



# EXHIBIT 18

**Andrea Collier**  
**v.**  
**Pennie Mossett-Puhek, et al.**

**Transcript of**  
**Ashleigh Grove**  
**Volume I**  
**February 5, 2024**



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DISTRICT COURT  
CLARK COUNTY, NEVADA

ANDREA COLLIER, as )  
trustee of the JACT )  
TRUST, )  
Plaintiff, )  
vs. ) Case No. A-22-852032-C  
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. )

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DEPOSITION OF ASHLEIGH GROVE  
Taken on Monday, February 5, 2024  
By a Certified Court Reporter  
At 10:50 a.m.  
At 8965 South Eastern Avenue, Suite 382  
Las Vegas, Nevada

Reported by: Libby Stewart, CCR 1000, RPR  
Job No. 55945, Firm No. 116F

<p>2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 For the Plaintiffs:</p> <p>4 TIMOTHY P. ELSON, ESQ.</p> <p>5 The Law Offices Of Timothy Elson</p> <p>6 8965 South Eastern Avenue</p> <p>7 Suite 382</p> <p>8 Las Vegas, Nevada 89123</p> <p>9 For Defendant Anthem Highlands Community</p> <p>10 Association:</p> <p>11 EDWARD D. BOYACK, ESQ.</p> <p>12 Boyack Orme &amp; Murdy</p> <p>13 7432 West Sahara Avenue</p> <p>14 Suite 101</p> <p>15 Las Vegas, Nevada 89117</p> <p>16 For Defendant Pennie Mossett-Puhek:</p> <p>17 DEREK R. NOACK, ESQ.</p> <p>18 Freeman Mathis &amp; Gary, LLP</p> <p>19 770 East Warm Springs Road</p> <p>20 Suite 360</p> <p>21 Las Vegas, Nevada 89119</p> <p>22 Also Present:</p> <p>23 Pennie Mossett-Puhek</p> <p>24 Andrea Collier</p> <p>25 * * * * *</p>	<p>4</p> <p>1 PROCEEDINGS</p> <p>2 (Prior to the commencement</p> <p>3 of the deposition, all of</p> <p>4 the parties present agreed</p> <p>5 to waive statements by the</p> <p>6 court reporter pursuant to</p> <p>7 Rules 30(b)(5)(A) and</p> <p>8 30(b)(5)(C) of the NRCP.)</p> <p>9 (Witness sworn.)</p> <p>10</p> <p>11 ASHLEIGH GROVE,</p> <p>12 having been first duly sworn, was</p> <p>13 examined and testified as follows:</p> <p>14</p> <p>15 EXAMINATION</p> <p>16 BY MR. ELSON:</p> <p>17 Q. Good morning. My name is Tim Elson, and</p> <p>18 I represent Ms. Andrea Collier in this matter.</p> <p>19 Before we begin this deposition, will you please</p> <p>20 state and spell your legal name for the record.</p> <p>21 A. Hi. Yes. First name is Ashleigh,</p> <p>22 A-S-H-L-E-I-G-H. Last name is Grove, G-R-O-V-E.</p> <p>23 Q. Ms. Grove, have you ever been sworn to</p> <p>24 tell the truth before?</p> <p>25 A. Like being deposed before, you mean? Or</p>
<p>3</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS PAGE</p> <p>4 ASHLEIGH GROVE</p> <p>5 Examination by Mr. Elson 4</p> <p>6 Examination by Mr. Noack 90</p> <p>7 Further Examination by Mr. Elson 113</p> <p>8</p> <p>9 E X H I B I T S</p> <p>10</p> <p>11 NUMBER DESCRIPTION MARKED</p> <p>12 Plaintiffs'</p> <p>13 1 11/1/21 Courtesy Notice - P00266 53</p> <p>14 2 12/9/21 Courtesy Notice - P00268 63</p> <p>15 3 2/10/22 Home Improvement 65</p> <p>16 Application - P00309</p> <p>17 4 2/28/22 Architectural Change 66</p> <p>18 Request - P00314</p> <p>19 5 2/28/22 email 72</p> <p>20 6 7/28/21 Board of Directors 75</p> <p>21 Executive Session Meeting Minutes</p> <p>22 - DFT283 through 288</p> <p>23 7 2/23/22 Board of Directors 114</p> <p>24 Executive Session Meeting Minutes</p> <p>25 - DFT314 through 322</p>	<p>5</p> <p>1 just --</p> <p>2 Q. Have you ever -- that's one way.</p> <p>3 Have you ever been deposed before?</p> <p>4 A. Yes.</p> <p>5 Q. On how many occasions?</p> <p>6 A. One time, yeah.</p> <p>7 Q. When were you deposed?</p> <p>8 A. Jeez. Probably a good maybe 12 years</p> <p>9 ago.</p> <p>10 Q. And what did that involve?</p> <p>11 A. I worked for a law firm. I was one of</p> <p>12 the secretaries/paralegals, and it was on one of our</p> <p>13 cases.</p> <p>14 Q. Okay. Is that like a legal malpractice</p> <p>15 case?</p> <p>16 A. No, no.</p> <p>17 Q. Outside of being deposed, have you ever</p> <p>18 been sworn to tell the truth before?</p> <p>19 A. No. That's pretty much it. Just the --</p> <p>20 for that deposition, but otherwise, no. In a</p> <p>21 courtroom or anything like that, no.</p> <p>22 MR. BOYACK: Speak up.</p> <p>23 (Reporter clarification.)</p> <p>24 BY MR. ELSON:</p> <p>25 Q. Let me go over the basic rules of a</p>



<p>6</p> <p>1 deposition so there's no confusion here today.  2 A. Okay.  3 Q. Do you understand you are under oath here  4 today, and that this is the same oath you would take  5 as if you were before a judge and jury?  6 A. Yes.  7 Q. Do you understand anything you say here  8 today carries the same penalty of perjury as it  9 would if you were in front of a judge and jury?  10 A. Yes.  11 Q. Have you consumed any alcohol in the last  12 12 hours?  13 A. No.  14 Q. Have you consumed any prescription or  15 nonprescription medication or drugs in the last  16 24 hours?  17 A. No.  18 Q. Do you know of any reason you can't give  19 me your best testimony here today?  20 A. No. I'll do my best.  21 Q. One of the basic rules of a deposition is  22 that only one person speak at a time. The reason  23 why is we have the court reporter here who is taking  24 down everything that we're saying; so I would ask  25 that you wait for me to finish asking my question</p>	<p>8</p> <p>1 of the table in this room, you could look at it, and  2 using your everyday experiences tell me you think  3 it's X amount of feet long.  4 If I ask you to estimate the length of  5 the table in my house, seeing how you've never been  6 to my house, that would be a complete guess. Does  7 that correlate with your understanding?  8 A. Yes.  9 Q. I want you to understand my questions  10 before you answer them. So if you don't understand  11 my question, please tell me, and I'll be happy to  12 rephrase it as many times as necessary until you  13 understand the question. Is that fair?  14 A. That is fair. Yes.  15 Q. If you give me an answer, everyone will  16 have the right to presume that you understood the  17 question before you answered it. Is that fair?  18 A. Yes.  19 Q. Your testimony will come in a typed  20 booklet format. You will have the opportunity to  21 review it and make any changes that you wish to  22 make. Please be cautious, however, that if you wish  23 to make a change to your testimony at any time,  24 anyone will have the right to opine or comment as to  25 whether or not you were telling the truth at one</p>
<p>7</p> <p>1 before you answer, and I'll try and provide you the  2 same courtesy. Is that fair?  3 A. That's fair.  4 Q. Just remember the court reporter, she's  5 the most important person in the room. Make sure  6 all of your answers are audible and loud enough for  7 her to hear. Sometimes in ordinary language, we do  8 things like uh-huhs or huh-uhs or nodding our head  9 yes or no.  10 A. Okay.  11 Q. And while that's perfectly fine in  12 ordinary language, it doesn't come across very well  13 on the record. So from time to time, I may say, "Is  14 that a 'yes,' or is that a 'no,'?" I'm not doing it  15 to be rude. I'm just doing it to try and create a  16 clean and accurate record. Is that fair?  17 A. That's fair. Yes.  18 Q. Okay. I don't want you to guess today,  19 but I am entitled to your best estimate.  20 Do you understand the difference between  21 a guess and an estimate?  22 A. I -- yes.  23 Q. Most people tell me that they do. And  24 I'd like to give a brief example to help  25 demonstrate. If I asked you to estimate the length</p>	<p>9</p> <p>1 time or another.  2 A. Okay.  3 Q. Therefore, it's very important that we  4 get your best testimony here today as well as that  5 you understand the questions before you answer them.  6 Is that fair?  7 A. Yes.  8 Q. If you want to take a break, get up,  9 stretch your legs, use the restroom, that's fine. I  10 normally take breaks every hour or so. The only  11 thing that I ask is that you answer any question  12 that's pending before you before we take a break or  13 maybe I finish a line of questioning. Is that fair?  14 A. Yes.  15 Q. Okay. Do you have any questions before  16 we start?  17 A. I do not. No.  18 Q. Let's start with a little background  19 information for you, Ms. Grove.  20 A. Okay.  21 Q. Can you tell me where you were born and  22 when you were born?  23 A. I was born at April 10th, 1988, in  24 Las Vegas, Nevada.  25 Q. Have you lived in Las Vegas your entire</p>

<p style="text-align: right;">10</p> <p>1 life?</p> <p>2 A. Yeah. I was born and raised. Yes.</p> <p>3 Q. Okay. Did you graduate from high school?</p> <p>4 A. I did. Yes.</p> <p>5 Q. Where did you graduate from high school?</p> <p>6 A. I was actually home-schooled. So I was</p> <p>7 supposed to go to Sierra Vista, but then my parents</p> <p>8 pulled me out and I was home-schooled for the</p> <p>9 remainder of high school. I think it was</p> <p>10 Opportunity -- I can't remember the name that I was</p> <p>11 home-schooled -- or the school, I mean.</p> <p>12 Q. Did you obtain your GED?</p> <p>13 A. I did. Yeah.</p> <p>14 Q. When did you obtain your GED?</p> <p>15 A. I was 17. 2015 that I got it. Yeah.</p> <p>16 Q. 2005?</p> <p>17 A. Or I'm sorry. God. Yes, 2005. Yes.</p> <p>18 Correct. Correct.</p> <p>19 Q. After you obtained your GED, did you</p> <p>20 attend any additional schooling?</p> <p>21 A. I did a little bit of college, but I</p> <p>22 didn't -- I didn't finish; so --</p> <p>23 Q. Where did you attend college at?</p> <p>24 A. I went to CCSD, and then that was pretty</p> <p>25 much it.</p>	<p style="text-align: right;">12</p> <p>1 Q. Okay. When did you start taking those</p> <p>2 classes?</p> <p>3 A. Oh, man. I think it was 20- -- jeez,</p> <p>4 2019, I think it was. 2019, 2020.</p> <p>5 Q. And when did you become licensed as a</p> <p>6 community manager?</p> <p>7 A. May of -- what are we in? 2024. May of</p> <p>8 2023, I think it was. Yes.</p> <p>9 Q. So --</p> <p>10 A. Yes.</p> <p>11 Q. -- just about one year ago?</p> <p>12 A. Yes. Yep.</p> <p>13 Q. When did you complete the classes, the</p> <p>14 community management classes?</p> <p>15 A. It had to have been two years prior to</p> <p>16 2023; so 2021 I finished it. I don't know the exact</p> <p>17 like month.</p> <p>18 Q. So we've talked a little bit about CCSD,</p> <p>19 we've talked a little bit about your paralegal</p> <p>20 school, and we've talked about your community</p> <p>21 management school. Is there any other schooling</p> <p>22 that you can think of since you obtained your GED?</p> <p>23 A. No. I think that's pretty much it.</p> <p>24 Yeah.</p> <p>25 Q. Let's switch gears and talk about your</p>
<p style="text-align: right;">11</p> <p>1 Q. Did you have a specific emphasis or</p> <p>2 course of study at CCSD?</p> <p>3 A. I didn't. It was just more math classes,</p> <p>4 English, just the basic little classes.</p> <p>5 Q. Okay. Other than some additional</p> <p>6 schooling at CCSD, have you attended any other</p> <p>7 schooling since high school? Vocational schooling,</p> <p>8 anything like that?</p> <p>9 A. I -- I did while I worked for the law</p> <p>10 firm. They put me through just like little</p> <p>11 paralegal classes. I -- I really can't remember the</p> <p>12 name of all that. It's so long ago.</p> <p>13 Q. Are you certified as a paralegal?</p> <p>14 A. I have a certificate for it. Yeah.</p> <p>15 Q. Do you recall approximately when you</p> <p>16 obtained your certificate?</p> <p>17 A. I want to say between 20- -- maybe -- -09</p> <p>18 and 2011, at that point.</p> <p>19 Q. Are you currently licensed as a community</p> <p>20 manager?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Did you attend any schooling to</p> <p>23 become a community manager?</p> <p>24 A. I did. Yes. I took the real estate --</p> <p>25 the classes. Yes.</p>	<p style="text-align: right;">13</p> <p>1 employment background.</p> <p>2 A. Okay.</p> <p>3 Q. Why don't you walk me through your</p> <p>4 employment background since high school. When did</p> <p>5 you first -- what was the first job you had outside</p> <p>6 of high school?</p> <p>7 A. So my first -- I had worked for Smith's</p> <p>8 for just a little bit. And then right when I had</p> <p>9 graduated, I started working for John Peter Lee,</p> <p>10 Ltd. I worked for them for about eight years. So</p> <p>11 I'm going to say 2005. Yeah, for about eight years</p> <p>12 from there.</p> <p>13 And then he ended -- he had passed away;</p> <p>14 so they closed their doors. And then that's when I</p> <p>15 started working for Terra West, jeez, I want to say</p> <p>16 2014; so 2014 forward.</p> <p>17 Q. And what did you first do with Terra</p> <p>18 West?</p> <p>19 A. I worked in the accounting department,</p> <p>20 the recovery services department. And then I -- I</p> <p>21 was in the recovery services department for about --</p> <p>22 I'd say about two years, maybe. Then I moved to the</p> <p>23 escrow department. I was in the escrow department</p> <p>24 maybe a year or two. And then I moved to the AP</p> <p>25 department. I was with them for about the same</p>

<p style="text-align: right;">14</p> <p>1 time, and then I chose to become a community manager  2 and took classes.  3 Q. What does the AP department mean?  4 A. Oh. Accounts payable.  5 Q. Okay. And then when you started taking  6 classes around 2019, it sounds like you switched  7 departments again?  8 A. Right. Yeah.  9 Q. And what did you move into at that time?  10 A. "Why"?  11 Q. No. "What."  12 What department did you transition to?  13 A. Oh, I'm sorry. I went over to become an  14 assistant. I was on the HOA side. I was no longer  15 on the assistant side -- or I'm sorry, the  16 accounting side. So I assisted there for about --  17 gosh, I want to say about two years while I was  18 trying to get through my classes and take my test.  19 Q. So if you became an assistant around  20 2019, and you were an assistant for a couple of  21 years, what did you become after you were an  22 assistant?  23 A. So I -- I want to say I was probably an  24 assistant about 20- -- yeah, it was probably about  25 2018.</p>	<p style="text-align: right;">16</p> <p>1 Q. What were your duties and  2 responsibilities an assistant?  3 A. I was handling homeowner phone calls;  4 homeowner emails, you know, coming in; homeowners  5 that came into the office, I was handling that; you  6 know, miscellaneous paperwork that was coming in  7 from the homeowners; violation logs; stuff like  8 that.  9 Q. Okay. How -- any other responsibilities  10 that you can think of as an assistant?  11 A. That's pretty much what it was.  12 Q. Okay.  13 A. Just dealing with that.  14 Q. How did your responsibilities change from  15 when you were an assistant to when you became a  16 provisional community manager?  17 A. So when I became a provisional community  18 manager, I dealt more with the board, less with the  19 homeowners at that point in time. So that's kind of  20 how it changed a little bit. And I wasn't dealing  21 with the violation logs, you know, as much anymore.  22 It was more dealing with the boards, dealing with  23 vendors, and that good stuff.  24 Q. When did you first become involved with  25 the Anthem Highlands Community Association?</p>
<p style="text-align: right;">15</p> <p>1 Q. Okay.  2 A. And I was taking my classes at that point  3 in time. So then once I finished my classes, I was  4 still assisting, and then I moved over to be a  5 provisional community manager.  6 Q. Okay. So your title was assistant --  7 A. Right.  8 Q. -- around 2018 to 2021?  9 A. Yeah.  10 Q. And then you became a provisional  11 community manager --  12 A. Correct.  13 Q. -- from 2021 until roughly May of 2023?  14 A. That's correct. Yes.  15 Q. And then May of 2023, you became a  16 community manager?  17 A. Yes.  18 Q. Did your duties and responsibilities  19 change from when you were an assistant to when you  20 became a provisional community manager?  21 A. A little bit. Yes. Yeah, I was still  22 learning; so --  23 Q. Well, let's talk about your duties and  24 responsibilities as an assistant.  25 A. Okay.</p>	<p style="text-align: right;">17</p> <p>1 A. I want to say it was -- bless you --  2 2020, I think it was. Gosh, I'm trying to remember.  3 (Whereupon, Mr. Boyack  4 exited the deposition room.)  5 BY MR. ELSON:  6 Q. Well, let me ask it this way.  7 Were you an assistant or a provisional  8 when you first became involved with Anthem?  9 A. I want to say I was an assistant there  10 for a little bit. And then that's when I got my  11 provisional license when I was assisting with them,  12 if I remember correctly.  13 Q. Who was the community manager that you  14 worked with at Anthem?  15 A. It was Carmen.  16 Q. Carmen Eassa; correct?  17 A. Yes, that's correct.  18 Q. When you started working on the Anthem  19 account, did you handle other communities or was it  20 just Anthem?  21 A. It was just Anthem.  22 Q. Prior to working with Anthem, how many  23 other community's HOAs had you been involved with?  24 A. Probably a good 18, 19 other communities.  25 Maybe even more.</p>

<p style="text-align: right;">18</p> <p>1 (Whereupon, Mr. Boyack 2 joined the deposition room.) 3 BY MR. ELSON: 4 Q. How did Anthem compare to those 18 or 19 5 other communities? 6 A. I -- as in -- I liked working with 7 Anthem. It was a little easier. You didn't have so 8 many communities you were dealing with. So it 9 wasn't -- I mean, of course you had a lot more 10 incoming, you know, phone calls and emails coming in 11 with Anthem, but it was -- I'd have to say it was 12 probably a lot easier than dealing with 18, 19 other 13 accounts. 14 Q. Why do you say you had more phone calls 15 and emails with Anthem than you did with the other 16 communities? 17 A. Just, you know, little things that they 18 were doing. Because they were doing -- you know, if 19 we changed the gate codes or anything like that or 20 if we sent out resident information forms or 21 anything like that, you got that that incoming, and 22 it was a lot coming in. You know, violation logs, 23 you know, just dealing with that. So it's a larger 24 community; so -- 25 Q. Prior to working with Anthem, had you</p>	<p style="text-align: right;">20</p> <p>1 system. 2 Q. And who was that? 3 A. Kelly Wilkerson. She's the one that 4 trained me. 5 Q. Were there any instructions or manuals 6 provided to you on how to perform your job as an 7 assistant? 8 A. I think they -- at that time, they gave 9 me like a little -- it's not like a "book" book, but 10 it was more of like, you know, instruct- -- not 11 instructions, but more -- 12 Q. Like a checklist? 13 A. Yeah. Kind of like that. Just to kind 14 of go over, make sure that I don't miss anything, 15 because there's a lot entailed with being an 16 assistant. 17 Q. How many pages would you say the 18 checklist was? 19 A. Maybe five, maybe ten pages. 20 Q. When you became a provisional community 21 manager, was there any additional training that you 22 received? 23 A. I mean, not really training. It was 24 just -- it was more hands-on. I think at that point 25 I was working with Carmen when I got it. So she</p>
<p style="text-align: right;">19</p> <p>1 worked with Ms. Eassa before? 2 A. I'm sorry, who? 3 Q. Carmen. 4 A. Oh, yes. I'm sorry. 5 Q. No problem. 6 A. Yeah. No, I don't -- no, I have not 7 worked with her prior to -- I mean, she wasn't -- I 8 think she was in our office with Terra West, but I 9 didn't work with her -- directly with her. 10 Q. And that's what I meant. 11 A. Oh, I'm sorry. 12 Q. She worked -- or maybe she worked with 13 Terra West; maybe she didn't. I mean did you work 14 directly with Ms. Eassa on other associations prior 15 to working with Anthem? 16 A. No, no. 17 Q. When you first became an assistant, how 18 were you trained? 19 A. I -- they had a lead assistant there. 20 She sat with me, and she went over the systems with 21 me because there's -- like in accounting, there's 22 different systems you deal with in accounting versus 23 the HOA side or the assistant manager side; so 24 they -- they just went through that with me for 25 probably about a week, maybe two weeks, through the</p>	<p style="text-align: right;">21</p> <p>1 would just give me little things, you know, here and 2 there just to get my feet wet to kind of 3 understand -- try and make that transition a little 4 easier from being an assistant to a manager. So she 5 kind of walked me through stuff. 6 And then we had our directors, you know, 7 they helped us through everything; so -- but at that 8 time, I was mainly with Carmen when I got 9 everything; so -- 10 Q. Were there any additional instructions or 11 manuals that you were provided when you became a 12 provisional? 13 A. No, I don't believe so. I wish. 14 Q. When you first started working with the 15 Anthem community, were there any additional 16 instructions or manuals that were provided to you as 17 it relates to Anthem? 18 A. Jeez, I don't -- I don't remember. I 19 don't think so, but I don't really remember. 20 Q. Prior to you working with Anthem, who was 21 your supervisor at that time? 22 A. Jeez. Who was my supervisor? I had -- 23 prior to working with Anthem? I mean, my director, 24 I want to say it was -- jeez. I think it was -- it 25 was -- oh, man. I'm trying to remember. I</p>

<p style="text-align: right;">22</p> <p>1 apologize.</p> <p>2 I think it was Jan at that time, Jan</p> <p>3 Porkola, or -- I am so sorry. I'm trying to</p> <p>4 remember because she kind of came in there at the</p> <p>5 end. Jeez.</p> <p>6 I had Lorraine. She was one. I</p> <p>7 apologize, it really -- I cannot remember who was my</p> <p>8 supervisor at that time.</p> <p>9 Q. I understand.</p> <p>10 A. I'm so sorry.</p> <p>11 Q. I'm asking you questions about things</p> <p>12 that took place, what, six, seven years ago; so just</p> <p>13 do your best to provide us your best testimony here</p> <p>14 today.</p> <p>15 A. Okay.</p> <p>16 Q. If you think of the name, just let me</p> <p>17 know --</p> <p>18 A. Okay.</p> <p>19 Q. -- and we can go back there.</p> <p>20 A. Okay.</p> <p>21 Q. When you first started working with</p> <p>22 Anthem, who was your supervisor at that time?</p> <p>23 A. I want to say it was Renee. I think she</p> <p>24 was -- she was -- I think she was my director at</p> <p>25 that time.</p>	<p style="text-align: right;">24</p> <p>1 right now, our director is Jan Porkola, and she's</p> <p>2 above everybody. She's above all the, you know,</p> <p>3 community managers; so she is our director. She is</p> <p>4 our main person that we report to.</p> <p>5 Q. Okay. So help me understand the</p> <p>6 hierarchy when you were on the Anthem account --</p> <p>7 A. Mm-hmm.</p> <p>8 Q. -- in -- when you first started working</p> <p>9 on the Anthem account. Who was directly your</p> <p>10 supervisor at that time?</p> <p>11 A. So it -- I mean, I don't know how to</p> <p>12 explain it because I did have a supervising CAM that</p> <p>13 I would have to report to, and it wasn't Carmen.</p> <p>14 She was not my supervising CAM. But then it's</p> <p>15 Carmen, you know.</p> <p>16 So it's my supervising CAM, and then it's</p> <p>17 Carmen. And then that's -- that's pretty much it.</p> <p>18 But I -- like I said, I don't know why I'm not</p> <p>19 remembering who my supervising CAM was at that point</p> <p>20 in time.</p> <p>21 Q. Did you report to Carmen?</p> <p>22 A. I did. Like if I had -- you know, was</p> <p>23 going to lunch or anything like that, you know, I'd</p> <p>24 let her know. Of course. You know.</p> <p>25 Q. Did you speak with Carmen on a daily</p>
<p style="text-align: right;">23</p> <p>1 Q. Do you know Renee's last name?</p> <p>2 A. Oh, gosh. I -- I am so sorry. I</p> <p>3 completely forgot her last name.</p> <p>4 Q. Was Ms. Eassa your supervisor?</p> <p>5 A. I mean, when I was on Anthem, she was</p> <p>6 pretty much above me at that point. Yeah. So --</p> <p>7 Q. Would you -- is it your understanding</p> <p>8 that Ms. Eassa was responsible for supervising your</p> <p>9 conduct as a assistant/provisional community</p> <p>10 manager?</p> <p>11 A. On that account, yes. But when I became</p> <p>12 a provisional, she wasn't my supervising CAM; so I</p> <p>13 did have another supervising CAM that was over me,</p> <p>14 that had to supervise me, you know. And that's what</p> <p>15 I'm trying to remember at that time who it was.</p> <p>16 I am so sorry. I -- because I went</p> <p>17 through a couple; so I can't really recollect who.</p> <p>18 I want to say it was -- it may have been Lorraine</p> <p>19 Conti at that time. But I -- I am so sorry. I</p> <p>20 cannot remember.</p> <p>21 Q. So you've used the term "director."</p> <p>22 A. Mm-hmm.</p> <p>23 Q. What do you mean by "director"?</p> <p>24 A. So we do have directors at each one of</p> <p>25 our locations. And at the corporate office, as of</p>	<p style="text-align: right;">25</p> <p>1 basis?</p> <p>2 A. I did. Yes.</p> <p>3 Q. Did you discuss violation issues,</p> <p>4 violations -- let me rephrase.</p> <p>5 Did you discuss homeowner violations with</p> <p>6 Carmen?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Was Carmen involved in the homeowner</p> <p>9 violation process?</p> <p>10 A. Here and there. But it was -- it was</p> <p>11 mainly me. Otherwise, you know, if there were any</p> <p>12 problems or anything like that I needed to discuss</p> <p>13 with her so she was aware of it, I would discuss it</p> <p>14 with her. But it's usually the assistants that are</p> <p>15 on it.</p> <p>16 Q. Was it your understanding that Carmen was</p> <p>17 ultimately responsible for the violation process for</p> <p>18 Anthem?</p> <p>19 A. She -- I mean, as a manager, yes, you</p> <p>20 should be well aware, you know, of your -- the</p> <p>21 violations that are open. But the assistant is the</p> <p>22 one mainly working on them.</p> <p>23 Q. So we've mentioned some names of -- well,</p> <p>24 let me rephrase.</p> <p>25 Are directors also supervisory CAMs?</p>



<p style="text-align: right;">26</p> <p>1 A. Some of them -- some of them do have  2 their license and some don't. I -- I think Jan,  3 she's got her license, yeah, because I was under her  4 a little bit; so --  5 Q. Who is Katherine Matheson?  6 A. She is the owner of Terra West or she was  7 the owner of Terra West Management Services.  8 Q. Did she have a role as it relates to  9 Anthem?  10 A. To be honest, I -- I mean, if she did, I  11 very rarely spoke with her about it; so I -- I don't  12 know unless -- that was between more, you know,  13 Carmen and Kathy, but I -- I never discussed it  14 with -- with Kathy.  15 Q. So you don't remember a time of ever  16 discussing the Anthem Homeowners Association with  17 Ms. Matheson; is that correct?  18 A. That's correct. Yes.  19 Q. Does each -- well, let me rephrase.  20 How many offices does Terra West have?  21 A. So they have the corporate office. Then  22 they have their -- the Henderson office. They have  23 the Sky Pointe office. And then they have the Reno  24 office. So I want to say -- oh, and then they have  25 the I think Mesquite office; so I want to say six</p>	<p style="text-align: right;">28</p> <p>1 of moral turpitude, that is one involving deceit or  2 dishonesty, such as lying on your taxes?  3 A. No, no.  4 Q. What did you do to prepare for your  5 deposition here today?  6 A. I kind of went over it with the attorney,  7 and that was -- that was pretty much -- pretty much  8 it.  9 Q. So I don't want to know specifically what  10 you discussed with your attorney.  11 A. Okay.  12 Q. But I am allowed to ask you some related  13 questions.  14 A. Okay.  15 Q. Who was the attorney that you spoke with?  16 A. I believe it was Ted Boyack.  17 Q. The gentleman sitting next to you?  18 A. Yes.  19 Q. Okay. How many times did you speak to  20 Mr. Boyack?  21 A. Once.  22 Q. How long was your conversation with  23 Mr. Boyack?  24 A. Maybe 15 to about 30 minutes, maybe.  25 Q. Did you speak to anybody else internally</p>
<p style="text-align: right;">27</p> <p>1 offices total, I think, six or seven.  2 Q. And which office were you out of?  3 A. I was out of the corporate -- based out  4 of the corporate office.  5 Q. Okay. Was Ms. Eassa also based out of  6 the corporate office?  7 A. Yes.  8 Q. And so did each office have a director  9 that was essentially overseeing each office?  10 A. That's correct. Yes.  11 Q. And how many supervising CAMs also were  12 present within Terra West, if you know?  13 A. To be honest, I mean, I knew, of course,  14 of the director. She would have one. Jeez. I -- I  15 wouldn't even know in each office, you know, who has  16 their license. Because some will have their  17 licenses, but they may not, you know, be a director,  18 you know; so I wouldn't -- I wouldn't know who was  19 their supervising CAM.  20 Q. Ms. Grove, I don't want to offend you. I  21 ask this question in every deposition I've ever  22 conducted.  23 Have you ever been convicted of a felony?  24 A. No.  25 Q. Have you ever been convicted of a crime</p>	<p style="text-align: right;">29</p> <p>1 at Terra West about your deposition?  2 A. I did not. My director had just told  3 me -- she was like, "I just want you to be aware.  4 This is what's -- what's going on" in regards to I'd  5 be getting paperwork to be deposed, and that was it.  6 So I didn't even get, you know, a background of what  7 was going on.  8 Q. So more like a procedure, "Hey, you're  9 going to be deposed on this" --  10 A. Right.  11 Q. -- "date and time," not --  12 A. That was pretty much it. Yes.  13 Q. Nothing substantive, "Hey, these are the  14 types of questions that are going to be asked"?  15 A. Correct.  16 Q. "This is what" --  17 A. Correct. Yeah.  18 Q. Have you ever spoken to Mr. Derek Noack,  19 the attorney at the end of the table?  20 A. I don't think so. No.  21 Q. Did you review any documents in  22 preparation for your deposition?  23 A. No.  24 Q. Did anyone ever tell you what to say here  25 today?</p>

<p style="text-align: right;">30</p> <p>1 A. No, not really.</p> <p>2 Q. When was the last time you've talked to</p> <p>3 Ms. Eassa?</p> <p>4 A. Jeez. It's been some time now. Probably</p> <p>5 a good probably year, maybe a year and a half now.</p> <p>6 I haven't really --</p> <p>7 Q. When was the last time you talked to</p> <p>8 Ms. Eassa about anything pertaining to Anthem?</p> <p>9 A. Yeah, probably about that long ago. It's</p> <p>10 been some time.</p> <p>11 Q. Have you ever talked to anybody about</p> <p>12 Ms. Collier in the last few years?</p> <p>13 A. No.</p> <p>14 Q. When was the last time you've talked to</p> <p>15 Ms. Mossett-Puhek?</p> <p>16 A. Jeez. Yeah, probably that long ago, the</p> <p>17 last time I was on Anthem. Yeah. So it's probably</p> <p>18 been -- probably a year, a couple years now.</p> <p>19 Q. Since you -- so let me rephrase it this</p> <p>20 way.</p> <p>21 A. Since I got off the account.</p> <p>22 Q. Since you stopped working on the Anthem</p> <p>23 account, have you talked to Ms. Eassa about anything</p> <p>24 related to Anthem?</p> <p>25 A. No, no.</p>	<p style="text-align: right;">32</p> <p>1 A. I mean, I had my -- my personal -- the</p> <p>2 agrove@terrawest, but I didn't -- I rarely worked</p> <p>3 through that. It was mainly through that -- the</p> <p>4 Anthem.</p> <p>5 Q. But it is possible that emails pertaining</p> <p>6 to Anthem went through your agrove@terrawest.com; is</p> <p>7 that correct?</p> <p>8 A. That is correct. However, I always</p> <p>9 included Anthem on the emails. If I ever worked</p> <p>10 through my personal, I always included Anthem so</p> <p>11 everyone understood what was going on. Just in case</p> <p>12 of my absence, they had, you know, any emails that</p> <p>13 they needed to get to.</p> <p>14 Q. And just to be clear, when you're saying</p> <p>15 "personal," you mean your personal business</p> <p>16 address -- email address as opposed to some personal</p> <p>17 private email address; is that correct?</p> <p>18 A. That's correct. Yes. The</p> <p>19 agrove@terrawest.</p> <p>20 Q. Just wanted to make sure the record --</p> <p>21 A. No.</p> <p>22 Q. -- was clear --</p> <p>23 A. No.</p> <p>24 Q. -- in that you weren't using like a Gmail</p> <p>25 or --</p>
<p style="text-align: right;">31</p> <p>1 Q. Since you got off the Anthem account,</p> <p>2 have you talked to any current or former board</p> <p>3 member of Anthem about anything pertaining to</p> <p>4 Anthem?</p> <p>5 A. No.</p> <p>6 Q. Since you've gotten off the Anthem</p> <p>7 account, do you recall talking to anybody other than</p> <p>8 Mr. Boyack about anything substantively related to</p> <p>9 Anthem?</p> <p>10 A. No, no. Not -- no.</p> <p>11 Q. Did anyone ever come to you and ask you</p> <p>12 to review or search for any emails or documents</p> <p>13 related to Anthem in the last couple years?</p> <p>14 A. No, no. Not that I remember. No.</p> <p>15 Q. When you were on the Anthem account, what</p> <p>16 email account did you use?</p> <p>17 A. It was mainly -- I worked mainly through</p> <p>18 the -- jeez. I'm trying to remember. The</p> <p>19 anthem@terrawest email I believe is what I mainly</p> <p>20 worked through.</p> <p>21 Q. I have an email titled</p> <p>22 anthemhighlands@terrawest.com?</p> <p>23 A. Yeah, yeah. That's correct. Yes.</p> <p>24 Q. Did you have your own email beyond that</p> <p>25 one?</p>	<p style="text-align: right;">33</p> <p>1 A. No.</p> <p>2 Q. -- Yahoo --</p> <p>3 A. No.</p> <p>4 Q. -- or AOL account?</p> <p>5 A. No. That's -- no.</p> <p>6 Q. Let's go back to talking about when you</p> <p>7 were on the Anthem account.</p> <p>8 A. Okay.</p> <p>9 Q. So unless otherwise stated, all of these</p> <p>10 questions pertain to the time frame of when you were</p> <p>11 on the Anthem account; is that fair?</p> <p>12 A. Yes, yes.</p> <p>13 Q. And if for some reason your answers</p> <p>14 differ because you were on the Anthem account for a</p> <p>15 couple years, several years -- if your answer</p> <p>16 changes depending on that time frame, please let us</p> <p>17 know to the best that you can as we go through these</p> <p>18 questions; is that fair?</p> <p>19 A. Yes.</p> <p>20 Q. Who was the inspector for Anthem?</p> <p>21 A. Oh, my gosh. I'm -- I do not remember.</p> <p>22 Q. Was there one person that conducted</p> <p>23 inspections on behalf of Terra West?</p> <p>24 A. There's -- we have several inspectors. I</p> <p>25 think they tried to keep -- they tried to keep like</p>

<p style="text-align: right;">34</p> <p>1 one inspector just to keep it consistent, but  2 things, you know, happen, you know; so --  3 Q. Did you coordinate with the inspector for  4 Anthem?  5 A. Not directly with the inspectors  6 themselves, but there was somebody over the  7 inspection team that I would -- would discuss things  8 with her, and then she would discuss it with her  9 inspector.  10 Q. And who was that?  11 A. Her name is Michelle Schlanger.  12 Q. Was Ms. Eassa involved in the dialogue  13 with Ms. Schlanger?  14 A. Yes. Yeah, she would -- yeah, we would  15 all -- if we needed to go over something in regards  16 to violations, yes. It would be me, Carmen, and  17 Michelle.  18 Q. Okay. Were there ever instructions  19 provided to Ms. Schlanger about how to conduct  20 inspections within Anthem?  21 A. Yes. I believe there was, yes.  22 Q. What types of instructions were provided?  23 A. So it's -- there's kind of like a -- like  24 an inspection sheet that breaks everything down,  25 which lets her know, you know, what kind of</p>	<p style="text-align: right;">36</p> <p>1 Q. So as you sit here today, the name  2 Andrea Collier does not stand out to you?  3 A. No, not at all.  4 Q. Can you describe to me how an inspection  5 was conducted at Anthem?  6 A. So they do the monthly inspections. I --  7 I think it was almost like a -- maybe a two-day  8 inspection. So one day they would go out, do some  9 of the community, and the next day then they would  10 finish it up, if I remember. You know, because the  11 community is so large, it takes them some time to go  12 through.  13 Q. How long would each inspection take?  14 A. Jeez. It -- maybe six hours the first  15 day. And then depending on how much they got  16 through the first day, then they'd finish up the  17 next day. Yeah, I'm not -- I'm not sure since I'm  18 not out there with them.  19 Q. Is there a specific path of travel that  20 the inspector is supposed to take?  21 A. That I -- I'm not sure. Like how they  22 start with the inspections, I don't --  23 Q. Is there -- is the inspector supposed to  24 drive by every house within the community?  25 A. Yes. Yeah, they should be inspecting any</p>
<p style="text-align: right;">35</p> <p>1 violations that they need to be looking for, you  2 know, her inspectors need to be looking for.  3 Q. How often did those inspection sheets  4 change for Anthem?  5 A. To be honest, I -- I really don't  6 remember if they -- I mean, sometimes you'd go  7 months and months without changing it. It would  8 just stay consistent unless, you know, a new  9 situation arose, and then, you know, that's when we  10 would -- if we needed to make the changes, we'd make  11 changes. But usually, yeah, everything would stay  12 the same.  13 Q. Is it fair to say that Ms. Eassa was in  14 charge of overseeing the inspections?  15 A. As a manager, yes. But like I said, it  16 mainly landed on the assistant to ensure that the  17 violations were going through correctly.  18 Q. Did you ever have any conversations with  19 the inspection team about Andrea Collier?  20 A. Oh, gosh. I don't remember. I'm sorry.  21 Q. Have you ever heard the name  22 Andrea Collier before?  23 A. It sounds familiar. But I work with so  24 many homeowners and board members, and I -- I really  25 don't remember.</p>	<p style="text-align: right;">37</p> <p>1 new violations that should be opened as well as  2 violations that are already open they should be  3 looking at as well.  4 Q. Other than the inspector, is there  5 anybody else that conducts inspections at the Anthem  6 community?  7 A. I know the manager would go out, not to  8 be looking at the homes, but just for the common  9 area, they -- we'd go out. I know Carmen would go  10 out and I'd go out sometimes to inspect the common  11 area.  12 Q. Would you also look at the homes as you  13 drove through to the different common areas?  14 A. I mean, of course you're driving by them.  15 But not to necessarily inspect them, no.  16 Q. Okay.  17 A. No. It was just more common area.  18 Q. If you saw something that stood out to  19 you as you were driving through the community, is  20 that something you would note, even if it was on an  21 individual home?  22 A. Yeah. I mean, we'd note it and just go  23 back to the office and check it out, see if there  24 was already a violation open or anything like that.  25 But other than that, no.</p>



<p style="text-align: right;">38</p> <p>1 Q. Is that also true of Ms. Eassa? Would 2 she do the same thing? 3 A. That I'm not sure. I -- I wasn't out 4 there with her on some of those occasions; so I'm 5 not sure if she would do the same thing. 6 Q. Well, as you sit here today -- you worked 7 with Ms. Eassa for quite some time; correct? 8 A. Correct. Yes. 9 Q. I can't imagine Ms. Eassa would drive by 10 something unsafe and not -- 11 A. Right. Correct. 12 Q. -- not note it internally; is that 13 correct? 14 A. That's correct. 15 Q. I can't imagine Ms. Eassa would see a 16 violation and not note that internally either; is 17 that correct? 18 A. That is correct. Yes. 19 Q. Have you ever heard of Ms. Mossett-Puhek 20 conducting inspections at Anthem? 21 A. She would walk around with the inspector 22 just to ensure that they are looking at what they 23 need to be looking at per the inspection sheet. 24 Q. How often would that take place? 25 A. Jeez. I -- to be honest, I -- I really</p>	<p style="text-align: right;">40</p> <p>1 Q. Would Mr. Brensinger attend inspections 2 with the inspector? 3 A. That I'm not sure of. 4 Q. Would Mr. -- have you heard the name 5 Sydney Woo before? 6 A. Yes. 7 Q. Would Mr. Woo attend inspections with the 8 inspector? 9 A. He may have. I really don't remember. 10 Q. Well, I don't want you to guess. 11 As you sit here today, do you have a 12 specific recollection of Mr. Woo attending any 13 inspection? 14 A. No, no. 15 Q. Have you ever heard of Ms. Mossett-Puhek 16 asking others to conduct inspections on her behalf? 17 A. I don't -- I -- I don't know. 18 Q. Have you ever heard of Ms. Mossett-Puhek 19 asking others to take photographs of violations on 20 her behalf? 21 A. I don't -- I don't know on that. 22 Q. How often would you talk to 23 Ms. Mossett-Puhek on the phone? 24 A. Occasionally. It wasn't -- it wasn't too 25 much. It was mostly email, anything like that, but</p>
<p style="text-align: right;">39</p> <p>1 don't remember. I just -- I remember maybe one time 2 I was on the account, maybe -- maybe two times at 3 the most, but that was about it. 4 Q. Would Ms. Mossett-Puhek report violations 5 that she saw? 6 A. Yes. Yes, she would. Yeah. 7 Q. How often would Ms. Mossett-Puhek report 8 violations? 9 A. Gosh. It wasn't -- it wasn't that often. 10 I mean, it was -- I'm trying to think. Jeez. Maybe 11 once a week, maybe, at the most if she saw something 12 on-site. 13 Q. How many other board members would report 14 violations? 15 A. I'm trying to think who else. 16 Q. Well, let me ask it this way. 17 Was Ms. Mossett-Puhek reporting 18 violations more frequently than other board members 19 at Anthem? 20 A. No, not really. I mean, she would report 21 them. And I'm trying to -- there was another board 22 member. He reported them as well if he saw 23 anything. 24 Q. Is his name Ken Brensinger? 25 A. Yes, yes. That's correct.</p>	<p style="text-align: right;">41</p> <p>1 not much on the phone. 2 Q. Okay. How often would you email with 3 Ms. Mossett-Puhek? 4 A. I would say maybe once a week, maybe. 5 I'm trying to think, though, because then we would 6 have our -- our meetings. And then, of course, we'd 7 be going over the meetings and all that stuff; so -- 8 I mean, it was -- it was -- yeah, we discussed a lot 9 over email. 10 Q. Was there ever a point in time that the 11 inspector was targeting certain neighborhoods or 12 certain types of violations within Anthem? 13 A. Not that I'm aware of. He just -- he or 14 she would just go off of the current violation log. 15 But I'm not aware of targeting -- them targeting 16 anybody. 17 Q. Well, that's not what I meant. 18 I mean, Anthem consists of many different 19 neighborhoods; is that correct? 20 A. Correct. Yes. 21 Q. Okay. It was my understanding that when 22 Terra West took over, they took over from 23 FirstService Residential; is that correct? 24 A. Yeah, it's -- 25 Q. If you know?</p>

<p style="text-align: right;">42</p> <p>1 A. Yeah.</p> <p>2 Q. Again, I don't want you to guess.</p> <p>3 A. No, I don't know who -- yeah.</p> <p>4 Q. "I don't know" is a perfectly acceptable</p> <p>5 answer. I don't want you to guess here today, but I</p> <p>6 am entitled to your best estimate.</p> <p>7 So again, I caution you on guessing as</p> <p>8 opposed to providing me things from your specific</p> <p>9 recollection; is that fair?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. My understanding is that after</p> <p>12 Terra West took over from FirstService, that there</p> <p>13 were efforts to start to clean up different areas</p> <p>14 within Anthem. Are you aware of any sort of</p> <p>15 discussions or efforts like that?</p> <p>16 A. I am not. No.</p> <p>17 Q. Okay. Let's switch topics and start</p> <p>18 talking about the violation process. Are you</p> <p>19 familiar with the violation process at Anthem?</p> <p>20 A. Yes.</p> <p>21 Q. And you're familiar with that as a result</p> <p>22 of your role as an assistant; is that correct?</p> <p>23 A. That's correct. Yes.</p> <p>24 Q. How does the violation process typically</p> <p>25 work at Anthem?</p>	<p style="text-align: right;">44</p> <p>1 either be at an entrance status because they just</p> <p>2 opened a new violation, for example. Then they</p> <p>3 would be inspecting current violations that are</p> <p>4 already opened. And then that's where the assistant</p> <p>5 then will look at it and see, you know, can we move</p> <p>6 forward with these violations, you know, anything</p> <p>7 like that.</p> <p>8 So I believe -- I don't remember -- I</p> <p>9 apologize, I don't remember, you know, in regards to</p> <p>10 the letters, what letters were being sent. I can't</p> <p>11 remember if it's courtesy, formal, and then hearing.</p> <p>12 That's just what I'm thinking of right now. But</p> <p>13 that's pretty much what the violation log consists</p> <p>14 of.</p> <p>15 Q. Does it change based on association on</p> <p>16 the procedure that is followed with the violation</p> <p>17 process?</p> <p>18 A. Yes, it does. Yeah.</p> <p>19 Q. Okay. So after the inspector goes out,</p> <p>20 let's say the inspector notices a new violation,</p> <p>21 what happens then?</p> <p>22 A. Again, I -- I can't remember the process</p> <p>23 that we took in Anthem in regards to like entered</p> <p>24 violations. I've dealt with so many communities</p> <p>25 now. I'm trying to remember. I cannot remember how</p>
<p style="text-align: right;">43</p> <p>1 A. The inspector will go out on their</p> <p>2 monthly inspections. We'll get that the inspections</p> <p>3 have been completed. We'll go through the violation</p> <p>4 logs. Well, the assistant will go through the</p> <p>5 violation log.</p> <p>6 And at that point in time, if I -- if I'm</p> <p>7 remembering correctly, that's when we'd go ahead and</p> <p>8 push through with the courtesy letters, just the</p> <p>9 initial courtesy letters.</p> <p>10 And then the rest -- to be honest, I</p> <p>11 really don't remember how it went in regards to like</p> <p>12 hearings or anything like that. I'm trying to</p> <p>13 remember if the board approved, you know, proceeding</p> <p>14 to call homeowners to hearing. Yeah, I apologize.</p> <p>15 I don't remember.</p> <p>16 Q. So let's talk a little bit about your</p> <p>17 testimony. You said there was a violation log; is</p> <p>18 that correct?</p> <p>19 A. Yes. That's correct.</p> <p>20 Q. What is a violation log?</p> <p>21 A. So a violation log consists of any</p> <p>22 violations that have been open or are currently open</p> <p>23 so you can see, you know, what -- which status that</p> <p>24 they're at at that point.</p> <p>25 When the inspector goes out, they can</p>	<p style="text-align: right;">45</p> <p>1 it went with them, what their process was.</p> <p>2 Q. Okay. So how does the inspector notify</p> <p>3 you of a new potential violation? And when I say</p> <p>4 "you," I mean the assistant/provisional community</p> <p>5 manager. How is there notice to the assistant that</p> <p>6 some type of violation exists?</p> <p>7 A. So once the inspection is completed,</p> <p>8 we'll get an email that says "inspection has been</p> <p>9 completed," and then we'll go in and look at the --</p> <p>10 the violation log at that point in time.</p> <p>11 Q. So does the inspector log it internally</p> <p>12 into a computer system within Terra West?</p> <p>13 A. Yeah. I believe they have like a little,</p> <p>14 yeah, on their phones or if they deal with like a</p> <p>15 tablet from Terra West. I'm not sure. I'm not out</p> <p>16 there. But it does connect with our system, our</p> <p>17 internal system at Terra West.</p> <p>18 Q. So then the inspector logs it in. You</p> <p>19 get a notice that inspection has been completed.</p> <p>20 You then log into the system and start to review the</p> <p>21 notes that are within the system; is that correct?</p> <p>22 A. That's correct. Yes.</p> <p>23 Q. Are there typically pictures that the</p> <p>24 inspector uploads as well?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">46</p> <p>1 Q. Okay. How many new violations would an 2 inspector typically find in Anthem after each 3 inspection? 4 A. Yeah, I -- I can't remember that. I 5 don't know an exact number. 6 Q. I'm not asking for an exact number. I'm 7 just asking for your best estimate. 8 Was it more than a hundred new violations 9 every time or roughly a hundred? 10 A. No. I'd probably say maybe at the most 11 anywhere between 25, 50 at the most. 12 Q. So a fair range of an estimate would be 13 somewhere between 25 to 50 new violations after 14 every inspection? 15 A. Correct. Yeah. 16 Q. So you then pull up the list of the new 17 inspections? 18 A. Mm-hmm. 19 Q. You review the notes and you review the 20 photographs; is that correct? 21 A. That's correct. Yes. 22 Q. And if you agree that there's a 23 violation, do you issue a courtesy notice? 24 A. That's -- that is correct. However, I -- 25 I do not remember Anthem's process because it just</p>	<p style="text-align: right;">48</p> <p>1 the violations. And mostly the boards like to look 2 at just the entered ones to ensure, you know, that 3 we're not opening violations that we -- that the 4 inspector shouldn't be opening and you can go ahead 5 and just close them out. There's no need for it. 6 But as I stated, I cannot remember their process. 7 Q. So how would you expect the entire board 8 to communicate about the violation if there was a 9 board review? 10 A. So once we sent -- once the assistant 11 sends it over via email, then the board can go 12 ahead, look at it, take their time, you know, look 13 at the entered violations or the -- the ongoing 14 violations, and then that's when they would send us 15 emails like, "Everything looks good. Go ahead. You 16 can move forward." 17 And then we would wait, you know, for, 18 you know, the other board members to chime in to let 19 us know if we're okay or if we need to close 20 anything out or -- 21 Q. So you would expect to see communication 22 with the entire board on it or otherwise indicating 23 that the entire board reviewed the violation 24 process? 25 A. That is correct. If that was Anthem's</p>
<p style="text-align: right;">47</p> <p>1 depends on each board. And I -- I can't remember if 2 Anthem -- if the board wanted to review those 3 entered violations before anything was sent out. So 4 I apologize. I -- I do not remember if that's how 5 it went with them. 6 Q. How would we figure out whether or not 7 Anthem had that protocol? 8 A. I -- I believe it may be on the 9 inspection list or the inspection sheet or the 10 assistant is just notified that it's -- it's board 11 review. 12 Q. And if the board was to review, would you 13 expect the entire board to review or a single board 14 member to review? 15 A. No. It would be the entire board would 16 look at it. 17 Q. Would the entire board look at that at a 18 board meeting? 19 A. No, not necessarily. Once the 20 inspections are done, the assistant can go through, 21 you know, the violation log and then will get it 22 over to the board. If that was their -- Anthem's 23 process, it would -- it would be sent over to the 24 board. 25 The board would then review the pictures,</p>	<p style="text-align: right;">49</p> <p>1 process. But like I said, I can't remember. 2 Q. Okay. So what role did Ms. Eassa have in 3 this process after the inspector completed the 4 inspection and before the courtesy notice was 5 issued? 6 A. She -- I'm trying to remember. She -- as 7 I stated, I mean, she would -- she would look over 8 the violations, but she wasn't -- it was mainly the 9 assistant and the inspection -- you know, the 10 inspection department that would be dealing with 11 these violations. 12 If there was anything brought to -- to 13 Carmen's attention, then we would all discuss it and 14 sit down and -- and deal with it at that point in 15 time. 16 Q. Was it your expectation that Ms. Eassa 17 would review the same type of log that listed out 18 the potential courtesy notices before they were 19 issued? 20 A. Yeah. She could -- she would look at it. 21 Yes. 22 Q. And she would look at it even if the 23 board -- even if there was no board review; is that 24 correct? 25 A. That's correct. Yeah, she would look at</p>

<p style="text-align: right;">50</p> <p>1 it on her own terms. Yeah.</p> <p>2 Q. So you have the courtesy notice. Then</p> <p>3 the formal notice goes out; is that correct?</p> <p>4 A. Yes. Yeah, depending on Anthem's</p> <p>5 process. If it is courtesy, formal, and then called</p> <p>6 to hearing, yes.</p> <p>7 Q. What type -- so let's presume that's</p> <p>8 Anthem's process. What type of steps would take</p> <p>9 place between the courtesy notice and the formal</p> <p>10 notice?</p> <p>11 A. So the inspector, when they go out to do</p> <p>12 their inspections, then they'll ensure if the</p> <p>13 violation is still -- you know, if the homeowner has</p> <p>14 not corrected the violation, then they'll go ahead</p> <p>15 and make their notes saying "not corrected."</p> <p>16 They'll have a picture, and then they'll -- and then</p> <p>17 that's when the assistant will see it, and then</p> <p>18 they'll push it forward in order to send out the</p> <p>19 next letter.</p> <p>20 Q. And Ms. Eassa would also be involved with</p> <p>21 reviewing the same type of log before the formal</p> <p>22 notices went out; is that correct?</p> <p>23 A. That's correct. She -- yes, she can see</p> <p>24 it.</p> <p>25 Q. What would happen between the formal</p>	<p style="text-align: right;">52</p> <p>1 A. No. I get it.</p> <p>2 Q. Okay. So if there wasn't board review,</p> <p>3 would -- what would happen between the formal notice</p> <p>4 and the hearing notice?</p> <p>5 A. So if there was no board review, then the</p> <p>6 assistant would just push it through as long as it</p> <p>7 has not -- if the violation has not been corrected,</p> <p>8 then the assistant will call the homeowners to</p> <p>9 hearing.</p> <p>10 Q. Okay. And Ms. Eassa would review all of</p> <p>11 the hearing notices before those were issued; is</p> <p>12 that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Let's take -- let's go off the record.</p> <p>15 (Whereupon, a recess was</p> <p>16 taken.)</p> <p>17 BY MR. ELSON:</p> <p>18 Q. Well, as you may have figured out,</p> <p>19 Ms. Grove, we're here today to talk about</p> <p>20 Ms. Collier and Anthem Highlands. And one of the</p> <p>21 topic areas we're here today to talk about is a</p> <p>22 flagpole on Ms. Collier's property.</p> <p>23 I'm going to hand you what will be marked</p> <p>24 as Exhibit 1.</p> <p>25 /// /// ///</p>
<p style="text-align: right;">51</p> <p>1 notice and the hearing notice?</p> <p>2 A. That's where I -- I cannot remember if</p> <p>3 that's where the board reviewed it, you know, if the</p> <p>4 formal was already sent. I can't remember if the</p> <p>5 board reviewed for hearing, you know, because they</p> <p>6 would review it and ensure that those -- those</p> <p>7 violations can be called to hearing or if we can</p> <p>8 just go ahead and just close them out because they</p> <p>9 might say, "No, no, no. Just close them. We don't</p> <p>10 need to call them to hearing." I can't remember.</p> <p>11 Q. Do you know if there was board review at</p> <p>12 any point, whether it was before the courtesy or the</p> <p>13 formal or before the hearing, or are you just unsure</p> <p>14 of whether there was board review at --</p> <p>15 A. I'm just unsure, to be honest. I -- I'm</p> <p>16 unsure if there was board review at all; so -- so</p> <p>17 I'm trying to remember. I --</p> <p>18 Q. Okay.</p> <p>19 A. I do not remember.</p> <p>20 Q. Well, if there was board review, we've</p> <p>21 talked about that process; correct?</p> <p>22 A. Mm-hmm. Mm-hmm.</p> <p>23 Q. Is that a "yes"?</p> <p>24 A. Yes, yes.</p> <p>25 Q. Not trying to be rude. Just --</p>	<p style="text-align: right;">53</p> <p>1 (Exhibit 1 was marked</p> <p>2 for identification.)</p> <p>3 (Whereupon, a discussion was</p> <p>4 held off the record.)</p> <p>5 BY MR. ELSON:</p> <p>6 Q. So I'm showing you what's been marked as</p> <p>7 Exhibit 1, Ms. Grove.</p> <p>8 Have you ever seen Exhibit 1 before?</p> <p>9 A. It looks familiar, yes. Yes, I think so.</p> <p>10 Q. Well, you may not remember the exact</p> <p>11 Exhibit 1. Does this look like the form courtesy</p> <p>12 notice that Anthem utilized?</p> <p>13 A. Yes, yes. That's correct.</p> <p>14 Q. And you're familiar with this form; is</p> <p>15 that correct?</p> <p>16 A. That is correct. Yes.</p> <p>17 Q. We see -- and as far as you know, you</p> <p>18 would have been involved in preparing this courtesy</p> <p>19 notice; is that correct?</p> <p>20 A. That is correct. Yes.</p> <p>21 Q. We see a process date of November 1st,</p> <p>22 2021?</p> <p>23 A. Yes. That is correct.</p> <p>24 Q. That would be the date that the courtesy</p> <p>25 notice was sent out?</p>

<p>54</p> <p>1 A. Correct. Yes.</p> <p>2 Q. It looks like you were working a tad bit</p> <p>3 late that day. It says it was sent out at</p> <p>4 5:01 p.m.; is that correct?</p> <p>5 A. Yes. That is correct.</p> <p>6 Q. And then we see "Violation: Need to</p> <p>7 submit an ARC for approval for the flagpole."</p> <p>8 Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recall how this violation was</p> <p>11 first reported to Anthem?</p> <p>12 A. I do not. No.</p> <p>13 Q. If I were to look for the records on how</p> <p>14 this was first reported, where would I find that?</p> <p>15 A. If it was part of the violation log -- I</p> <p>16 mean, if the inspector first saw it, I -- I mean,</p> <p>17 that's the only thing I would -- would think of.</p> <p>18 That's the only reason it would be initially</p> <p>19 reported. I mean, unless -- that's pretty much it.</p> <p>20 Just going, looking through the notes to see when it</p> <p>21 was initially reported.</p> <p>22 Q. Okay. So if it came through the</p> <p>23 inspector, it would be part of some inspection log;</p> <p>24 is that correct?</p> <p>25 A. That's correct. Yes.</p>	<p>56</p> <p>1 stuff.</p> <p>2 Q. Do you recall anybody ever discussing</p> <p>3 with you that this flagpole presented a safety</p> <p>4 issue?</p> <p>5 A. No, I do not.</p> <p>6 Q. Do you recall anybody ever discussing</p> <p>7 with you that the flagpole was waving in the wind</p> <p>8 and was dangerous?</p> <p>9 A. I don't. I don't recall. I do not</p> <p>10 remember.</p> <p>11 Q. If someone had discussed those safety</p> <p>12 issues with you, would you expect a different type</p> <p>13 of courtesy notice to be issued than one that dealt</p> <p>14 with ARC approval?</p> <p>15 A. Possibly, yes, if it was a safety issue.</p> <p>16 Q. I mean, that sounds pretty serious, a</p> <p>17 flagpole blowing in the wind --</p> <p>18 A. Mm-hmm.</p> <p>19 Q. -- right?</p> <p>20 A. Yes.</p> <p>21 Q. Tip over, hurt somebody; is that correct?</p> <p>22 A. That's correct. Yes.</p> <p>23 Q. Nowhere in this courtesy notice is any</p> <p>24 such language like that discussed; is that correct?</p> <p>25 A. That is correct. Yes.</p>
<p>55</p> <p>1 Q. If it -- for example, if</p> <p>2 Ms. Mossett-Puhek reported this, how would I expect</p> <p>3 to verify that?</p> <p>4 A. If it's reported by a board member,</p> <p>5 usually, we'll open the violation, and then we'll</p> <p>6 just put a note in the notes just saying "reported</p> <p>7 by board."</p> <p>8 Q. If it's reported by a board member, how</p> <p>9 would you get the photo that is on Exhibit 1?</p> <p>10 A. The board member would send in a photo.</p> <p>11 Q. So there should be like an email with a</p> <p>12 photo?</p> <p>13 A. Possibly. Yes.</p> <p>14 Q. How else would a board member send in a</p> <p>15 photo?</p> <p>16 A. That's -- an email.</p> <p>17 Q. Do you recall this specific violation on</p> <p>18 the flagpole?</p> <p>19 A. I -- I don't. I don't remember it. I'd</p> <p>20 have to look back through and kind of see.</p> <p>21 Q. What would you look at to refresh your</p> <p>22 recollection on this flagpole violation?</p> <p>23 A. I would go back through our violation log</p> <p>24 or I would pull the violation itself to kind of look</p> <p>25 back through and look at notes and all that good</p>	<p>57</p> <p>1 Q. If Ms. Mossett-Puhek reported this issue</p> <p>2 with the flagpole to Terra West, would any sort of</p> <p>3 inspection occur before the courtesy notice went</p> <p>4 out?</p> <p>5 A. So if the board reports it, so it'll</p> <p>6 be -- it'll end up being opened, and then</p> <p>7 inspections would be conducted at that point in time</p> <p>8 on this property.</p> <p>9 Q. Before the courtesy notice went out?</p> <p>10 A. Not before the courtesy notice. No.</p> <p>11 Q. But we would expect to see that before</p> <p>12 the formal notice --</p> <p>13 A. Correct. Correct. Yes.</p> <p>14 Q. -- or the hearing?</p> <p>15 A. Yes. That's when Terra West steps in and</p> <p>16 ensures that it's still --</p> <p>17 Q. Do you recall any other flagpole</p> <p>18 violations at Anthem prior to this flagpole</p> <p>19 violation?</p> <p>20 A. I -- I do not.</p> <p>21 Q. Do you recall discussing with the</p> <p>22 inspector at any point in time issues regarding</p> <p>23 flagpoles?</p> <p>24 A. No, I do not recall. No.</p> <p>25 Q. Is there any way for me to know whether</p>



<p style="text-align: right;">58</p> <p>1 you generated this courtesy notice as opposed to  2 somebody else?  3 A. I believe so. I think you can see the  4 name. I'm not sure. I'd have to go and see if it  5 shows the name of who opened it. To be honest, I'm  6 not sure. I'd have to look and see.  7 Q. Okay. So it's possible the Terra West  8 system remembers or notates --  9 A. Correct.  10 Q. -- who generates the notices; is that  11 correct?  12 A. Correct. Yes.  13 Q. As you sit here today, you don't have any  14 specific recollection of hearing anything about a  15 flagpole swaying back and forth in the wind; is that  16 correct?  17 A. That is correct. Yes.  18 Q. Prior to generating this courtesy notice,  19 do you recall what type of investigation was  20 performed as it relates to this flagpole?  21 A. I do not. No.  22 Q. Do you know what type of involvement  23 Ms. Eassa had as it relates to this courtesy notice?  24 A. I -- I do not. No.  25 Q. Do you recall, at any point in time,</p>	<p style="text-align: right;">60</p> <p>1 to submit ARCs for their flagpoles, do you agree  2 that Ms. Collier also shouldn't be required to  3 submit an ARC for her flagpole?  4 MR. NOACK: Objection. Incomplete  5 hypothetical.  6 BY MR. ELSON:  7 Q. You can answer as to your understanding.  8 MR. NOACK: It's argumentative.  9 You can answer.  10 THE WITNESS: I really don't even know  11 how to answer that, to be honest.  12 BY MR. ELSON:  13 Q. Well, I mean, if nobody else was  14 submitting an ARC for a flagpole, should Ms. Collier  15 have to submit an ARC for her flagpole?  16 MR. NOACK: Same objections.  17 BY MR. ELSON:  18 Q. You can go ahead and answer as to your  19 understanding.  20 A. I mean, I -- I guess depending on the  21 governing docs, you go through them, kind of review  22 them. I mean, if that -- if that was part of  23 governing docs, that's what you go by. I mean, I  24 really don't have an answer for that one.  25 Q. Wouldn't Anthem and Terra West then --</p>
<p style="text-align: right;">59</p> <p>1 looking into flagpole violations in general at  2 Anthem?  3 A. I do not. No.  4 Q. Like whether or not it was standard for  5 people to submit ARCs for flagpoles, is that  6 something you ever recall reviewing?  7 A. I do not. No.  8 Q. Do you know how many other flagpoles  9 exist within Anthem?  10 A. I do not. No.  11 Q. Do you know if other homeowners in Anthem  12 submitted ARCs for the other flagpoles that are  13 there?  14 A. I do not. No.  15 Q. Do you know if the inspector -- well,  16 strike that.  17 Do you know if anybody has ever looked  18 into whether or not the other homeowners that have  19 flagpoles submitted ARCs for those flagpoles?  20 A. I do not. I do not. No.  21 Q. You would agree with me that it would be  22 important for Anthem to treat all homeowners equally  23 and fairly; is that correct?  24 A. That's correct. Yes.  25 Q. So if other homeowners weren't required</p>	<p style="text-align: right;">61</p> <p>1 shouldn't they also make sure that all the  2 homeowners have submitted ARCs for their flagpoles?  3 A. I -- I really don't know how to answer  4 that one because it just depends, I guess, on the  5 situation.  6 Q. Prior to submitting Exhibit 1, do you --  7 or strike that.  8 Prior to Exhibit 1 being issued, the  9 courtesy notice, do you recall an investigation ever  10 being conducted as to when the flagpole was  11 installed?  12 A. No, I don't.  13 Q. Is there a time limit -- well, strike  14 that.  15 Do you have an understanding on whether  16 there's a time limit on how long an HOA can wait to  17 issue a notice of violation once they become aware  18 of a violation?  19 A. You -- as in like each time a letter goes  20 out? Is that what you mean? Like -- I apologize.  21 Q. Say, hypothetically, the flagpole does,  22 in fact, violate the governing documents.  23 A. Mm-hmm.  24 Q. Let's say, hypothetically, that Anthem  25 knew of the flagpole four years before the courtesy</p>

<p style="text-align: right;">62</p> <p>1 notice went out. Is there an appropriate time frame</p> <p>2 that Anthem has to issue -- to start the violation</p> <p>3 process after they become aware of a violation</p> <p>4 within the community?</p> <p>5 A. I -- that I do not know.</p> <p>6 Q. Is that something that you ever reviewed</p> <p>7 as part of the violation process?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Is that something that was ever discussed</p> <p>10 internally at Terra West as an issue that persons</p> <p>11 should review as part of the violation process?</p> <p>12 A. I -- I don't know how to answer that</p> <p>13 question. I mean, you -- yeah, I apologize.</p> <p>14 Q. Do you know if the same procedure was</p> <p>15 followed for Ms. Collier as all other homeowners in</p> <p>16 Anthem as it relates to flagpoles?</p> <p>17 A. I -- I don't recall. I don't.</p> <p>18 Q. Are you aware of anybody else at Terra</p> <p>19 West reviewing this type of information as it</p> <p>20 relates to flagpoles?</p> <p>21 A. I don't. Like as in the violation logs?</p> <p>22 Or you mean just --</p> <p>23 Q. As in whether the same procedure was</p> <p>24 followed as it relates to Ms. Collier as other unit</p> <p>25 owners, as it relates to the timing of when the</p>	<p style="text-align: right;">64</p> <p>1 Q. Do you recognize this form of document?</p> <p>2 A. Yes.</p> <p>3 Q. What is Exhibit 2?</p> <p>4 A. It is a formal letter.</p> <p>5 Q. Okay. This has a process date of</p> <p>6 December 9th, 2021; is that correct?</p> <p>7 A. That is correct. Yes.</p> <p>8 Q. Now we see a different picture of the</p> <p>9 residence compared to what was on Exhibit 1; is that</p> <p>10 correct?</p> <p>11 A. That is correct. Yeah.</p> <p>12 Q. And on Exhibit 2, the photo's dated</p> <p>13 December 2nd, 2021, at 11:14 a.m.; is that correct?</p> <p>14 A. That is correct. Yes.</p> <p>15 Q. Is that the date and time as to when the</p> <p>16 inspector conducted the inspection?</p> <p>17 A. Possibly. Yes.</p> <p>18 Q. And again, we see this about ARC approval</p> <p>19 for the flagpole.</p> <p>20 That's the alleged violation; correct?</p> <p>21 A. Yes. That's correct.</p> <p>22 Q. Nothing on here about safety or a</p> <p>23 flagpole allegedly swaying back in the wind or the</p> <p>24 flagpole being dangerous; is that correct?</p> <p>25 A. That is correct.</p>
<p style="text-align: right;">63</p> <p>1 flagpole was installed, when Anthem knew about it,</p> <p>2 when the courtesy notice was issued, and whether the</p> <p>3 same type of procedure was followed with Ms. Collier</p> <p>4 as what had been followed with respect to other unit</p> <p>5 owners in Anthem?</p> <p>6 A. I -- I don't -- I don't recall.</p> <p>7 Q. You're not aware of any -- you don't</p> <p>8 recall looking into it, and you're not aware of</p> <p>9 anybody else at Terra West looking into it either;</p> <p>10 is that correct?</p> <p>11 A. Correct. Yeah.</p> <p>12 (Exhibit 2 was marked</p> <p>13 for identification.)</p> <p>14 BY MR. ELSON:</p> <p>15 Q. Ms. Grove, even though I've taken</p> <p>16 Exhibit 1 back, if at any point in time you need to</p> <p>17 reference this exhibit or any other exhibits, just</p> <p>18 let me know. I'm just trying to keep the court</p> <p>19 reporter organized. Okay?</p> <p>20 A. Okay.</p> <p>21 Q. But you can feel free to look at any of</p> <p>22 the exhibits at any time if you need to.</p> <p>23 Ms. Grove, you've been handed what has</p> <p>24 been marked as Exhibit 2.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">65</p> <p>1 (Exhibit 3 was marked</p> <p>2 for identification.)</p> <p>3 BY MR. ELSON:</p> <p>4 Q. You've now been handed what's been marked</p> <p>5 as Exhibit 3.</p> <p>6 Do you recognize the form of Exhibit 3?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. What is the form of Exhibit 3?</p> <p>9 A. It looks like a home improvement</p> <p>10 application.</p> <p>11 Q. Is that also known as an ARC application?</p> <p>12 A. Yes.</p> <p>13 Q. Now let's talk specifically about</p> <p>14 Exhibit 3. Do you recall ever seeing this specific</p> <p>15 ARC application?</p> <p>16 A. I -- I don't.</p> <p>17 Q. Let's take a step back and go to</p> <p>18 Exhibit 2. I didn't ask you this question; so I</p> <p>19 want to ask it now.</p> <p>20 Do you require -- or do you have a</p> <p>21 specific recollection of issuing Exhibit 2?</p> <p>22 A. I don't.</p> <p>23 Q. Okay. Let's take a look back at</p> <p>24 Exhibit 3. This mentions the description of</p> <p>25 project, telescopic flagpole.</p>

<p style="text-align: right;">66</p> <p>1 Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. And then it's dated February 10th, 2022.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 (Exhibit 4 was marked</p> <p>8 for identification.)</p> <p>9 BY MR. ELSON:</p> <p>10 Q. Now you're being handed what's marked as</p> <p>11 Exhibit 4. Do you recall seeing Exhibit 4 before?</p> <p>12 A. This type of form, yes. Yes.</p> <p>13 Q. Do you recall this specific document,</p> <p>14 Exhibit 4?</p> <p>15 A. I don't.</p> <p>16 Q. In it, it states "Process date:</p> <p>17 February 28th, 2022."</p> <p>18 A. Mm-hmm.</p> <p>19 Q. Just a couple weeks after Exhibit 3; is</p> <p>20 that correct?</p> <p>21 A. That is correct. Yes.</p> <p>22 Q. Then we have "Improvements Submitted:</p> <p>23 Installed Flagpole."</p> <p>24 Did I read that correctly?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">68</p> <p>1 it was done so with Ms. Collier?</p> <p>2 MR. NOACK: Objection. Calls for</p> <p>3 speculation.</p> <p>4 BY MR. ELSON:</p> <p>5 Q. Or is it -- let me rephrase.</p> <p>6 Is it possible that these ten items of</p> <p>7 information, that the first time it was requested</p> <p>8 was done so as it relates to property address</p> <p>9 2822 Culloden Avenue?</p> <p>10 MR. NOACK: Objection. Speculation.</p> <p>11 BY MR. ELSON:</p> <p>12 Q. You can answer as to your understanding.</p> <p>13 A. I mean, I don't recall. I -- I don't.</p> <p>14 Q. Okay. Do you recall ever requesting</p> <p>15 these ten items of information as it relates to</p> <p>16 anyone else's flagpole?</p> <p>17 A. I do not recall.</p> <p>18 Q. Do you know how these ten items of</p> <p>19 information, how were -- how they were arrived at,</p> <p>20 who made the decision?</p> <p>21 A. I do not. I do not recall.</p> <p>22 Q. Do you recall attending a board meeting</p> <p>23 where the board discussed these ten items of</p> <p>24 information?</p> <p>25 A. I do not. I do not recall.</p>
<p style="text-align: right;">67</p> <p>1 Q. And then it goes to the body. It states,</p> <p>2 "We are in receipt of your planned installed</p> <p>3 flagpole; however, please be advised that your</p> <p>4 submittal is incomplete. Please submit the</p> <p>5 following. If the flagpole was installed in 2017,</p> <p>6 please provide an approval letter from the prior</p> <p>7 management company. If you cannot produce the</p> <p>8 approval letter, please provide the following."</p> <p>9 Then it lists out ten items below that;</p> <p>10 is that correct?</p> <p>11 A. That is correct. Yes.</p> <p>12 Q. Do you recall ever requesting these ten</p> <p>13 items of information before from a unit owner?</p> <p>14 A. I -- I mean, I -- I recall the forms. If</p> <p>15 an architectural application is incomplete, I mean,</p> <p>16 we would list what needs to be submitted. I don't</p> <p>17 recall, you know -- it just depends on each</p> <p>18 situation, you know, what needs to be submitted.</p> <p>19 Q. As it relates to flagpoles --</p> <p>20 A. Mm-hmm.</p> <p>21 Q. -- do you recall ever making these</p> <p>22 requests for these ten items of information?</p> <p>23 A. I do not. No.</p> <p>24 Q. Is it possible that the first time these</p> <p>25 ten items of information were ever requested, that</p>	<p style="text-align: right;">69</p> <p>1 Q. So we've talked about notes and this log</p> <p>2 system. Would you anticipate that there would be</p> <p>3 any information in the log system as it relates to</p> <p>4 Exhibit 4, the ten items of information listed on</p> <p>5 Exhibit 4?</p> <p>6 A. Possibly. There could be notes.</p> <p>7 Q. If no other homeowner had to provide this</p> <p>8 type of information, do you think it would be fair</p> <p>9 for Ms. Collier or the owner of 2822 Culloden Avenue</p> <p>10 to have to provide this information --</p> <p>11 MR. NOACK: Objection.</p> <p>12 BY MR. ELSON:</p> <p>13 Q. -- as it relates to flagpoles?</p> <p>14 MR. NOACK: Objection. Argumentative.</p> <p>15 Incomplete hypothetical.</p> <p>16 You can answer.</p> <p>17 THE WITNESS: I apologize. If you could</p> <p>18 repeat the question.</p> <p>19 MR. ELSON: Sure. Madam reporter, would</p> <p>20 you read back the question?</p> <p>21 (Record read by reporter as</p> <p>22 follows:</p> <p>23 QUESTION: If no other homeowner had to</p> <p>24 provide this type of information, do you</p> <p>25 think it would be fair for Ms. Collier or</p>



<p style="text-align: right;">70</p> <p>1 the owner of 2822 Culloden Avenue to have 2 to provide this information as it relates 3 to flagpoles?) 4 THE WITNESS: I mean, I don't -- I don't 5 know how to really answer that. Because like I 6 said, it just depends on each situation. I don't -- 7 yeah, I don't know how to answer that one. 8 BY MR. ELSON: 9 Q. Do you recall anything specific about 10 this situation and this flagpole that would -- that 11 would cause it to be treated differently than other 12 flagpoles within Anthem? 13 A. I do not. No. 14 Q. Do you know if a review was ever done to 15 determine what other homeowners in Anthem -- what 16 other information these other homeowners had to 17 provide? 18 A. I -- I don't. 19 Q. Okay. Let's switch gears for a moment. 20 A. Okay. 21 Q. Because when I gave you the preface that 22 we were going to talk about Anthem specifically 23 during your time period at Anthem, we're going to 24 change that now. 25 A. Okay.</p>	<p style="text-align: right;">72</p> <p>1 MR. NOACK: Objection. Foundation. 2 Speculation. 3 You can answer. 4 THE WITNESS: I do not. I do not recall. 5 BY MR. ELSON: 6 Q. As you sit here today, do you recall any 7 investigation into whether or not the information 8 that Mr. Marks provided on his application was 9 accurate? 10 MR. NOACK: Objection. Lacks foundation. 11 Calls for speculation. 12 THE WITNESS: I do not recall. No. 13 BY MR. ELSON: 14 Q. Let's go back to the flagpole at 15 2822 Culloden Avenue. Do you recall any complaints 16 regarding the flagpole at 2822 Culloden Avenue? 17 A. I do not. 18 Q. Do you recall anybody calling in and 19 reporting that it was unsafe? 20 A. I do not. I do not recall. 21 (Exhibit 5 was marked 22 for identification.) 23 BY MR. ELSON: 24 Q. I'm handing you what's been marked as 25 Exhibit 5. After you've had a chance to review</p>
<p style="text-align: right;">71</p> <p>1 Q. In your experience as a community manager 2 or with associations other than Anthem, have you 3 ever dealt with flagpole issues before? 4 A. No, not that I'm aware of. No. 5 Q. Okay. Let's go back to Anthem. 6 A. Okay. 7 Q. Same caveat. Unless otherwise noted, 8 we're talking about Anthem during the time that you 9 were either the assistant or the provisional at 10 Anthem. 11 A. Okay. 12 Q. Do you recall being involved in violation 13 issues with any other flagpoles other than this 14 flagpole related to 2822 Culloden Avenue? 15 A. I don't recall. 16 Q. I believe at some point there was a 17 flagpole -- there was a violation process started 18 with flagpoles related to Darren Marks. 19 Does that ring a bell to you? 20 A. No. Not at all. No. 21 Q. I believe Mr. Marks provided some 22 information on a form that responded to some 23 questions that the board had. Do you recall doing 24 any type of investigation to verify the information 25 that Mr. Marks provided?</p>	<p style="text-align: right;">73</p> <p>1 Exhibit 5, please let me know. 2 A. Okay. 3 Q. What is Exhibit 5? 4 A. It is an email. 5 Q. Well, you see your name at the bottom of 6 it, Ashleigh Grove; is that correct? 7 A. That is correct. Yes. 8 Q. At the top, we see from 9 anthemhighlands@terrawest.com; is that correct? 10 A. That is correct. Yes. 11 Q. This appears to be an email from you; is 12 that correct? 13 A. That is correct. Yes. 14 Q. It's to -- and we see an email address 15 Social Butterfly World; jturner@tribalba.com; is 16 that correct? 17 A. That is correct. Yes. 18 Q. "Subject: 2822 Culloden -- Architectural 19 Application Installed Flagpole"; is that correct? 20 A. That is correct. Yes. 21 Q. It appears to discuss the same subject 22 matter of Exhibit 4; is that correct? 23 A. That is correct. Yes. 24 Q. Would Ms. Eassa have -- would you have 25 been in contact with Ms. Eassa as it relates to</p>

<p style="text-align: right;">74</p> <p>1 Exhibit 4 and Exhibit 5?</p> <p>2 A. I -- I really don't recall if I would</p> <p>3 have discussed -- I mean, I really don't remember if</p> <p>4 I would have.</p> <p>5 Q. Would it be normal for you to send these</p> <p>6 types of notices and emails without -- without</p> <p>7 Ms. Eassa's knowledge?</p> <p>8 A. No. No, it would not be.</p> <p>9 Q. So as you sit here today, you would have</p> <p>10 expected Ms. Eassa to be involved at this point in</p> <p>11 the process; is that correct?</p> <p>12 A. Yes.</p> <p>13 MR. NOACK: Objection. Argumentative.</p> <p>14 It's vague.</p> <p>15 You can answer.</p> <p>16 BY MR. ELSON:</p> <p>17 Q. I should have said this earlier. From</p> <p>18 time to time, you're going to hear attorneys</p> <p>19 interpose objections on the record. The reason why</p> <p>20 is we don't have a judge here to rule on the</p> <p>21 objections, and they're doing it to preserve the</p> <p>22 record, which is their right to object to the</p> <p>23 questions as I ask them.</p> <p>24 Unless somebody instructs you not to</p> <p>25 answer the question, just go ahead and answer the</p>	<p style="text-align: right;">76</p> <p>1 two-sided.</p> <p>2 Ms. Grove, these are double-sided.</p> <p>3 A. Okay. Got you.</p> <p>4 Q. You've been handed -- it's got areas that</p> <p>5 are blacked out on it; so you may not be familiar</p> <p>6 with that. But have you ever seen this type of</p> <p>7 document before?</p> <p>8 A. Yes.</p> <p>9 Q. What is Exhibit 6?</p> <p>10 A. It looks like it's meeting minutes, the</p> <p>11 executive session meeting minutes possibly.</p> <p>12 Q. And I see that at the top. It says</p> <p>13 "Board of Directors Executive Session."</p> <p>14 A. Yes.</p> <p>15 Q. Underneath "Anthem Highlands Community</p> <p>16 Association."</p> <p>17 A. Yes.</p> <p>18 Q. The date's July 28th, 2021?</p> <p>19 A. Yes.</p> <p>20 Q. Then I see some board members.</p> <p>21 A. Mm-hmm.</p> <p>22 Q. I see management, Carmen Eassa and then</p> <p>23 your name, Ashleigh Grove?</p> <p>24 A. Yes.</p> <p>25 Q. Does that mean you were present at this</p>
<p style="text-align: right;">75</p> <p>1 question to the best of your ability.</p> <p>2 A. Okay. I apologize, I don't remember the</p> <p>3 question now.</p> <p>4 Q. I don't think there was a question</p> <p>5 pending. I think you answered the last question.</p> <p>6 A. Okay.</p> <p>7 Q. I was just --</p> <p>8 A. Gotcha. Okay.</p> <p>9 Q. Again, I should have explained it</p> <p>10 earlier.</p> <p>11 A. No, you're fine.</p> <p>12 Q. I was just explaining what objections</p> <p>13 meant.</p> <p>14 MR. BOYACK: It's getting about 12:35.</p> <p>15 Can we break for lunch at some point?</p> <p>16 MR. ELSON: Well, let's go off the record</p> <p>17 and we can have a chat.</p> <p>18 (Whereupon, a recess was</p> <p>19 taken.)</p> <p>20 (Exhibit 6 was marked</p> <p>21 for identification.)</p> <p>22 BY MR. ELSON:</p> <p>23 Q. Ms. Grove, you've been handed what is</p> <p>24 marked as Exhibit 6. Do you recognize -- well,</p> <p>25 there's some areas that are blacked out. This is</p>	<p style="text-align: right;">77</p> <p>1 board meeting?</p> <p>2 A. Yes.</p> <p>3 Q. Then we see the minutes. There's areas</p> <p>4 that have been redacted out. I'll represent to you</p> <p>5 that I believe Mr. Boyack's office redacted out unit</p> <p>6 owner information that was not related to this</p> <p>7 lawsuit, which is why you see the redactions on</p> <p>8 this.</p> <p>9 A. Okay.</p> <p>10 Q. And then on page -- what's been Bates</p> <p>11 stamped -- Bates stamps are little numbers in the</p> <p>12 bottom corner.</p> <p>13 A. Mm-hmm.</p> <p>14 Q. What's been Bates stamped as DFT286, you</p> <p>15 see an area that's not redacted out that identifies</p> <p>16 address 2822 Culloden Avenue. Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Then we see "Violation: Need ARC for</p> <p>19 paint." Then you see "Response Form: No.</p> <p>20 Extension Request: No." And then you see "Hearing</p> <p>21 Results" after that.</p> <p>22 Did I read that correct?</p> <p>23 A. Yes. That is correct.</p> <p>24 Q. Do you have any specific recollection of</p> <p>25 this board meeting?</p>

<p style="text-align: right;">78</p> <p>1 A. I don't. I do not.</p> <p>2 Q. That's fine. And I ask that because I</p> <p>3 didn't necessarily expect you to have a specific</p> <p>4 recollection, but I don't want to waste anybody's</p> <p>5 time, effort, and energy if you don't remember</p> <p>6 anything that transpired at this board meeting.</p> <p>7 A. I do not.</p> <p>8 Q. Okay. So you don't recall any</p> <p>9 conversations regarding 2822 Culloden Avenue and the</p> <p>10 ARC for paint?</p> <p>11 A. I -- I do not. I do not remember.</p> <p>12 Q. Would you -- it's my understanding</p> <p>13 there's something called a board packet. Are you</p> <p>14 familiar with that term, board packet?</p> <p>15 A. Yes.</p> <p>16 Q. What is your understanding of a board</p> <p>17 packet?</p> <p>18 A. The board packet will -- I mean, it</p> <p>19 depends. The board, the regular board packet, I</p> <p>20 mean, that'll have proposals, you know, for</p> <p>21 approval. The executive board packet will have</p> <p>22 violation logs, disputes, hearings.</p> <p>23 Q. Is one of your responsibilities to put</p> <p>24 together the board packet -- or let me rephrase.</p> <p>25 Strike that.</p>	<p style="text-align: right;">80</p> <p>1 as what it does on these executive session meetings;</p> <p>2 is that correct?</p> <p>3 A. That is correct. Yes.</p> <p>4 Q. So one way for me to tell that you were</p> <p>5 not involved with Anthem is by the fact that your</p> <p>6 name is not listed on any prior board meeting</p> <p>7 minutes; is that correct?</p> <p>8 A. That is correct. Yes.</p> <p>9 Q. Okay. So going back to the page that's</p> <p>10 marked as DFT286, it states "Extension Request Y or</p> <p>11 N," and then for Line Item Number 4, 2822 Culloden</p> <p>12 Avenue, we see an "N"; is that correct?</p> <p>13 A. That is correct. Yes.</p> <p>14 Q. Prior to your involvement with this</p> <p>15 community, there was an email dialogue with</p> <p>16 Ms. Eassa where an extension request was made. I</p> <p>17 believe it was in either May or early June of 2021.</p> <p>18 A. Okay.</p> <p>19 Q. Is it fair to say that you probably</p> <p>20 wouldn't have known about that because you weren't</p> <p>21 involved with Anthem at that time?</p> <p>22 A. Yes. That's fair.</p> <p>23 Q. Okay. And I'm assuming that by it being</p> <p>24 marked "N" on this column, that means that you</p> <p>25 didn't include that as part of the board packet, to</p>
<p style="text-align: right;">79</p> <p>1 As provisional community manager of</p> <p>2 Anthem at this time, was one of your</p> <p>3 responsibilities to put together the board packet?</p> <p>4 A. The executive, yes.</p> <p>5 Q. Now, it's my understanding that you</p> <p>6 became the provisional community manager at or near</p> <p>7 July of 2021?</p> <p>8 A. I believe -- I believe so. It sounds</p> <p>9 about right.</p> <p>10 Q. Okay. Because I didn't see your name on</p> <p>11 any prior board meeting minutes.</p> <p>12 A. Mm-hmm.</p> <p>13 Q. I didn't see your name on any emails.</p> <p>14 A. Okay.</p> <p>15 Q. Do you have any reason to believe that</p> <p>16 you were involved in this community before July of</p> <p>17 2021?</p> <p>18 A. I do not. I don't. No. I don't</p> <p>19 remember.</p> <p>20 Q. Did you typically attend board meetings</p> <p>21 when you were the provisional community manager for</p> <p>22 Anthem?</p> <p>23 A. I did. Yes.</p> <p>24 Q. Okay. And if you attended those board</p> <p>25 meetings, your name would appear in a similar manner</p>	<p style="text-align: right;">81</p> <p>1 the extent it exists; right? If you had included it</p> <p>2 as part of the board packet, it would be marked "Y";</p> <p>3 is that correct?</p> <p>4 A. That is correct. Yes.</p> <p>5 Q. And the same types of questions with the</p> <p>6 response form. Again, you weren't on the email</p> <p>7 dialogue because you weren't involved in the</p> <p>8 community at that point. So it would be fair to say</p> <p>9 that you were likely unaware of the email dialogue</p> <p>10 which could or could not have been considered a</p> <p>11 response form; is that right?</p> <p>12 A. That could be correct. Yes.</p> <p>13 Q. Do you consider -- when a homeowner</p> <p>14 responds to the community manager, if they respond</p> <p>15 in an email and discuss the violation, do you</p> <p>16 consider that a response?</p> <p>17 A. I do. Yes.</p> <p>18 Q. As you sit here today, is it fair to say</p> <p>19 that you don't recall anything about Ms. Collier</p> <p>20 asking for additional time or what the board</p> <p>21 discussion was or any response back? You have no</p> <p>22 specific recollection of that?</p> <p>23 A. I do not. No.</p> <p>24 Q. Would it be fair to say you don't have</p> <p>25 any recollection of what was relayed to the board</p>

<p style="text-align: right;">82</p> <p>1 about the paint scheme issues with Ms. Collier?</p> <p>2 A. That is correct. Yeah, I do not recall.</p> <p>3 Q. Do you recall a point in time when there</p> <p>4 were issues with listing the paint scheme for</p> <p>5 certain communities within Anthem on the Terra West</p> <p>6 website?</p> <p>7 A. I do not. I'm sorry, I'm trying to think</p> <p>8 here. I do not. No, I do not.</p> <p>9 Q. As part of the paint scheme violation</p> <p>10 process, would -- strike that.</p> <p>11 Do you have any recollection as to how</p> <p>12 the paint -- the alleged paint scheme violation of</p> <p>13 Ms. Collier was first found or first reported to</p> <p>14 Anthem or Terra West?</p> <p>15 A. I do not. No.</p> <p>16 Q. Ms. Collier also had a violation for</p> <p>17 oleanders. Do you remember anything about an</p> <p>18 oleander violation?</p> <p>19 A. I do not. No, I do not.</p> <p>20 Q. So would it be fair to say, as you sit</p> <p>21 here today, you don't recall any specific</p> <p>22 discussions about the oleanders and whether they</p> <p>23 created some type of view obstruction or anything</p> <p>24 like that?</p> <p>25 A. I do not. I'd have to look back.</p>	<p style="text-align: right;">84</p> <p>1 What I mean by that is who involved Henderson Code</p> <p>2 Enforcement, whether there was a discussion, whether</p> <p>3 Ms. Eassa was involved in that, whether the board</p> <p>4 was involved in that.</p> <p>5 So let me ask it one more time. Do you</p> <p>6 recall anything about how or why Henderson Code</p> <p>7 Enforcement was involved in that one violation?</p> <p>8 A. I do not. I do not.</p> <p>9 Q. When you came on the board, what role did</p> <p>10 Ms. Mossett-Puhek have?</p> <p>11 A. I do not remember.</p> <p>12 Q. Okay.</p> <p>13 A. I really don't.</p> <p>14 Q. Do you recall what type of control</p> <p>15 Ms. Mossett-Puhek had in her role?</p> <p>16 A. I -- I really don't remember.</p> <p>17 Q. As far as --</p> <p>18 A. I'm trying to think. Yeah.</p> <p>19 Sorry, go ahead.</p> <p>20 Q. No, please go ahead and finish your</p> <p>21 answer. I didn't mean to interrupt.</p> <p>22 A. You mean as in like the position as a</p> <p>23 board member or --</p> <p>24 Q. What type of influence was she -- did she</p> <p>25 seem to control the dialogue that the board members</p>
<p style="text-align: right;">83</p> <p>1 Q. And again --</p> <p>2 A. I do not. I don't.</p> <p>3 Q. -- my understanding is is that predated</p> <p>4 your time with the community. I believe that was</p> <p>5 dealt with at the June meeting, and I did not see</p> <p>6 your name on the meeting minutes. So I'm not trying</p> <p>7 to trick you. I'm just trying to get your</p> <p>8 recollection on whether you remember anything --</p> <p>9 A. Okay.</p> <p>10 Q. -- even after you became involved,</p> <p>11 whether there were any internal discussions or</p> <p>12 dialogues or anything like that about oleanders.</p> <p>13 A. Okay.</p> <p>14 Q. Do you remember anything like that?</p> <p>15 A. I don't. I don't remember.</p> <p>16 Q. Are you aware of times that Anthem</p> <p>17 involved Henderson Code Enforcement on violations?</p> <p>18 A. I think maybe one time.</p> <p>19 Q. Do you recall what that involved?</p> <p>20 A. I do not.</p> <p>21 Q. So it would be pretty rare to involve</p> <p>22 Henderson Code Enforcement; is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Do you recall procedurally what happened</p> <p>25 before Henderson Code Enforcement was involved?</p>	<p style="text-align: right;">85</p> <p>1 had, did she seem to be more active than the other</p> <p>2 board members. Do you just remember anything about</p> <p>3 her personality or temperate?</p> <p>4 MR. NOACK: Objection. Lacks foundation.</p> <p>5 It's compound. It's overbroad.</p> <p>6 You can answer.</p> <p>7 BY MR. ELSON:</p> <p>8 Q. Okay. I can rephrase.</p> <p>9 How would you characterize</p> <p>10 Ms. Mossett-Puhek when you first became involved</p> <p>11 with Anthem?</p> <p>12 MR. NOACK: Objection. Foundation.</p> <p>13 You can answer.</p> <p>14 THE WITNESS: She's -- she was involved.</p> <p>15 She's hand-on.</p> <p>16 BY MR. ELSON:</p> <p>17 Q. Did her involvement ever change during</p> <p>18 your time with Anthem?</p> <p>19 A. Not that I know of. No.</p> <p>20 Q. Was there a time that her position</p> <p>21 changed on the board?</p> <p>22 A. I do not remember.</p> <p>23 Q. Let's presume that her position did</p> <p>24 change on the board. Was there ever a time that it</p> <p>25 seemed like her role that she played with Anthem was</p>

<p style="text-align: right;">86</p> <p>1 altered or changed?</p> <p>2 A. No, not that I recall.</p> <p>3 Q. Do you know someone by the name of</p> <p>4 Sydney Woo?</p> <p>5 A. I do. Yes.</p> <p>6 Q. Do you believe him to be an honest and</p> <p>7 trustworthy person?</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember a woman by the name of</p> <p>10 Shirley Breeden?</p> <p>11 A. I do not.</p> <p>12 Q. If you look back at Exhibit 6, it</p> <p>13 mentions a board member by the name of</p> <p>14 Shirley Breeden. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Does that help refresh your recollection</p> <p>17 of Ms. Breeden?</p> <p>18 A. Yes. Yes, it does a little bit. Yeah.</p> <p>19 Q. And I don't want you to guess. You've</p> <p>20 probably encountered many board members --</p> <p>21 A. Yeah.</p> <p>22 Q. -- in your time in this profession.</p> <p>23 A. Yes.</p> <p>24 Q. Do you have a specific recollection of</p> <p>25 Ms. Breeden as you sit here today?</p>	<p style="text-align: right;">88</p> <p>1 Q. Okay. Do you recall things changing when</p> <p>2 Mr. Woo was president versus when Ms. Mossett-Puhek</p> <p>3 was president?</p> <p>4 A. I don't. I don't.</p> <p>5 Q. Do you recall Ms. Mossett-Puhek being</p> <p>6 just as involved as she was when she was president?</p> <p>7 A. Yes. Yeah, she was involved.</p> <p>8 Q. Do you recall a special meeting being</p> <p>9 called on December 28th, 2021, where, even though</p> <p>10 Mr. Woo was president, his duties and roles were</p> <p>11 changed as president?</p> <p>12 A. I don't remember. I don't recall.</p> <p>13 Q. Do you recall Mr. Woo resigning shortly</p> <p>14 thereafter?</p> <p>15 A. Possibly. Maybe. I don't remember. I</p> <p>16 really don't.</p> <p>17 Q. Do you recall Ms. Breeden resigning</p> <p>18 shortly thereafter?</p> <p>19 A. I don't. I don't remember.</p> <p>20 Q. When you first started with Anthem, were</p> <p>21 you told anything specifically about Ms. Collier?</p> <p>22 A. No. No, not that I recall.</p> <p>23 Q. Do you recall ever interacting with</p> <p>24 Ms. Collier?</p> <p>25 A. I -- I do not recall.</p>
<p style="text-align: right;">87</p> <p>1 A. I -- I do. I remember a little bit.</p> <p>2 Yeah. Not too much.</p> <p>3 Q. Do you remember -- do you believe her to</p> <p>4 be an honest and trustworthy person?</p> <p>5 MR. NOACK: Objection. It's</p> <p>6 argumentative.</p> <p>7 BY MR. ELSON:</p> <p>8 Q. You can go ahead and answer the question.</p> <p>9 A. I -- I don't recall. I didn't deal with</p> <p>10 her too much.</p> <p>11 Q. Do you recall a point in time when</p> <p>12 Mr. Woo resigned from the Anthem board?</p> <p>13 A. I remember he resigned, but I don't</p> <p>14 remember when exactly.</p> <p>15 Q. Do you remember why he resigned?</p> <p>16 A. I -- I don't. No.</p> <p>17 Q. Was there discourse on the board at the</p> <p>18 time Mr. Woo resigned?</p> <p>19 A. Not that I know of.</p> <p>20 Q. So I'll represent to you that shortly</p> <p>21 before Mr. Woo resigned, he -- well, he became</p> <p>22 president of the board and Ms. Mossett-Puhek changed</p> <p>23 her role within the board.</p> <p>24 Do you recall that taking place?</p> <p>25 A. I do. Yes.</p>	<p style="text-align: right;">89</p> <p>1 Q. As you sit here today, do you even recall</p> <p>2 hearing Ms. Collier's name before this deposition?</p> <p>3 A. I -- I don't. I don't remember.</p> <p>4 Q. When you first started with Anthem, what</p> <p>5 were you told about Ms. Mossett-Puhek?</p> <p>6 A. That she was involved. She -- it was</p> <p>7 like I said, hands-on, she was. yeah.</p> <p>8 Q. Did you ever hear any complaints about</p> <p>9 how Ms. Mossett-Puhek treated other homeowners?</p> <p>10 A. No, not that I recall. No.</p> <p>11 Q. Other staff at Terra West?</p> <p>12 A. Not that I recall. No.</p> <p>13 Q. Did you ever witness Ms. Mossett-Puhek</p> <p>14 raising her voice at people?</p> <p>15 A. Not that I recall. No.</p> <p>16 Q. Ms. Breeden testified -- she was deposed</p> <p>17 in this case. Ms. Breeden testified that</p> <p>18 Ms. Mossett-Puhek acted like a bully. Did you ever</p> <p>19 witness any behavior like that?</p> <p>20 MR. NOACK: Objection. Misstates prior</p> <p>21 testimony.</p> <p>22 You can answer.</p> <p>23 THE WITNESS: I don't recall. I don't.</p> <p>24 BY MR. ELSON:</p> <p>25 Q. Have you ever heard the term "board</p>



<p style="text-align: right;">90</p> <p>1 liaison" before?</p> <p>2 A. Yes. Mm-hmm.</p> <p>3 Q. Did you hear that term as it relates to</p> <p>4 Anthem?</p> <p>5 A. No, no. I've heard it before Anthem.</p> <p>6 Yeah.</p> <p>7 Q. Okay. Were you aware of a position with</p> <p>8 Anthem called the board liaison?</p> <p>9 A. I -- I don't remember. I'm trying to --</p> <p>10 Q. Let's take a short break. Let me review</p> <p>11 my notes.</p> <p>12 (Whereupon, a recess was</p> <p>13 taken.)</p> <p>14 MR. ELSON: I don't have any further</p> <p>15 questions at this time.</p> <p>16</p> <p>17 EXAMINATION</p> <p>18 BY MR. NOACK:</p> <p>19 Q. Good afternoon. My name is Derek Noack.</p> <p>20 I introduced myself to you off the record. But I'm</p> <p>21 an attorney for Pennie Mossett-Puhek. I appreciate</p> <p>22 your time today. I just have a few follow-up</p> <p>23 questions on some of the prior testimony you've had.</p> <p>24 A. Okay.</p> <p>25 Q. So initially, do you recall how long you</p>	<p style="text-align: right;">92</p> <p>1 regarding inspections and specifically oversight on</p> <p>2 inspections. Do you remember those questions?</p> <p>3 A. A little bit. Yeah.</p> <p>4 Q. I believe there was a question about</p> <p>5 whether Carmen Eassa oversaw inspections. Can you</p> <p>6 describe what type of oversight that Ms. Eassa would</p> <p>7 have, if any, on the actual inspections?</p> <p>8 A. She -- that's what I was saying, that the</p> <p>9 assistant mainly dealt with the -- with the</p> <p>10 violations. I mean, if -- if Carmen, as a manager,</p> <p>11 wanted to pull those logs and just review them just</p> <p>12 so she knew what was going on. But my recollection,</p> <p>13 it was mainly the assistants working on it; so --</p> <p>14 Q. And the assistant at the time you worked</p> <p>15 on the Anthem account, that was Michelle Schlanger?</p> <p>16 A. Yeah. That was the inspection -- yeah,</p> <p>17 she was part of the inspection team.</p> <p>18 Q. So when you were talking about oversight</p> <p>19 by Ms. Eassa, you were talking about her looking at</p> <p>20 documents; correct?</p> <p>21 MR. ELSON: Objection. Leading.</p> <p>22 MR. NOACK: It's not my witness.</p> <p>23 MR. ELSON: I'm sorry, she works for -- I</p> <p>24 mean, I made my record. You can argue it to the</p> <p>25 judge.</p>
<p style="text-align: right;">91</p> <p>1 worked on the Anthem account, like how many months?</p> <p>2 A. Jeez. Maybe a year and a half at the</p> <p>3 most, maybe.</p> <p>4 Q. Could it have been more like about six</p> <p>5 months or so?</p> <p>6 A. Yeah. Maybe. Possibly.</p> <p>7 Q. But it wasn't a few years; right?</p> <p>8 A. No, no, no.</p> <p>9 Q. Okay. And then I think there were some</p> <p>10 prior questions that you came in or looked like from</p> <p>11 the board meetings you came in about July of 2021 --</p> <p>12 A. Mm-hmm.</p> <p>13 Q. -- is that correct?</p> <p>14 A. That's correct. Yes.</p> <p>15 Q. And then do you recall whether you worked</p> <p>16 on the Anthem account anytime in 2022?</p> <p>17 A. I -- I -- to be honest, I thought I was</p> <p>18 off of the account like in -- I thought it was March</p> <p>19 of 2022, but -- that's about it. Yeah.</p> <p>20 Q. So if you started about July of 2021 and</p> <p>21 went until about March of 2022, maybe about seven</p> <p>22 months?</p> <p>23 A. Yeah. At the most. Yeah, that makes</p> <p>24 sense.</p> <p>25 Q. Now, there were some prior questions</p>	<p style="text-align: right;">93</p> <p>1 MR. BOYACK: It's okay.</p> <p>2 MR. ELSON: Objection. Leading.</p> <p>3 BY MR. NOACK:</p> <p>4 Q. You can answer.</p> <p>5 A. Sorry. I'm sorry, can you repeat that?</p> <p>6 I don't --</p> <p>7 Q. Yeah. Let me rephrase it. Let me ask it</p> <p>8 this way actually.</p> <p>9 Did Carmen Eassa ever actually attend an</p> <p>10 inspection and ask you to issue a certain violation?</p> <p>11 MR. ELSON: Objection. Leading.</p> <p>12 Compound.</p> <p>13 THE WITNESS: Not that I recolle- -- not</p> <p>14 that I remember or that I recall.</p> <p>15 BY MR. NOACK:</p> <p>16 Q. So to clarify, when you were talking</p> <p>17 about Ms. Eassa overseeing inspections, you were</p> <p>18 talking more about an administrative oversight, like</p> <p>19 with the documents regarding the inspection?</p> <p>20 A. Yes. That's --</p> <p>21 MR. ELSON: Objection. Leading.</p> <p>22 THE WITNESS: Yes. That's correct.</p> <p>23 BY MR. NOACK:</p> <p>24 Q. Now, was Michelle -- generally, what was</p> <p>25 Michelle Schlanger's job with compliance at Terra</p>

<p style="text-align: right;">94</p> <p>1 West?</p> <p>2 A. She handled -- she -- pretty much the</p> <p>3 inspection sheets, she handled that. She made sure</p> <p>4 the inspectors were, you know, inspecting what</p> <p>5 needed to be done within the community. She made</p> <p>6 sure the violation logs were all, you know, good to</p> <p>7 go. That's pretty much --</p> <p>8 Q. Isn't it true or is it fair to say that</p> <p>9 Ms. Schlanger was in charge of the oversight of the</p> <p>10 actual inspections?</p> <p>11 MR. ELSON: Objection. Leading.</p> <p>12 THE WITNESS: That is correct. Yes.</p> <p>13 BY MR. NOACK:</p> <p>14 Q. Okay. And then do you recall ever</p> <p>15 receiving any communications from Ms. Eassa</p> <p>16 regarding inspections?</p> <p>17 A. I don't recall. No.</p> <p>18 Q. Do you recall whether Ms. Eassa would</p> <p>19 correspond with Ms. Schlanger at compliance</p> <p>20 regarding inspections?</p> <p>21 A. I -- I don't recall. Unless -- I mean,</p> <p>22 before our meetings, you know, just to be ready for</p> <p>23 the meetings, and -- but, yeah.</p> <p>24 Q. Okay. And then similarly -- so there was</p> <p>25 some prior testimony regarding Ms. Mossett-Puhek's</p>	<p style="text-align: right;">96</p> <p>1 MR. ELSON: Objection. Leading.</p> <p>2 Compound.</p> <p>3 THE WITNESS: Yes. I think it was more</p> <p>4 informational. Yeah.</p> <p>5 BY MR. NOACK:</p> <p>6 Q. Do you recall after the one time that you</p> <p>7 are aware that Ms. Mossett-Puhek walked around with</p> <p>8 inspectors whether any courtesy notices or</p> <p>9 violations were issued?</p> <p>10 A. I --</p> <p>11 MR. ELSON: Objection. Calls for</p> <p>12 speculation. Leading.</p> <p>13 THE WITNESS: I -- I don't recall.</p> <p>14 BY MR. NOACK:</p> <p>15 Q. Are you aware of the written policies</p> <p>16 that Terra West has regarding inspections?</p> <p>17 MR. ELSON: Objection. Leading.</p> <p>18 MR. NOACK: For a moment, how is my --</p> <p>19 Counsel, how is my asking a question about Terra</p> <p>20 West policy a leading question, just for the record?</p> <p>21 MR. ELSON: The way you phrased the</p> <p>22 question was a leading question, Mr. Noack.</p> <p>23 MR. BOYACK: Well, I contend an</p> <p>24 open-ended question of how is not a leading question</p> <p>25 because it doesn't suggest the answer. Having said</p>
<p style="text-align: right;">95</p> <p>1 involvement with inspections.</p> <p>2 Do you recall that?</p> <p>3 A. Yes.</p> <p>4 Q. And do you know how many times -- or</p> <p>5 strike that.</p> <p>6 Do you -- were you ever aware that</p> <p>7 Ms. Mossett-Puhek attended an actual compliance</p> <p>8 inspection by Terra West?</p> <p>9 MR. ELSON: Objection. Leading.</p> <p>10 THE WITNESS: Jeez. I -- maybe one time</p> <p>11 when I was on the account because we -- like I said,</p> <p>12 we'd get -- you know, if there was a new inspector</p> <p>13 or something, you know, then she would help out with</p> <p>14 that.</p> <p>15 BY MR. NOACK:</p> <p>16 Q. Now, that one time, was it an actual</p> <p>17 inspection or was it more of an informational --</p> <p>18 A. I think it was more --</p> <p>19 MR. ELSON: Objection. Hold on. Let's</p> <p>20 wait for him to finish asking his question before</p> <p>21 you answer.</p> <p>22 Mr. Noack, were you done?</p> <p>23 BY MR. NOACK:</p> <p>24 Q. Was it more of an information gathering</p> <p>25 endeavor?</p>	<p style="text-align: right;">97</p> <p>1 that, can we get on the questioning.</p> <p>2 MR. ELSON: Sure. I agree. I'm making</p> <p>3 my record.</p> <p>4 MR. NOACK: I just want to understand.</p> <p>5 MR. ELSON: If you want to go back to</p> <p>6 your office and investigate the way that you ask</p> <p>7 questions, feel free to do so. But it's my</p> <p>8 understanding that you are asking a series of</p> <p>9 leading questions.</p> <p>10 MR. NOACK: I don't think I've ever had a</p> <p>11 leading objection in my career, and I don't know how</p> <p>12 asking about a policy is a leading question.</p> <p>13 But Ms. Court Reporter, can we read the</p> <p>14 last question back.</p> <p>15 (Record read by reporter as</p> <p>16 follows:</p> <p>17 QUESTION: Are you aware of the written</p> <p>18 policies that Terra West has regarding</p> <p>19 inspections?)</p> <p>20 THE WITNESS: No, I'm not. No.</p> <p>21 BY MR. NOACK:</p> <p>22 Q. So have you ever reviewed any of the</p> <p>23 written policies that Terra West has</p> <p>24 regarding conducting inspections?</p> <p>25 MR. ELSON: Objection. Leading. Calls</p>

<p style="text-align: right;">98</p> <p>1 for speculation. Lacks foundation.  2 THE WITNESS: I am not, no.  3 BY MR. NOACK:  4 Q. So you're not aware or not whether Terra  5 West has a policy that a board member cannot  6 participate in an inspection with a Terra West  7 inspector?  8 MR. ELSON: Objection. Leading. Calls  9 for speculation. Lacks foundation.  10 THE WITNESS: (No audible response.)  11 MR. ELSON: You can go ahead and answer  12 the question.  13 THE WITNESS: That's correct.  14 I was just waiting for you --  15 BY MR. NOACK:  16 Q. All right. And previously, I think  17 Counsel asked you to estimate regarding the number  18 of inspections that Anthem -- or strike that.  19 There was some prior questioning  20 regarding the amount of violations that were  21 estimated to be issued each month at the Anthem  22 community. Do you remember that?  23 A. I do. Yes.  24 Q. And I believe your testimony was, during  25 your time there, you estimated it was about 25 to 50</p>	<p style="text-align: right;">100</p> <p>1 BY MR. NOACK:  2 Q. There was also some prior testimony about  3 courtesy notices being reviewed by someone before  4 they're issued. Do you remember that?  5 A. I do. Yes.  6 Q. And this is when we were talking about  7 the procedure in issuing a courtesy notice.  8 A. Yes.  9 Q. Who would review a courtesy notice before  10 it was issued to a homeowner, if anyone?  11 A. It depends. Like I was stating before,  12 I -- I don't remember Anthem's process. So it would  13 just be -- and if it was an entered status, then the  14 board would look at that. If they were at board  15 review, I really don't remember.  16 Q. But is it possible that courtesy notices  17 were issued prior to anyone reviewing them?  18 MR. ELSON: Objection. Leading. Calls  19 for speculation.  20 THE WITNESS: Yes. That is correct.  21 BY MR. NOACK:  22 Q. Now, have you ever read the fine and  23 enforcement policy regarding Terra West's handling  24 of fines and enforcement at the Anthem community?  25 MR. ELSON: Objection. Lacks foundation.</p>
<p style="text-align: right;">99</p> <p>1 violations each month. Do you remember that?  2 A. I do. Yes.  3 Q. Do you specifically recall whether any  4 month was higher than that amount?  5 A. I don't. I don't recall.  6 Q. If I would represent to you that the  7 average amount of courtesy notices or violations  8 each month at Anthem was more than 200, would that  9 surprise you?  10 MR. ELSON: Objection. Leading. Lacks  11 foundation. Calls for speculation.  12 THE WITNESS: Just because of my memory,  13 to be honest, I -- I really don't remember how many.  14 It -- it really wouldn't surprise me too much. I  15 mean, it's a large community; so --  16 BY MR. NOACK:  17 Q. So there could be months where it's  18 much --  19 A. Right.  20 Q. -- higher than 50?  21 MR. ELSON: Hold on. Please wait for him  22 to finish asking his question before you answer.  23 Objection. Leading.  24 THE WITNESS: That is correct. Yes.  25 /// /// ///</p>	<p style="text-align: right;">101</p> <p>1 THE WITNESS: I have. Yes.  2 BY MR. NOACK:  3 Q. So you have read the fine and enforcement  4 policy?  5 MR. ELSON: Same objection.  6 THE WITNESS: Yes.  7 BY MR. NOACK:  8 Q. Do you recall whether there's any written  9 policy in the fine and enforcement policy that would  10 require board review of courtesy notices or  11 violations?  12 MR. ELSON: Objection. Leading.  13 THE WITNESS: I do not. No.  14 BY MR. NOACK:  15 Q. Now, would anybody at Terra West review  16 courtesy notices before they were issued to a  17 homeowner?  18 MR. ELSON: Objection. Leading. Lacks  19 foundation. Calls for speculation.  20 THE WITNESS: Terra West as in like the  21 assistant? Or --  22 BY MR. NOACK:  23 Q. (Nodding head.)  24 A. If it wasn't at -- if it's not a board  25 review, yes, the assistants would move forward and</p>



<p style="text-align: right;">102</p> <p>1 process the violation log accordingly.  2 Q. And when you're talking about assistant,  3 that would be Michelle Schlanger is who would review  4 the courtesy notices before they were issued;  5 correct?  6 MR. ELSON: Objection. Misstates prior  7 testimony. Leading.  8 THE WITNESS: She would review them as  9 well as then the assistant when she -- when she or  10 he goes to process the violation log.  11 BY MR. NOACK:  12 Q. And you're not aware whether Carmen Eassa  13 would review any courtesy notices before they were  14 issued; right?  15 MR. ELSON: Objection. Leading.  16 THE WITNESS: No, I'm not.  17 BY MR. NOACK:  18 Q. All right. Now, generally, are you aware  19 of the difference between dedicated accounts and  20 portfolio accounts on communities?  21 A. Yes, I am.  22 Q. Can you briefly explain to me the  23 difference between a dedicated account and a  24 portfolio account?  25 A. Dedicated is one large community, and</p>	<p style="text-align: right;">104</p> <p>1 THE WITNESS: Different from like the  2 portfolio? No, it's no different.  3 BY MR. NOACK:  4 Q. So in your mind, the interactions between  5 Terra West and a dedicated community are pretty  6 similar to the interactions with a portfolio  7 community?  8 A. That is correct.  9 MR. ELSON: Objection. Leading.  10 BY MR. NOACK:  11 Q. Now, with respect to -- if you can recall  12 in the -- during your time working in the Anthem  13 community, did any board members ever report any  14 violations?  15 MR. ELSON: Objection. Leading.  16 THE WITNESS: Yes.  17 BY MR. NOACK:  18 Q. And what violations do you remember that  19 board members would report?  20 A. I -- I mean, if there was any work going  21 on within, you know, at a property, to check and see  22 like -- you know, to see if they, you know, got ARC  23 approval just to make sure we were -- we were okay  24 there because there was, you know, construction  25 workers there or whatnot. Dead plants, dead trees,</p>
<p style="text-align: right;">103</p> <p>1 portfolio is eight or more.  2 Q. Now, do you know whether the Anthem  3 community is a dedicated or a portfolio account?  4 MR. ELSON: Objection. Leading.  5 THE WITNESS: Dedicated.  6 BY MR. NOACK:  7 Q. And isn't working on a dedicated account  8 different than working on a portfolio account?  9 MR. ELSON: Objection. Leading.  10 THE WITNESS: You mean like the processes  11 or anything like that?  12 BY MR. NOACK:  13 Q. (Nodding head.)  14 A. I don't think it would -- it's any  15 different besides you have eight accounts versus the  16 one.  17 Q. Are the communications different with a  18 dedicated account as opposed to a portfolio account?  19 MR. ELSON: Objection. Leading.  20 THE WITNESS: No. It's the same.  21 BY MR. NOACK:  22 Q. Now, on a dedicated account, are there --  23 is there any more direction that's given by the  24 board president because it's a dedicated account?  25 MR. ELSON: Objection. Leading.</p>	<p style="text-align: right;">105</p> <p>1 weeds. Just simple little things. You know,  2 nothing crazy.  3 Q. And the way you're explaining that, is it  4 more that board members may have suggested you look  5 for certain issues, or was it specifically, "This is  6 a violation that I am reporting"?  7 MR. ELSON: Objection. Leading.  8 THE WITNESS: They would report the  9 violation, and they would want us to just inspect it  10 because we may have already opened a violation  11 against that property.  12 BY MR. NOACK:  13 Q. So the issue would be reported, but then  14 your role and the assistant's role was to go and  15 investigate that issue before the violation was  16 issued?  17 MR. ELSON: Objection. Leading.  18 THE WITNESS: Yes, that is correct.  19 (Reporter clarification.)  20 BY MR. NOACK:  21 Q. Now, sometimes, would a board member  22 report a violation and ask the inspector to document  23 or photograph it while they were out inspecting?  24 MR. ELSON: Objection. Leading.  25 THE WITNESS: Not that I'm aware of. No.</p>

<p style="text-align: right;">106</p> <p>1 BY MR. NOACK:</p> <p>2 Q. And then shifting gears a little bit.</p> <p>3 There were some questions in Exhibits 5 and 6</p> <p>4 regarding the ARC committee.</p> <p>5 What is the ARC committee?</p> <p>6 A. The ARC committee is the board that</p> <p>7 directly reviews architectural applications that</p> <p>8 come in.</p> <p>9 Q. Now, isn't it the ARC committee that</p> <p>10 would send questions on an architectural</p> <p>11 application?</p> <p>12 MR. ELSON: Objection. Leading.</p> <p>13 THE WITNESS: That is correct. Yes.</p> <p>14 BY MR. NOACK:</p> <p>15 Q. And management doesn't ask the ARC</p> <p>16 questions; right?</p> <p>17 MR. ELSON: Objection. Leading.</p> <p>18 THE WITNESS: It just depends if it's</p> <p>19 kind of like a simple architectural application that</p> <p>20 comes in and if the assistant understands like,</p> <p>21 "Hey, this wasn't submitted. You know, you need to</p> <p>22 submit this." But if it's anything, you know, a</p> <p>23 little more -- or the board needs to -- or the</p> <p>24 architectural committee needs to review, then no.</p> <p>25 /// /// ///</p>	<p style="text-align: right;">108</p> <p>1 MR. ELSON: Objection. Leading.</p> <p>2 THE WITNESS: It was more the assistant.</p> <p>3 Yeah.</p> <p>4 BY MR. NOACK:</p> <p>5 Q. Now, looking back at Exhibit 5 -- I think</p> <p>6 you have it in front of you -- there was a list of</p> <p>7 questions in the bottom of that letter.</p> <p>8 A. Okay.</p> <p>9 Q. And do those types of questions look like</p> <p>10 the ones that an ARC committee would want to be</p> <p>11 asked of the homeowner?</p> <p>12 MR. ELSON: Objection. Leading. Lacks</p> <p>13 foundation. Calls for speculation.</p> <p>14 THE WITNESS: Yes. That is correct.</p> <p>15 BY MR. NOACK:</p> <p>16 Q. And then was it Anthem's policy that all</p> <p>17 of the responses to hearings would need to be</p> <p>18 provided on a form instead of via email?</p> <p>19 MR. ELSON: Objection. Leading.</p> <p>20 THE WITNESS: You mean when we sent out</p> <p>21 the hearing letters? Or --</p> <p>22 BY MR. NOACK:</p> <p>23 Q. Yeah, I'll strike that.</p> <p>24 A. Okay.</p> <p>25 Q. So looking at -- I think it's Exhibit 6</p>
<p style="text-align: right;">107</p> <p>1 BY MR. NOACK:</p> <p>2 Q. And so the specific ARC questions are --</p> <p>3 those are typically developed by the ARC committee;</p> <p>4 correct?</p> <p>5 MR. ELSON: Objection. Leading.</p> <p>6 THE WITNESS: That is correct. Yes.</p> <p>7 BY MR. NOACK:</p> <p>8 Q. Okay. And then are you aware -- or don't</p> <p>9 all the questions and responses for the ARC</p> <p>10 applications go to the ARC committee as opposed to</p> <p>11 the board?</p> <p>12 MR. ELSON: Objection. Leading.</p> <p>13 THE WITNESS: That is correct. Yes.</p> <p>14 BY MR. NOACK:</p> <p>15 Q. And then do you know whether or not</p> <p>16 Carmen Eassa was involved at all in the ARC</p> <p>17 committee?</p> <p>18 MR. ELSON: Objection. Leading.</p> <p>19 THE WITNESS: I -- I don't recall. No, I</p> <p>20 don't think she was really involved.</p> <p>21 BY MR. NOACK:</p> <p>22 Q. Do you know whether it was strictly the</p> <p>23 assistant Ms. Schlanger's job to be involved with</p> <p>24 the ARC committee?</p> <p>25 A. Yeah.</p>	<p style="text-align: right;">109</p> <p>1 was the table from the actual hearing.</p> <p>2 A. Mm-hmm.</p> <p>3 Q. Now, regarding the response marks on the</p> <p>4 rows, the assistant would mark yes or no based on</p> <p>5 the hearing response form; correct?</p> <p>6 A. That's correct.</p> <p>7 MR. ELSON: Objection. Leading.</p> <p>8 BY MR. NOACK:</p> <p>9 Q. Now, was it Anthem's policy that all the</p> <p>10 responses to hearing notices would need to be</p> <p>11 provided on the form instead of just via general</p> <p>12 email?</p> <p>13 MR. ELSON: Objection. Leading.</p> <p>14 THE WITNESS: To be honest, I don't</p> <p>15 recall.</p> <p>16 BY MR. NOACK:</p> <p>17 Q. And did you know that the assistant, the</p> <p>18 Terra West assistant, needed to advise the homeowner</p> <p>19 of the response form?</p> <p>20 MR. ELSON: Objection. Leading.</p> <p>21 THE WITNESS: I believe so. But -- yeah.</p> <p>22 BY MR. NOACK:</p> <p>23 Q. And then -- let's see.</p> <p>24 Based on the notes on Exhibit 6, with</p> <p>25 respect to the Culloden address, no form was</p>

<p style="text-align: right;">110</p> <p>1 submitted; is that correct?</p> <p>2 MR. ELSON: Objection. Leading.</p> <p>3 THE WITNESS: That is correct.</p> <p>4 BY MR. NOACK:</p> <p>5 Q. And if there was a hearing response form</p> <p>6 submitted, the second column would indicate that an</p> <p>7 extension was requested; right?</p> <p>8 MR. ELSON: Objection. Leading.</p> <p>9 THE WITNESS: Yes. That is correct.</p> <p>10 MR. BOYACK: At some point, do we want to</p> <p>11 just have a standing objection to the leading?</p> <p>12 MR. ELSON: No. Because he may ask</p> <p>13 questions that aren't leading; so I'll interpose my</p> <p>14 objection.</p> <p>15 MR. BOYACK: Every time?</p> <p>16 MR. ELSON: As long as he keeps asking</p> <p>17 leading questions, I'll do it every time.</p> <p>18 MR. BOYACK: Which is permissible in a</p> <p>19 deposition.</p> <p>20 MR. ELSON: I understand it's</p> <p>21 permissible. But he's asking questions that weren't</p> <p>22 leading that you notice I did not object to, and</p> <p>23 then he asked questions that were leading that I</p> <p>24 didn't object to for other reasons as well.</p> <p>25 MR. BOYACK: Just trying to make it</p>	<p style="text-align: right;">112</p> <p>1 contract calls for a board liaison to management?</p> <p>2 MR. ELSON: Objection. Leading.</p> <p>3 THE WITNESS: I do not recall.</p> <p>4 BY MR. NOACK:</p> <p>5 Q. And earlier, Counsel asked you if you</p> <p>6 were aware what a board liaison was; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. And who typically is the board liaison?</p> <p>9 A. You mean just in general?</p> <p>10 Q. Which board member?</p> <p>11 A. It just depends. Usually, it's the board</p> <p>12 president. Yeah.</p> <p>13 Q. Is it usually the board president unless</p> <p>14 there's some sort of an agreement that it would be</p> <p>15 another board member?</p> <p>16 A. That is correct. Yes.</p> <p>17 MR. NOACK: I'll reserve my right to</p> <p>18 follow up, but I don't have anything further.</p> <p>19 MR. BOYACK: I have nothing further.</p> <p>20 MR. ELSON: I have some additional</p> <p>21 questions, but I need to take a break; so we'll go</p> <p>22 off the record.</p> <p>23 (Whereupon, a recess was</p> <p>24 taken.)</p> <p>25 /// /// ///</p>
<p style="text-align: right;">111</p> <p>1 easier for you.</p> <p>2 MR. ELSON: I appreciate it, Ted, but I'm</p> <p>3 just doing my job.</p> <p>4 MR. BOYACK: Fair enough.</p> <p>5 MR. ELSON: Thank you.</p> <p>6 BY MR. NOACK:</p> <p>7 Q. And just to wrap up, if no hearing</p> <p>8 response form was received, then both the answers in</p> <p>9 the columns would be indicated as no; is that right?</p> <p>10 MR. ELSON: Objection. Leading.</p> <p>11 THE WITNESS: That is correct. Yes.</p> <p>12 BY MR. NOACK:</p> <p>13 Q. All right. Are you aware of the Terra</p> <p>14 West contracts?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever reviewed the Terra West</p> <p>17 contracts?</p> <p>18 MR. ELSON: Objection. Vague and</p> <p>19 ambiguous.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. NOACK:</p> <p>22 Q. Have you ever reviewed the Terra West</p> <p>23 contract with the Anthem Highlands community?</p> <p>24 A. I believe so. A little bit. Yeah.</p> <p>25 Q. Now, are you aware of whether that</p>	<p style="text-align: right;">113</p> <p>1 FURTHER EXAMINATION</p> <p>2 BY MR. ELSON:</p> <p>3 Q. Ms. Grove?</p> <p>4 A. Yes.</p> <p>5 Q. You identified an individual,</p> <p>6 Ms. Schlanger; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. My understanding -- and I want you to</p> <p>9 correct me if I'm wrong. My understanding is that</p> <p>10 Ms. Schlanger was the head of the inspection</p> <p>11 department; is that correct?</p> <p>12 A. That is correct. Yes.</p> <p>13 Q. She was not an assistant for Anthem</p> <p>14 Highlands; is that correct, as far as you know?</p> <p>15 A. As far as I know, that is correct.</p> <p>16 Q. Okay. If we were referring to the</p> <p>17 assistant of Anthem Highlands during the time that</p> <p>18 you were with Anthem, that would be you; is that</p> <p>19 correct?</p> <p>20 A. That is correct. Yes.</p> <p>21 Q. Because I was very confused by</p> <p>22 Mr. Noack's line of questioning and your answers</p> <p>23 because your answers seem to suggest that</p> <p>24 Ms. Schlanger was the assistant for Anthem.</p> <p>25 But that's not true; correct?</p>

<p style="text-align: right;">114</p> <p>1 A. That is correct. Yes.</p> <p>2 Q. During any break that we've taken here</p> <p>3 today, have you talked to anyone during those</p> <p>4 breaks?</p> <p>5 A. No.</p> <p>6 Q. For example, I saw you on the phone in</p> <p>7 the hallway; is that correct?</p> <p>8 A. That is correct. Yes.</p> <p>9 Q. You weren't talking to anybody about</p> <p>10 Anthem; is that correct?</p> <p>11 A. That is correct.</p> <p>12 Q. Did you talk to anybody in this room</p> <p>13 about Anthem during any break?</p> <p>14 A. No.</p> <p>15 Q. You didn't talk to anybody outside of</p> <p>16 this room about Anthem during any break; is that</p> <p>17 correct?</p> <p>18 A. That is correct. Yes.</p> <p>19 (Exhibit 7 was marked</p> <p>20 for identification.)</p> <p>21 BY MR. ELSON:</p> <p>22 Q. I'm handing you what's been marked as</p> <p>23 Exhibit 7. This also has redactions on it like the</p> <p>24 other minutes. But take a moment, flip through</p> <p>25 Exhibit 7, let me know when you've had a chance to</p>	<p style="text-align: right;">116</p> <p>1 February 23rd, 2022?</p> <p>2 A. That is correct. Yes.</p> <p>3 Q. We do see on page Bates stamp DFT319 on</p> <p>4 Item 4 discussion of Mr. Woo and Ms. Breeden's</p> <p>5 resignation from the board; is that right?</p> <p>6 A. That is correct. Yes.</p> <p>7 Q. As you sit here today, you still don't</p> <p>8 recall anything further about their resignation from</p> <p>9 the board?</p> <p>10 A. I don't. No.</p> <p>11 Q. So looking back at the first page, DFT314</p> <p>12 of Exhibit 7, you see board members Mr. Brensinger,</p> <p>13 Mr. Osisek, and Ms. Puhek -- Mossett-Puhek, listed</p> <p>14 as the board members for the executive session; is</p> <p>15 that correct?</p> <p>16 A. That is correct. Yes.</p> <p>17 Q. Then we see Ms. Eassa and yourself as the</p> <p>18 management at the executive session?</p> <p>19 A. That is correct. Yes.</p> <p>20 Q. Then if we flip to the log or</p> <p>21 Attachment A --</p> <p>22 A. Okay.</p> <p>23 Q. -- Bates stamp DFT317, Line Item 2, we</p> <p>24 see 2822 Culloden Avenue; is that correct?</p> <p>25 A. That is correct. Yes.</p>
<p style="text-align: right;">115</p> <p>1 familiarize yourself with 7.</p> <p>2 A. Okay.</p> <p>3 Okay.</p> <p>4 Q. What is Exhibit 7?</p> <p>5 A. It looks like meeting minutes for</p> <p>6 February 23rd, 2022.</p> <p>7 Q. From both the executive session, and then</p> <p>8 a few pages in you have the general session; is that</p> <p>9 correct?</p> <p>10 A. That is -- that is correct. Yes.</p> <p>11 Q. Date, February 23rd, 2022; is that</p> <p>12 correct?</p> <p>13 A. That is correct. Yes.</p> <p>14 Q. Before we look at Exhibit 7 any further,</p> <p>15 how often does the ARC committee meet?</p> <p>16 A. I -- I do not recall how often. I mean,</p> <p>17 I'm trying to remember. I really don't remember</p> <p>18 how -- if they just met at meetings or if it was</p> <p>19 just -- I really don't remember.</p> <p>20 Q. Do you know who was on the ARC committee</p> <p>21 for Anthem Highlands in February of 2022?</p> <p>22 A. I don't recall.</p> <p>23 Q. Looking at either the executive session</p> <p>24 or the regular session business, do you see anything</p> <p>25 there that indicates that the ARC committee met on</p>	<p style="text-align: right;">117</p> <p>1 Q. You see the violation, no ARC flagpole;</p> <p>2 is that correct?</p> <p>3 A. That is correct. Yes.</p> <p>4 Q. Now let's take a look at Exhibit 5.</p> <p>5 There's Exhibit 5 for you.</p> <p>6 Do you have any specific recollection of</p> <p>7 corresponding with the ARC committee on the</p> <p>8 substance of Exhibit 5?</p> <p>9 A. I -- I don't.</p> <p>10 Q. How would you have corresponded with the</p> <p>11 ARC committee?</p> <p>12 A. If an architectural application came in,</p> <p>13 then I would gather all the information, and then I</p> <p>14 would email it over to them to review.</p> <p>15 Q. So you would communicate by email?</p> <p>16 A. Mainly. Yeah. Correct.</p> <p>17 Q. And if the ARC committee relayed the ten</p> <p>18 items to you in Exhibit 5, would you expect that to</p> <p>19 have been relayed to you by email?</p> <p>20 A. Possibly at the time.</p> <p>21 Q. Would they pick up the phone and tell you</p> <p>22 that orally, all ten items?</p> <p>23 A. Not that I would recall. They would --</p> <p>24 Q. I'll represent to you no such email has</p> <p>25 been produced in this case, and I've asked for such</p>

<p>118</p> <p>1 email; so --</p> <p>2 A. Okay.</p> <p>3 Q. -- it would be a surprise to me if there</p> <p>4 was a concealed email, which I'm sure nobody would</p> <p>5 conceal.</p> <p>6 As far as Exhibit 5, what's the date on</p> <p>7 Exhibit 5?</p> <p>8 A. February 28th, 2022.</p> <p>9 Q. What's the date on Exhibit 7?</p> <p>10 A. Oh, sorry. February 23rd of 2022.</p> <p>11 Q. So just five days earlier; is that</p> <p>12 correct?</p> <p>13 A. That is correct. Yes.</p> <p>14 Q. The board met, discussed the flagpole in</p> <p>15 executive session; is that correct?</p> <p>16 A. That is correct. Yes.</p> <p>17 Q. You were there; correct?</p> <p>18 A. Yes. That is correct.</p> <p>19 Q. Ms. Eassa was there; correct?</p> <p>20 A. That is correct. Yes.</p> <p>21 Q. Do you see any indication that any ARC</p> <p>22 members were there?</p> <p>23 A. Not that I see. No.</p> <p>24 Q. And then five days later, after a hearing</p> <p>25 is conducted on the flagpole, Exhibit 5 is sent out;</p>	<p>120</p> <p>1 CERTIFICATE OF WITNESS</p> <p>2 PAGE LINE CHANGE REASON</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 * * * * *</p> <p>20 I, ASHLEIGH GROVE, witness herein, do hereby</p> <p>21 certify and declare under penalty of perjury the</p> <p>22 within and foregoing transcription to be my</p> <p>23 deposition in said action; that I have read,</p> <p>24 corrected and do hereby affix my signature to said</p> <p>25 deposition.</p> <p>ASHLEIGH GROVE</p> <p>Witness Date</p>
<p>119</p> <p>1 is that correct?</p> <p>2 A. That is correct. Yes.</p> <p>3 Q. As you sit here today, is it more likely</p> <p>4 than not that the ten items that were listed in</p> <p>5 Exhibit 5 -- in Exhibit 5 were discussed at the</p> <p>6 executive session meeting on February 23rd, 2022,</p> <p>7 when you discussed this very flagpole?</p> <p>8 MR. NOACK: Objection. Calls for</p> <p>9 speculation. Argumentative.</p> <p>10 THE WITNESS: I don't recall. I</p> <p>11 really -- I don't remember.</p> <p>12 MR. ELSON: I have no further questions.</p> <p>13 MR. NOACK: No more questions.</p> <p>14 MR. BOYACK: Nothing further.</p> <p>15 (Deposition recessed</p> <p>16 at 1:46 p.m.)</p> <p>17</p> <p>18 -oOo-</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>121</p> <p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3 STATE OF NEVADA )</p> <p>4 ) ss</p> <p>5 COUNTY OF CLARK )</p> <p>6</p> <p>7 I, Libby Stewart, a duly certified court</p> <p>8 reporter licensed in and for the State of Nevada, do</p> <p>9 hereby certify:</p> <p>10 That I reported the taking of the deposition</p> <p>11 of the witness, ASHLEIGH GROVE, at the time and</p> <p>12 place aforesaid;</p> <p>13 That prior to being examined, the witness was</p> <p>14 by me duly sworn to testify to the truth, the whole</p> <p>15 truth, and nothing but the truth;</p> <p>16 That I thereafter transcribed my shorthand</p> <p>17 notes into typewriting and that the typewritten</p> <p>18 transcript of said deposition is a complete, true</p> <p>19 and accurate record of testimony provided by the</p> <p>20 witness at said time to the best of my ability.</p> <p>21 I further certify (1) that I am not a</p> <p>22 relative, employee or independent contractor of</p> <p>23 counsel of any of the parties; nor a relative,</p> <p>24 employee or independent contractor of the parties</p> <p>25 involved in said action; nor a person financially</p> <p>interested in the action; nor do I have any other</p> <p>relationship with any of the parties or with counsel</p> <p>of any of the parties involved in the action that</p> <p>may reasonably cause my impartiality to be</p> <p>questioned; and (2) that transcript review pursuant</p> <p>to NRCP 30(e) was offered.</p> <p>IN WITNESS WHEREOF, I have hereunto set my</p> <p>hand in the County of Clark, State of Nevada, this</p> <p>13th day of February 2024.</p> <p>Libby Stewart</p> <p>Libby Stewart, CCR 1000, RPR</p>

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