesy notice for a flag pole, did you guys review every
19 single flag pole in the Anthem community to ensure that
20 every other homeowner had submitted an arc for their flag
21 pole?
22 A. So let me just understand this so I have the
23 context of this. So it would be as if somebody painted
24 their house and did we go around and check the 1647 homes to
25 see if anybody else painted their house in violation of the

1 arc? Is that kind of what you're asking?
2 Q. No. I think my question was very clear. I'll
3 reask it to make sure --
4 A. Okay.
5 Q. -- you weren't confused.
6 A. Thank you.
7 Q. At the time Ms. Collier was issued a courtesy
8 notice for the flag pole, did Anthem conduct any review
9 about whether other homeowners had submitted arcs on their
10 flag poles?
11 MR. NOACK: Objection. Speculation. You can
12 answer what you know.
13 Q. (BY MR. ELSON) Are you aware of any such review?
14 A. Anthem only issues violations when reported or
15 observed. It doesn't go looking for them.
16 Q. How many homes in Anthem have flag poles?
17 MR. NOACK: Objection. Speculation.
18 THE WITNESS: I have no idea.
19 Q. (BY MR. ELSON) So it would be fair to say that no
20 such review was conducted as it relates to flag poles to
21 ensure that other homeowners that have flag poles also
22 submitted arcs. Is that correct?
23 MR. NOACK: Objection. Speculation.
24 Q. (BY MR. ELSON) Are you aware of any such review?
25 A. I am not aware of any such review by any

1 management company.
2 Q. I'm asking in Anthem -- as it relates to the flag
3 poles in Anthem.
4 A. I am not aware.
5 Q. Of any such review. Correct?
6 A. By any management company.
7 Q. Has any such review occurred to this day?
8 A. I do believe that in August of 2022 an
9 architectural -- July or August -- an architectural
10 committee member that was just appointed -- he's like a
11 retired electrician or something. When a flag pole
12 application came in, he brought up the fact that they are
13 supposed to have permits in the City of Henderson over
14 15 feet high. So that was one of the things that the
15 architectural application asked the board to discuss with
16 the attorney, and should they require the permitting for
17 flag poles prior -- or at the same time of the application.
18 And so that was discussed with the attorney who advised how
19 to handle that procedure regarding permitting going forward.
20 MR. NOACK: And --
21 Q. (BY MR. ELSON) That didn't answer my question.
22 I'll reask the question.
23 A. Oh.
24 Q. Has any review been conducted to this day to
25 determine whether the people that have flag poles within

1 Anthem -- whether they've submitted arcs related to their
2 flag poles?
3 A. I believe I answered that question, that to my
4 knowledge, no management company does that.
5 MR. NOACK: And, Tim, only -- the air has come on.
6 I'm looking at the court reporter's hands. Do you want to
7 take, like, two minutes just to --
8 MR. ELSON: Sure.
9 MR. NOACK: -- break?
10 (Pause in proceedings.)
11 MR. ELSON: Back on the record.
12 Q. (BY MR. ELSON) So the concern with these flag
13 poles on having arcs be submitted is to ensure that they're
14 not a safety issue. Is that correct?
15 A. There's several reasons in the guidelines for
16 architectural applications on flag poles. I can't recall
17 specifically, but I think it has to do with lighting. I
18 think all of it is like whatever the respectful things are
19 for flying the American flag, that your clips aren't
20 banging. There are several other things, but I believe this
21 particular notice that was sent was because there was
22 movement in the wind. It's very windy up in Anthem and
23 there was concern, with it being on a corner, if it was
24 installed properly.
25 Q. So you would agree with me that flag poles could

<p>1 present safety issues? 2 A. I don't know that I would agree with that blanket 3 statement. 4 Q. Okay. If they require permits, is that because it 5 could prevent a safety issue? 6 MR. NOACK: Objection. Incomplete hypothetical. 7 Speculation. 8 THE WITNESS: I'm not an engineer. I don't know 9 why they require permits on flag poles. 10 Q. (BY MR. ELSON) So you have no concerns about 11 safety issues on flag poles? 12 MR. NOACK: Objection. Misstates prior testimony. 13 THE WITNESS: My concern would be -- I guess the 14 general concern of the community would be that we want to 15 make sure that improvements done to homes are -- don't 16 present safety issues to any other homeowners. 17 Q. (BY MR. ELSON) Okay. So if flag poles can 18 present safety issues, why hasn't any sort of review been 19 done about the flag poles within the community to make sure 20 that none of the other flag poles present safety issues? 21 MR. NOACK: Objection. Speculation. It's an 22 incomplete hypothetical. 23 THE WITNESS: Improperly installed flag 24 poles present safety issues. Flag poles in general, I'm not 25 sure that that's just a safety issue by its mere existence.</p> <p style="text-align: right;">Page 270</p>	<p>1 Q. (BY MR. ELSON) You haven't gone out there on a 2 windy day to see whether or not this flag pole is waving in 3 the wind? 4 A. That's not my job. Once it's submitted to 5 management, they handle the process. 6 Q. You didn't direct management to do it? 7 A. The inspector would go out there and -- but it 8 became about an architectural issue. Was there an arc 9 submitted? Did we have something on file that it was 10 installed properly? 11 Q. So let's talk about it now. Have you seen the 12 documentation that a permit has been issued for the flag 13 pole? 14 A. I have not seen it. I have heard about it. 15 Q. And you didn't want to review it? 16 A. I think you were instructed to send it to the 17 management company. 18 Q. So sending it to your attorney who represents you, 19 Anthem, the management company, Ms. Eassa -- legal counsel 20 who has access to these documents, that's not good enough 21 for you or Anthem at this point? 22 A. You would -- 23 MR. ANTHONY: Object to form. 24 THE WITNESS: -- need to -- 25 MR. NOACK: Objection. Argumentative.</p> <p style="text-align: right;">Page 272</p>
<p>1 Q. (BY MR. ELSON) Well, wouldn't you have to review 2 them to see whether or not they were properly installed or 3 not properly installed? 4 MR. ANTHONY: Assumes facts. 5 Q. (BY MR. ELSON) I mean, how else would you 6 determine whether something was properly installed without 7 inspecting them or reviewing them? 8 MR. ANTHONY: Object to form. Assumes facts. 9 MR. NOACK: Join. 10 THE WITNESS: If something is observed that there 11 might be an issue, which the architectural committee, I 12 think, pretty much has a lot of experience in things that 13 are submitted to them -- if that was a concern of theirs, 14 that it might not have been properly installed, because it 15 was waving back and forth in the wind -- maybe that's the 16 way that they're built. Maybe they are supposed to move 17 with the wind, but if that's a concern of a committee 18 member, then it's addressed. 19 Q. (BY MR. ELSON) Has anybody else witnessed this 20 flag pole waving back in the wind? 21 MR. ANTHONY: Stipulation [sic] -- or, excuse me, 22 speculation. 23 MR. NOACK: Yeah. Join. 24 THE WITNESS: I would have no idea if anybody else 25 witnessed that.</p> <p style="text-align: right;">Page 271</p>	<p>1 THE WITNESS: You would need to submit an order to 2 cure a violation. You would need to come into compliance by 3 what was requested, which was the answering of questions. 4 The permit was not requested at the point that the violation 5 was issued. 6 Q. (BY MR. ELSON) Isn't your goal here just to 7 ensure safety? I mean, shouldn't substance over 8 form control? 9 A. I'm not sure what the -- your question is related 10 to. 11 Q. Isn't the goal to ensure safety with respect to 12 Ms. Collier's flag pole? 13 A. That would be the association's goal, is to make 14 sure that it was safely installed and properly installed. 15 Q. So if the association has access to documentation 16 that would help prove that one way or the other, don't you 17 believe the association has an affirmative duty -- don't you 18 have an affirmative duty to go review that documentation? 19 MR. ANTHONY: Object to form. Calls for a legal 20 conclusion. Assumes facts. 21 MR. NOACK: Join. 22 MR. ANTHONY: Compound. 23 MR. NOACK: Join. It's an incomplete 24 hypothetical. It's argumentative. 25 THE WITNESS: We were told that you contacted</p> <p style="text-align: right;">Page 273</p>

1 Mr. Boyack and said that you obtained a permit, and he was
2 instructed by the board to have you submit it to the
3 association to complete the process and answer the questions
4 and request a fine waiver. That did not happen.
5 Q. (BY MR. ELSON) How --
6 A. There are other -- there are other concerns in
7 having architectural approval, which are the lighting, the
8 clips. I can't tell you exactly what it was, but there are
9 other things. It wouldn't be a concern if you got a permit.
10 Correct?
11 Q. I don't know what you mean by that.
12 A. You keep asking me about the safety. Well, if you
13 got a permit, and we know that there's a permit, that's not
14 the problem. She was not issued a violation for not having
15 a permit.
16 Q. She was issued a violation for not following your
17 rules.
18 A. She was issued --
19 MR. NOACK: Objection. Argumentative.
20 MR. ELSON: I mean, with all due --
21 MR. NOACK: Misstates testimony.
22 MR. ELSON: -- respect, your witness is arguing
23 with me. I'm not, like -- I'm just trying to understand
24 this process, which even the judge was a little confused why
25 the violation still exists.

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1 MR. NOACK: Yeah, and the judge is only looking at
2 a pleading. I'm objecting to your question as
3 argumentative.
4 Q. (BY MR. ELSON) So was Mr. Boyack -- did he
5 communicate this in writing?
6 MR. ANTHONY: Speculation. Vague.
7 Q. (BY MR. ELSON) I'm just wondering: What was
8 your direction --
9 A. I --
10 Q. -- to Mr. Boyack on how to relay this information
11 to Ms. Collier?
12 MR. ANTHONY: Objection. Calls for
13 attorney-client privileged information. Instruct her not to
14 answer. Well, I would recommend that her attorney instruct
15 her not to answer anyways.
16 THE WITNESS: Even if I could answer, I don't
17 recall.
18 Q. (BY MR. ELSON) As you sit here today, do you plan
19 on asking your attorneys for what information Ms. Collier
20 has produced in this litigation as it relates to the flag
21 pole?
22 A. I would look to the disclosures that you would be
23 required to produce, and that's where I would find my
24 documents.
25 Q. I didn't understand your answer.

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1 Have you seen the building permits that
2 Ms. Collier has produced in this case?
3 A. I have not.
4 Q. Prior to today, were you aware of the fact that
5 building permits were produced in this action?
6 A. I was.
7 Q. Just to be clear, you never -- when did you become
8 aware that building permits were produced in this action?
9 A. I -- I don't recall the exact date. I'm sorry.
10 Q. Was it more than six months ago?
11 A. I just don't recall. I'm sorry.
12 Q. Was it more than one month ago?
13 MR. ANTHONY: Asked and answered.
14 THE WITNESS: I don't recall.
15 Q. (BY MR. ELSON) Was it more than one week ago?
16 MR. ANTHONY: Asked and answered.
17 THE WITNESS: I don't recall.
18 MR. NOACK: Join.
19 THE WITNESS: Sorry. I don't. I wish I could
20 provide you an answer, but I just don't recall.
21 Q. (BY MR. ELSON) Was it more than one day ago?
22 MR. ANTHONY: Same objection.
23 THE WITNESS: It was more than one day ago.
24 Q. (BY MR. ELSON) Great. At least we got there.
25 Right?

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1 A. Yes.
2 Q. Do you plan to ask your attorneys to provide you
3 that documentation?
4 A. If it -- the documentation does not resolve the
5 violation. The permit does not resolve the violation.
6 Q. How do you know whether it would resolve it if you
7 haven't seen it?
8 A. Because the violation was -- asked specific
9 questions. The architectural committee asked specific
10 questions. They did not ask for a permit.
11 Q. Who --
12 A. So --
13 Q. Then let's -- how do you know that that
14 information is not within the documents that have been
15 produced within this lawsuit?
16 A. I don't know.
17 Q. Again, so do you plan on asking your legal counsel
18 for the documents that have been produced in this lawsuit?
19 A. It's irrelevant to the resolution of the
20 violation.
21 Q. Have you ever filed any intervention affidavits
22 against anyone before?
23 A. No.
24 Q. Have you ever threatened to file intervention
25 affidavits before anyone?

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1 A. Yes.
2 Q. How many times?
3 A. Three, four, something like that, as a homeowner.
4 Never as a board member.
5 Q. Who have you threatened to file intervention
6 affidavits against?
7 A. Whatever board was in place where I felt that they
8 were not following the governing documents or they were
9 violating 116. I can't tell you specifically.
10 Q. So as you sit here today, you can't tell me
11 anybody's specific names?
12 A. It would -- well, I could tell you specific boards
13 but not specific names. So it would have been Mark West,
14 Danielle Galant -- Danielle Galant, Christine Demallus. I
15 think that's about it.
16 Q. Have you ever attacked anyone at a board meeting
17 before?
18 A. No.
19 MR. NOACK: Objection. Argumentative.
20 MR. ANTHONY: Object to form of the question.
21 Vague.
22 THE WITNESS: No.
23 Q. (BY MR. ELSON) Has anyone ever sought a temporary
24 protective order against you?
25 MR. NOACK: Objection. Speculation.

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1 Q. (BY MR. ELSON) Let me ask you this: Do you know
2 what a temporary protective order is?
3 A. I do.
4 Q. Okay. Has anyone ever sought one against you that
5 you are aware of?
6 A. FirstService sought one to keep me from meetings
7 for asking for the manager to be fired.
8 Q. Has anyone else ever sought a temporary protective
9 order against you?
10 MR. ANTHONY: Speculation.
11 MR. NOACK: Join.
12 Q. (BY MR. ELSON) That you are aware of.
13 A. No, not that I'm aware of.
14 Q. What was the result of FirstService seeking a
15 temporary protective order against you?
16 MR. NOACK: Objection. Speculation.
17 Q. (BY MR. ELSON) Well, was there a hearing on
18 that --
19 A. There was.
20 Q. -- with the judge? Did you attend that hearing?
21 A. I did.
22 Q. Was there more than one hearing on that?
23 A. I believe there was a couple, but I may have only
24 attended one. I think there -- I think I've only attended
25 one.

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1 Q. What happened at that hearing?
2 A. I answered the allegations from FirstService.
3 They alleged that I was harassing the manager by sending her
4 a request to correct her violations of NRS 116 and explained
5 to the judge -- showed him the statute where I am required
6 by law to send her those communications prior to filing a
7 statement of fact.
8 Q. And what did the judge order?
9 A. The judge didn't order anything. The thing was
10 dropped and there was nothing issued against me.
11 Q. Why was there a second hearing if it was dropped?
12 A. I think just in case there needed to be.
13 Q. Did the judge reprimand you in any way? Did he
14 tell you to act -- better behavior, use better words, not
15 threaten or intimidate anyone? Did anything like that
16 happen at the hearing?
17 A. No. I think he realized that all my actions were
18 lawful and so he couldn't really find anything wrong.
19 Lawful and required.
20 Q. Did he use those specific words? Did he tell you
21 expressly all of your actions were lawful?
22 A. I showed him the statute --
23 Q. That's --
24 A. -- and he didn't disagree.
25 Q. That's not what I asked you. I said: Did he make

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1 an express --
2 A. I don't recall.
3 Q. Please don't interrupt --
4 A. Okay.
5 Q. -- me. Did he make an express finding that all of
6 your actions were lawful?
7 A. I don't recall.
8 Q. Did he make an express finding that all of your
9 actions were required under the law?
10 A. I don't recall.
11 (Interruption in proceedings.)
12 THE WITNESS: That was the chair.
13 Q. (BY MR. ELSON) So the record is clear,
14 Ms. Mossett-Puhek's chair made a noise.
15 MR. ANTHONY: It's the dog.
16 Q. (BY MR. ELSON) Are you aware of any investigation
17 that Mr. Boyack conducted into the oleanders before
18 communicating with you about the health, safety, welfare
19 issue?
20 A. I -- I would not know that.
21 Q. So you are not aware of any such investigation?
22 A. No.
23 Q. Are you aware of any investigation that Mr. Boyack
24 conducted before your phone calls with him on the flag pole?
25 A. At what point about the flag pole?

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71 (Pages 278 - 281)

1 Q. Prior to the courtesy notice being issued.
2 A. No, I'm not aware.
3 Q. I don't know if I asked this. So I'll apologize
4 in advance if I did. Was anybody else present with your
5 phone calls with Mr. Boyack regarding the flag poles?
6 A. I don't recall.
7 Q. Was Mr. Woo present?
8 A. I don't recall.
9 Q. If that was a matter that concerned you, why not
10 involve the entire board at an executive session and allow
11 the entire board to communicate with Mr. Boyack on the
12 issue?
13 MR. ANTHONY: Objection.
14 MR. NOACK: Objection. Incomplete hypothetical.
15 MR. ANTHONY: Object to form. And, yeah, that's
16 it.
17 THE WITNESS: The board has approved me as the
18 legal liaison to contact the management or contact the
19 attorney about any issues.
20 Q. (BY MR. ELSON) So be fair to say you just thought
21 it was unnecessary?
22 MR. NOACK: Objection. Misstates prior testimony.
23 It's argumentative.
24 MR. ANTHONY: Join.
25 THE WITNESS: I would not state that, no.

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1 MR. NOACK: It's an incomplete hypothetical.
2 Q. (BY MR. ELSON) Well, if you thought it was
3 necessary, you would have done it. Correct?
4 A. When attorneys are involved, we contact the
5 attorney.
6 Q. Did you discuss Exhibit 1 with Mr. Boyack prior to
7 the board reaching a determination at the executive session
8 in June of 2021?
9 MR. ANTHONY: Objection. Calls for
10 attorney-client privilege.
11 THE WITNESS: I'm not sure what you're talking
12 about.
13 Q. (BY MR. ELSON) The legal letter. You said when
14 lawyers were involved, you discussed the matter with legal.
15 MR. ANTHONY: How is -- how --
16 MR. NOACK: Objection. Misstates prior testimony.
17 MR. ANTHONY: How are you -- I don't understand
18 how you are asking her a question about what she talked
19 about with her attorney or the board's attorney.
20 MR. ELSON: I'm asking her if Mr. Boyack was
21 consulted with respect to Exhibit 1. I think my question is
22 clear.
23 THE WITNESS: Oh, Exhibit 1?
24 MR. ANTHONY: I don't think that's what you asked,
25 but that's an okay question, but that's not what you asked.

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1 MR. NOACK: Just for the record --
2 MR. ELSON: Well, then I'll ask the question
3 again.
4 MR. NOACK: Yeah. It's a yes or no.
5 Q. (BY MR. ELSON) Was Mr. Boyack consulted about
6 Exhibit 1 before the board fined Ms. Collier regarding the
7 oleanders in June of 2021?
8 A. Mr. Boyack was only consulted about how to proceed
9 with addressing the matter.
10 Q. Are you aware that Mr. Brensinger told Ms. Eassa
11 to contact Mr. Marks regarding his flag pole?
12 A. I am.
13 Q. Why did that occur?
14 A. Mr. Marks was observed -- he was leaving
15 Ms. Collier's house and came to the park during the
16 candidate meet and greet. He spoke with Mr. Brensinger.
17 After he left, Mr. Brensinger came over and told me that he
18 was asking about a flag pole violation and that he was --
19 that Mr. Marks -- I think that's his last name -- was
20 concerned that if he installed it himself that he wasn't
21 allowed to do that. And so Mr. Brensinger said, I'm just
22 going to contact Carmen and have her help him with any
23 questions that he has.
24 Q. Was Mr. Marks' flag pole properly installed?
25 MR. NOACK: Objection. Speculation.

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1 THE WITNESS: I don't know.
2 Q. (BY MR. ELSON) Is it your understanding that
3 Mr. Marks' flag pole was properly installed?
4 A. I don't have any idea. I did not follow up on any
5 of that.
6 Q. Why not?
7 A. That's not -- that's management's job, to go
8 through the violation process. So if he submitted an arc
9 and the arc thought that it was enough information for them
10 to approve, then that's what they would have done. So I
11 would have not have followed up on that.
12 Q. Have you followed up on -- after Ms. Collier's
13 testimony about Mr. Marks' flag pole violating the governing
14 documents?
15 MR. ANTHONY: Object to form.
16 THE WITNESS: What do you mean?
17 Q. (BY MR. ELSON) Did that not concern you when
18 Ms. Collier testified to that at her deposition?
19 MR. NOACK: Objection. Misstates testimony.
20 THE WITNESS: Did what --
21 MR. NOACK: Vague.
22 THE WITNESS: -- not concern me?
23 Q. (BY MR. ELSON) That Mr. Marks' flag pole wasn't
24 properly installed.
25 A. Who said that?

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1 Q. Or that Mr. Marks was coached into providing the
2 answers that he provided.

3 A. Oh, gotcha. Okay. So that is completely wrong
4 testimony, because Ms. Collier testified that she, in her
5 opinion -- she did not say Mr. Marks said that he was
6 encouraged to lie about anything. That was her opinion.

7 And she said, basically, that Carmen told him to
8 check off the boxes about where the setback or something --
9 those boxes don't exist on the architectural application.
10 So I didn't have any concerns since it was incorrect
11 testimony.

12 Q. Is a flag pole supposed to be installed a certain
13 amount of feet away from somebody's property line?

14 A. I can't tell you --

15 MR. ANTHONY: Objection --

16 MR. NOACK: Objection. Speculation. Expert
17 testimony.

18 Q. (BY MR. ELSON) You don't have an understanding on
19 that?

20 A. I don't.

21 Q. What conversations occurred between you and the
22 City of Henderson following the executive session meeting in
23 June of 2021?

24 A. The next contact I had with the City of Henderson
25 was right before the mediation in January of 2022. I

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1 contacted them in December. The first -- I would like to
2 clarify. The first time I contacted City of Henderson, I
3 spoke with a Dan.

4 The only time I have spoken with Jason Esow was in
5 December when I called to see if there was anything
6 outstanding, if there was a resolution based on the
7 violation that you submitted to the board that had site
8 visibility, Title 19, on it based on your proclamations in
9 your response that Ms. Hendrickson filed a complaint with
10 the City of Henderson.

11 So I contacted them to see if there was any
12 resolution, because I told them that I wanted to be able to,
13 you know, understand what the City of Henderson has done, if
14 anything, prior to the mediation.

15 Q. Okay.

16 A. Two contacts.

17 Q. And did Mr. Esow tell you that he believed that
18 Ms. Collier's oleanders were in compliance?

19 A. No, and the question wasn't about the oleanders.
20 The question was about site visibility.

21 Q. That the oleanders created. I mean, you keep
22 saying it's not about the oleanders.

23 A. Okay.

24 Q. But was there something other than the oleanders
25 that created a view obstruction?

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1 A. You are talking about two different titles of City
2 of Henderson that could be -- potentially be violations,
3 Title 15 and Title 19. Title 15 addresses landscape only.
4 Title 19 addresses site visibility. We were only concerned
5 about the site visibility issue.

6 Q. Did Mr. Esow tell you that he did not believe a
7 site visibility issue existed with that intersection?

8 A. He did not.

9 Q. Okay. Did you tell Mr. Esow that he didn't know
10 how to do his job?

11 A. I did not.

12 Q. Have you read Mr. Esow's deposition transcript?

13 A. I have.

14 Q. Do you disagree with his testimony on those
15 issues?

16 A. I believe that maybe he is mistaken based on the
17 questioning and based on what I've heard from Ms. Collier's
18 testimony in her deposition that Mr. Esow said that I
19 contacted him several times, which is incorrect. So I think
20 maybe he's -- he could be flat-out lying or he could be
21 mistaken about who was contacting him since you have alleged
22 that Ms. Hendrickson was the person who submitted the
23 complaint to the City of Henderson. So -- because she was
24 the president of Earlstone. I was the president of Anthem.
25 Maybe he got everybody confused, but I intend to find out.

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1 Q. So are you saying somebody that was pretending to
2 be you was contacting Mr. Esow?

3 MR. ANTHONY: Misstates testimony.

4 MR. NOACK: Objection. Yeah, join.

5 THE WITNESS: That's not what I said.

6 Q. (BY MR. ELSON) Okay. As you sit here today, do
7 you intend to verify whether the information that Mr. Marks
8 provided in his architectural application was accurate?

9 A. I do not.

10 Q. Have you been known by any names other than Pennie
11 Mossett or Pennie Mossett-Puhek?

12 A. Pennie Puhek.

13 Q. I'm sorry. That's what I would -- meant. I used
14 your -- I did your hyphenation incorrectly. So you've been
15 known by Pennie Mossett-Puhek. Correct?

16 A. Yes, correct.

17 Q. And you've been known by Pennie Puhek. Correct?

18 A. Correct.

19 Q. Have you been known by any other names?

20 A. Pennie Mossett.

21 Q. Okay. Which one is your maiden name?

22 A. Mossett.

23 Q. Then I did it right the first time. And you
24 were -- now I understand. It's been a long day for me as
25 well.

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1 A. That's okay. No worries. And occasionally I get
2 mailings that call me Puhek-Mossett, Pennie. So I don't
3 know who has that name, but, you know, father, sister,
4 Mossett-Puhek.
5 Q. So as it relates to investigations by NRED, we
6 talked about your knowledge of the complaint that NRED
7 instituted as it relates to Mr. Stern's complaints about
8 your comment on Nextdoor. Is that correct?
9 A. I'm familiar with that, yes, correct.
10 Q. We talked about an investigation that I think NRED
11 did -- was it into Mr. Stern and the board Mr. Stern was on
12 or --
13 A. Yes, they did an investigation in 2015 -- late
14 2015, I believe, to 2016 and took those board members to
15 commission in June of 2016, I think.
16 Q. Okay. And are you aware of any other
17 investigations or complaints that NRED has filed as it
18 relates to the Anthem community?
19 A. Just the one that -- regarding me and my postings
20 on Nextdoor.
21 Q. Yeah, we talked about that.
22 A. Oh, okay.
23 Q. Any others?
24 A. Any others.
25 Q. Other than those two.

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1 A. I am not. If I could -- and I don't know if this
2 applies. So I just want to be -- you know, I want to be
3 fully -- like, make you aware. You, in your e-mail after
4 the June 9th hearing, discussed filing something with the
5 ombudsman at some point in time. That would be the only
6 other one. And that never occurred and they are the ones
7 that have jurisdiction over 116 violations.
8 Q. Have you ever been suspended or removed from
9 Nextdoor?
10 A. Not to my knowledge. There was a point in time
11 where I couldn't access it, but I was never notified of any
12 suspension or anything else.
13 Q. Has anybody ever made complaints about your
14 Nextdoor filings, other than the one we discussed regarding
15 Mr. Stern?
16 MR. NOACK: Objection.
17 THE WITNESS: Nextdoor --
18 MR. NOACK: Speculation.
19 THE WITNESS: Nextdoor filings?
20 Q. (BY MR. ELSON) Your -- I'm sorry. Maybe I used
21 the wrong term. Your Nextdoor postings.
22 A. No, not to my knowledge.
23 Q. No one has complained about it or called you a
24 bully or anything like that?
25 MR. NOACK: Asked and answered.

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1 A. No, I believe that's all.
2 Q. Have -- we talked about you -- intervention
3 affidavits that you have submitted or discussed with other
4 people that you intended to submit. Has anybody ever
5 discussed filing intervention affidavits against you?
6 A. I don't know what other people discuss. I can
7 tell you that Mark West filed one against me.
8 Q. Well, that you are aware of. Right? I mean, are
9 you aware of --
10 A. No.
11 Q. Because before filing an intervention affidavit,
12 somebody has to provide you notice of that. Is that
13 correct?
14 A. Oh, yes. And Ms. Hendrickson recently.
15 Q. Okay. So Mr. West provided you notice that he
16 intended to file an intervention affidavit and did, in fact,
17 file one. Is that correct?
18 A. Correct.
19 Q. Ms. Hendrickson has provided you notice that she
20 intends to file an intervention affidavit. Has she filed
21 one yet?
22 A. I haven't received anything. I've responded.
23 Q. Other than those two intervention affidavits, are
24 you aware of any other people that have discussed filing
25 intervention affidavits against you?

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1 THE WITNESS: I'm not aware of anything regarding
2 Nextdoor.
3 Q. (BY MR. ELSON) Has anyone ever reported to
4 management that you are aware of that they think that you
5 are a bully or that you treat homeowners improperly?
6 A. I'm not aware.
7 MR. ELSON: Let's go off the record.
8 (Pause in proceedings.)
9 Q. (BY MR. ELSON) After you received the e mail --
10 MR. ANTHONY: Excuse me.
11 THE WITNESS: Bless you.
12 Q. (BY MR. ELSON) -- Exhibit 3, did you forward that
13 e-mail to the rest of the board?
14 A. I don't recall.
15 Q. As the board liaison, do you believe you had an
16 obligation to forward it to the rest of the board?
17 A. I do not.
18 Q. Why is that?
19 A. I don't think it had anything to do with the rest
20 of the board. They were there at the meeting. So what you
21 were proclaiming in here, they would have been privy to.
22 Q. When you directed Terra West to issue the courtesy
23 notice, did you inform the rest of the board that you had
24 directed Terra West to do so?
25 A. I did not.

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1 Q. After you contact Jason Esow, did you ask that the
2 matter be escalated to his supervisor?
3 A. I did not.
4 Q. Did you ask that the engineering department become
5 involved?
6 A. I didn't ask him to do anything. He told me that
7 the violation or the ticket or whatever it was was still
8 open, pending an engineer taking a look at it, which I was
9 unaware that there was even a ticket, except for the one
10 that you said that Judy Hendrickson -- that you confirmed
11 with the City of Henderson -- had filed.
12 So he told me that they were behind and probably
13 to best facilitate an engineer would be to contact them
14 ourselves and open a new ticket just specifically on that.
15 And that is what I mentioned to you and your client in
16 mediation, is that we would be willing to do that to
17 expedite the resolution of the matter.
18 Q. Did you take that step?
19 A. We did.
20 Q. Who took that step?
21 A. I instructed the community manager to -- because
22 she has an account -- to file that ticket with the City of
23 Henderson.
24 Q. So Ms. Eassa would have done that?
25 A. Yes.

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1 Q. Do you recall receiving a preservation of evidence
2 letter from Ms. Collier?
3 A. I do.
4 Q. Did you provide that preservation of evidence
5 letter to the entire board?
6 A. It was discussed at the next board meeting.
7 Q. When was the preservation of evidence letter sent
8 to the entire board?
9 A. I don't recall if it was sent to the entire board.
10 It was discussed at the next meeting.
11 Q. So when you say "it was discussed," it may have
12 been discussed without them receiving a copy of the
13 preservation of evidence letter?
14 A. It's possible, but legal counsel was present there
15 to discuss the matter.
16 Q. So . . .
17 A. I just thought of something. Sorry.
18 Q. Would you like to say something?
19 A. Yes. When you asked for sure if I forwarded it to
20 anybody, for sure I forwarded it to Sydney Woo and I do have
21 an e-mail that shows that he was -- that it was forwarded to
22 him. So I remember seeing that at some point over the last
23 couple months.
24 Q. Has that e-mail been produced in this litigation?
25 A. I don't know if it was originally or if it wasn't.

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1 Q. Have all of your e-mails regarding Ms. Collier
2 with Mr. Woo or anybody else been produced in this
3 litigation?
4 A. All of my e-mails regarding the address -- the
5 property address and the violations, to my knowledge, in my
6 search, have been produced, yes.
7 Q. What about Ms. Collier?
8 A. What do you mean?
9 Q. Well, I mean, you could be discussing Ms. Collier
10 but not be discussing the property.
11 A. Yes, so I would search by subject. So . . .
12 Q. What subjects did you search for?
13 A. I don't recall. I answered that question in my
14 responses, and I believe it was 2822 Culloden, Collier.
15 I -- I can't recall right now.
16 Q. Did you also search your text messages?
17 A. I produced my text messages, yes.
18 Q. I'm just making sure --
19 A. Yes.
20 Q. -- you searched --
21 A. Yes.
22 Q. -- your text messages.
23 A. Yes, yes. And they have not been deleted.
24 They're still all there.
25 MR. ELSON: I don't have any further questions at

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1 this time.
2 MR. NOACK: I don't --
3 MR. ANTHONY: I have no questions.
4 MR. NOACK: Yeah. No questions for me.
5 Yeah, sorry, Pennie. I do -- Mr. Elson, I want to
6 make a brief record regarding our conversation about the --
7 issuing the confidential potential testimony about issuing a
8 notice to the homeowner with the Southwest Gas truck. There
9 was some conversation about a potential motion to compel.
10 MR. ELSON: I don't plan on pursuing any such
11 motion. I believe we've resolved this issue here today.
12 MR. NOACK: And that's all I wanted to confirm, so
13 yeah.
14 MR. ELSON: Yeah, I think after examining the
15 witness and the responses -- the actual responses that we
16 did receive from the witness, I don't believe there's a need
17 to address it with the courts at this time.
18 MR. NOACK: Okay. Perfect. Just wanted to make
19 that record. Thank you.
20 (The proceedings concluded at 4:54 p.m.)
21 -oOo-
22
23
24
25

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1 STATE OF NEVADA)
) SS:
 2 COUNTY OF CLARK)
 3 CERTIFICATE OF REPORTER
 4 I, Vanessa Lopez, a duly commissioned and licensed
 5 court reporter, Clark County, State of Nevada, do hereby
 6 certify: That I reported the taking of the deposition of
 7 Pennie Mossett-Puhek, commencing on Wednesday, November 1,
 8 2023, at the hour of 9:01 a.m.;

9 That the witness was, by me, duly sworn to testify
 10 to the truth and that I thereafter transcribed my said
 11 shorthand notes into typewriting, and that the typewritten
 12 transcript of said deposition is a complete, true, and
 13 accurate transcription of said shorthand notes;

14 I further certify that I am not a relative or
 15 employee of any of the parties involved in said action, nor
 16 a relative or employee of an attorney involved in said
 17 action, nor a person financially interested in said action;

18 That the reading and signing of the transcript was
 19 requested.

20 IN WITNESS WHEREOF, I have hereunto set my hand in
 21 my office in the County of Clark, State of Nevada, this 7th
 22 day of November, 2023.

23 

24 VANESSA LOPEZ, CCR NO. 902
 25

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1 Collier, Andrea v. Mossett-Puhek, Pennie
 2 Pennie Mossett-Puhek (#6280571)
 3 E R R A T A S H E E T
 4 PAGE ___ LINE ___ CHANGE _____
 5 _____
 6 REASON _____
 7 PAGE ___ LINE ___ CHANGE _____
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 20 _____
 21 REASON _____
 22 _____
 23 _____
 24 Pennie Mossett-Puhek Date
 25

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1 Derek Noack, Esq.
 2 Derek.Noack@fmglaw.com
 3 November 7, 2023
 4 RE: Collier, Andrea v. Mossett-Puhek, Pennie
 5 11/1/2023, Pennie Mossett-Puhek (#6280571)
 6 The above-referenced transcript is available for
 7 review.
 8 Within the applicable timeframe, the witness should
 9 read the testimony to verify its accuracy. If there are
 10 any changes, the witness should note those with the
 11 reason, on the attached Errata Sheet.
 12 The witness should sign the Acknowledgment of
 13 Deponent and Errata and return to the deposing attorney.
 14 Copies should be sent to all counsel, and to Veritext at
 15 (calendar-litnv@veritext.com).
 16
 17 Return completed errata within 30 days from
 18 receipt of testimony.
 19 If the witness fails to do so within the time
 20 allotted, the transcript may be used as if signed.
 21
 22 Yours,
 23 Veritext Legal Solutions
 24
 25

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1 Collier, Andrea v. Mossett-Puhek, Pennie
 2 Pennie Mossett-Puhek (#6280571)
 3 ACKNOWLEDGEMENT OF DEPONENT
 4 I, Pennie Mossett-Puhek, do hereby declare that I
 5 have read the foregoing transcript, I have made any
 6 corrections, additions, or changes I deemed necessary as
 7 noted above to be appended hereto, and that the same is
 8 a true, correct and complete transcript of the testimony
 9 given by me.
 10
 11 _____
 12 Pennie Mossett-Puhek Date
 13 *If notary is required
 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
 15 _____ DAY OF _____, 20__.
 16
 17 _____
 18 NOTARY PUBLIC
 19
 20
 21
 22
 23
 24
 25

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Nevada Rules of Civil Procedure
Part V. Depositions and Discovery

Rule 30

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

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VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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