

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA

3 CASE NO.: 2023-CA-001841

4 GEOFFREY T. MOTT,
5 individually,

6 Plaintiff,

7 -vs-

8 INLET PLAZA CONDOMINIUM
9 ASSOCIATION, INC., a Florida
 corporation, DAVID J. GURY,
 individually, and Ron Early,

10 Defendants.
11 _____ /

12
13 REMOTE VIDEO
14 CONFERENCE DEPOSITION
 OF
15 KRISTINA ENGEL

16 Monday, August 28, 2023
17 10:05 a.m. - 11:34 a.m.
 LOCATION: By Videoconference

18
19
20 Reported By:

21 DONNA GUNION, Court Reporter, FPR
22 Notary Public, State of Florida
 U.S. Legal Support, Inc.
 Miami Office
23 305-373-8404

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1	APPEARANCES VIA ZOOM:	1	Zoom Deposition taken before Donna L. Gunion,
2		2	Court Reporter, Florida Professional Reporter and
3	On behalf of the Plaintiff:	3	Notary Public in and for the State of Florida at
4	NEXTERRA LAW	4	Large, in the above cause.
5	1111 LINCOLN ROAD	5	THE COURT REPORTER: Will the witness please
6	SUITE 801	6	present your government issued identification by
7	MIAMI BEACH, FLORIDA 33139	7	holding it up to the camera.
8	954-929-0679	8	(Witness presents government issued
9	SLIBERTY@NEXTERRALAW.COM	9	identification and identity verified.)
10	BY: STEVEN M. LIBERTY, ESQUIRE	10	THE COURT REPORTER: Raise your right hand to be
11		11	sworn.
12	On behalf of DAVID GURY:	12	Do you swear that the testimony you're about to
13	NELSON MULLINS RILEY & SCARBOROUGH LLP	13	give will be the truth, the whole truth, and nothing
14	100 SE 3RD AVE SUITE 2700	14	but the truth?
15	FORT LAUDERDALE, FLORIDA 33394-0017	15	THE WITNESS: I do.
16	954-745-5242	16	Thereupon:
17	HARSH.ARORA@NELSONMULLINS.COM	17	KRISTINA ENGEL,
18	BY: HARSH ARORA, ESQUIRE	18	having been first duly sworn or affirmed, was examined
19		19	and testified as follows:
20	On behalf of INLET PLAZA CONDOMINIUM ASSOCIATION:	20	DIRECT EXAMINATION
21	COLE, SCOTT & KISSANE, P.A.	21	BY MR. LIBERTY:
22	222 LAKEVIEW AVENUE	22	Q. Good morning, can you please state your name for
23	SUITE 120	23	the record?
24	WEST PALM BEACH, FLORIDA 33401	24	A. My name is Kristina Ward Engel.
25	561-383-9226	25	Q. Nice to meet you. My name is Steven Liberty and
	ANIKA.GRANT@CSKLEGAL.COM		
	BY: ANIKA C. GRANT, ESQUIRE		
	Also Present:		
	GEOFFREY T. MOTT		
	DAVID GURY		

Page 3		Page 5	
1	I N D E X	1	I'm counsel for the plaintiff, Geoffrey Mott. Have you
2	KRISTINA ENGEL	2	ever been deposed before?
3	DIRECT EXAMINATION	3	A. No, I have not.
4	BY MR. LIBERTY	4	Q. Okay, so as you can see, besides off the record
5	CROSS-EXAMINATION	5	us joking around today, we are here to take your
6	BY MR. ARORA	6	deposition and today I'm just going to be asking you a
7	WITNESS READ LETTER	7	series of questions and I ask that you answer them as
8	E R R A T A S H E E T	8	completely and as honestly as possible. Is that fair?
9	CERTIFICATE OF OATH	9	A. Yes, it is.
10	CERTIFICATE OF REPORTER	10	Q. All right. And you've already done a great job.
11		11	One of the important things is that the court reporter is
12	PLAINTIFF'S EXHIBITS	12	taking down everything that we're saying so it's
13	No. Description Page	13	important that we don't talk over one another, so I just
14	1 Minutes from Regular Board Meeting	14	ask that you let me finish my question before you answer.
15		15	Is that fair?
16	DEFENDANT'S EXHIBITS	16	A. Yes, it is.
17	1 Email dated 2/11/2023	17	Q. And you're doing great job of that so just keep
18		18	doing that.
19	(Exhibits not provided)	19	A. Okay.
20		20	Q. So sometimes I may talk a little fast or I might
21		21	jumble my words together, so if you don't understand one
22		22	of my questions, just let me know and I'll try to
23		23	rephrase it. Is that fair?
24		24	A. Yes, it is.
25		25	Q. But if you do answer my question, I'm going to

<p style="text-align: right;">Page 6</p> <p>1 assume you understood it. Is that fair?</p> <p>2 A. Yes.</p> <p>3 Q. I don't plan on being here too long today but if</p> <p>4 at any point in time you do need a break, please let me</p> <p>5 know and as long as we don't have a pending question,</p> <p>6 we're going to take a break. Is that fair?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Great.</p> <p>9 And where do you currently reside?</p> <p>10 A. I'm a resident of Florida.</p> <p>11 Q. And where in Florida?</p> <p>12 A. Ocean Ridge.</p> <p>13 Q. What's the full address?</p> <p>14 A. 6885 North Ocean Boulevard, unit 302, Ocean Ridge</p> <p>15 Florida 33435.</p> <p>16 Q. And is that the Inlet Condominium?</p> <p>17 A. Yes, it is.</p> <p>18 Q. When did you purchase a unit in the Inlet</p> <p>19 Condominium?</p> <p>20 A. We purchased it in 2016.</p> <p>21 Q. And you live at that unit full year-round?</p> <p>22 A. No, I live in Lake Forest, Illinois half the</p> <p>23 year.</p> <p>24 Q. And I'm assuming that's where you're at now?</p> <p>25 A. Yes, I am.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Are you retired now?</p> <p>2 A. Yes, I am.</p> <p>3 Q. When did you retire?</p> <p>4 A. Oh, a long time ago. Probably 2003, something</p> <p>5 like that.</p> <p>6 Q. Do you hold any professional licenses?</p> <p>7 A. No, I do not.</p> <p>8 Q. And you said you had a master in education.</p> <p>9 A. Yes.</p> <p>10 Q. What school and when?</p> <p>11 A. What school, I want to Miami University for my</p> <p>12 undergraduate and Northeastern Illinois for my graduate.</p> <p>13 Q. When did you graduate?</p> <p>14 A. With my master's or college?</p> <p>15 Q. Both.</p> <p>16 A. Okay. College, 1975. Master's, I'm not -- I'm</p> <p>17 not sure but I'm going to guess here, 1979.</p> <p>18 Q. Have you ever been arrested?</p> <p>19 A. No.</p> <p>20 Q. Ever charged with a crime?</p> <p>21 A. No.</p> <p>22 Q. Ever accused of fraud or dishonesty?</p> <p>23 A. No.</p> <p>24 Q. Have you ever been a party to a lawsuit?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 7</p> <p>1 Q. And what's the address there?</p> <p>2 A. 525 Circle Lane, Lake Forest, 60045.</p> <p>3 Q. And does anybody live with you?</p> <p>4 A. Yes, my husband.</p> <p>5 Q. What's your husband's name?</p> <p>6 A. Mitchell Engel.</p> <p>7 Q. And where were you born?</p> <p>8 A. Cincinnati, Ohio.</p> <p>9 Q. What's your date of birth?</p> <p>10 A. 2/21/1953.</p> <p>11 Q. And when did you first move to Florida?</p> <p>12 A. 2017. We became residents -- well, we bought the</p> <p>13 place in 2016 and became residents in 2017.</p> <p>14 Q. And that's your first time living in Florida?</p> <p>15 A. Yes, it is.</p> <p>16 Q. Can you tell me about your professional</p> <p>17 background?</p> <p>18 A. Yes. I was -- I have a master's degree in</p> <p>19 education. I was a teacher and then became a</p> <p>20 psychometrist testing children in the elementary school</p> <p>21 working with psychologists and parents to get children</p> <p>22 placed properly.</p> <p>23 Then stayed home with -- was a stay at home mom</p> <p>24 with my kids involved in the community and then had a</p> <p>25 seven-year run with a small PR firm.</p>	<p style="text-align: right;">Page 9</p> <p>1 Q. How did you prepare for today's deposition? I</p> <p>2 don't want you to get into any details. If you had any</p> <p>3 conversations with your attorney, don't discuss those</p> <p>4 conversations, just how did you prepare?</p> <p>5 A. Okay, I met with counsel for about an hour last</p> <p>6 week.</p> <p>7 Q. That's good enough for me. And did you review</p> <p>8 anything?</p> <p>9 A. Review a document or what?</p> <p>10 Q. Yes, did you review any documents or anything</p> <p>11 like that?</p> <p>12 A. No.</p> <p>13 Q. Do you recall receiving a notice of deposition in</p> <p>14 this matter?</p> <p>15 A. Yes.</p> <p>16 Q. Did you review it?</p> <p>17 A. Yes.</p> <p>18 Q. Did you produce or do you have any documents</p> <p>19 responsive?</p> <p>20 A. No.</p> <p>21 Q. Did you not have any documents in your possession</p> <p>22 that were responsive?</p> <p>23 A. I had some. I sent them to Anika this morning.</p> <p>24 MS. GRANT: For the record, the email that she</p> <p>25 produced was already produced to you guys.</p>

<p style="text-align: right;">Page 10</p> <p>1 MR. LIBERTY: So it's just, so any documents that</p> <p>2 she provided to you this morning has already been</p> <p>3 provided to us?</p> <p>4 MS. GRANT: Yes.</p> <p>5 BY MR. LIBERTY:</p> <p>6 Q. Are you on the board for the Inlet Condo</p> <p>7 Association?</p> <p>8 A. Not currently.</p> <p>9 Q. So at one point in time you were, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And when was that?</p> <p>12 A. I was on the board from 2019 until March of this</p> <p>13 year.</p> <p>14 Q. And what was your position on the board?</p> <p>15 A. I was a board member and I also chaired the</p> <p>16 landscape committee.</p> <p>17 Q. And is there something that happened that you're</p> <p>18 no longer on the board since March?</p> <p>19 A. I had served for four years and it was -- it was</p> <p>20 a busy -- being on the board was very busy and my husband</p> <p>21 was involved in things and I just decided I wanted to be</p> <p>22 finished. I put in my time and I thought it was time for</p> <p>23 someone else.</p> <p>24 Q. Did you ever discuss this decision with any of</p> <p>25 the board members before you stepped down?</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And since you were on the board, how many</p> <p>2 applications for buyer approval came up?</p> <p>3 A. I would say four. Possibly four, five, maybe.</p> <p>4 Q. Can you describe the approval process?</p> <p>5 A. Um-hm. So as a board member, you receive a</p> <p>6 contract and sometimes at the same time you receive an</p> <p>7 application by the new buyer. Sometimes the application</p> <p>8 comes afterward. At that point you read as a board</p> <p>9 member you read about the applicant. Some people choose</p> <p>10 to do internet searches on the applicant. You definitely</p> <p>11 check references which are listed on the application.</p> <p>12 And then an interview is set up and after that, you have</p> <p>13 a vote.</p> <p>14 Q. And how does that vote take place?</p> <p>15 A. It's very informal. The interview is informal.</p> <p>16 You're sitting around and it's not a ballot or anything</p> <p>17 like that. It's, you know, comments that are made that</p> <p>18 suggestion approval, just go around to each member.</p> <p>19 Q. Is that a meeting?</p> <p>20 A. It's usually following the interview.</p> <p>21 Q. But is there like -- so the board does hold board</p> <p>22 meetings, correct?</p> <p>23 A. Yes.</p> <p>24 Q. That are noticed, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I did.</p> <p>2 Q. Was there any conflicts or disagreements with any</p> <p>3 of the board members?</p> <p>4 A. Absolutely not.</p> <p>5 Q. Was there anything that led to you resigning or</p> <p>6 stepping down just besides you just felt like you spent</p> <p>7 enough time doing what you were doing?</p> <p>8 A. No.</p> <p>9 Q. When you were on the board what were your</p> <p>10 responsibilities?</p> <p>11 A. As I said, I was landscape chairman. I also did</p> <p>12 different kinds of things. We all did. It's a</p> <p>13 five-person board and a small condominium community so I</p> <p>14 also did pest control. I most recently chaired a</p> <p>15 committee to get conceptual designs for a revision of our</p> <p>16 sundeck which was very time consuming. I would do things</p> <p>17 like arrange for the windows to be washed. I would meet</p> <p>18 with personnel in terms of performance issues. I did</p> <p>19 that with two of our employees.</p> <p>20 Q. Did you receive any training or education?</p> <p>21 A. No.</p> <p>22 Q. As long as you've been in the building and on the</p> <p>23 board, has the condominium association always required</p> <p>24 approval of buyers?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Does this vote take place during one of those</p> <p>2 type meetings?</p> <p>3 A. No. It takes place after the interview.</p> <p>4 Q. And as your time on the board, has there always</p> <p>5 been an interview that took place in reviewing an</p> <p>6 applicant?</p> <p>7 A. Until recently.</p> <p>8 Q. And what do you mean until recently?</p> <p>9 A. Until Mr. Mott.</p> <p>10 Q. So when you were on the board Mr. Mott was the</p> <p>11 only applicant that did not receive an interview?</p> <p>12 A. Yes.</p> <p>13 Q. Can you describe it? You said that sometimes or</p> <p>14 if they choose to perform an investigation. Is that up</p> <p>15 to the individual board members?</p> <p>16 A. Yes.</p> <p>17 Q. Is that something that you would partake in or</p> <p>18 did you ever partake in performing your own</p> <p>19 investigation?</p> <p>20 A. I never did.</p> <p>21 Q. And for Mr. Mott, you didn't perform any type of</p> <p>22 investigation?</p> <p>23 A. I did not.</p> <p>24 Q. Is this process that you described, the same</p> <p>25 process that you went through when you purchased?</p>

<p style="text-align: right;">Page 14</p> <p>1 A. Well, I assume it is. I don't know. I wasn't on 2 the board side. We did meet with the board for an 3 interview and I believe they did check our references, 4 but I'm not positive about that.</p> <p>5 Q. Okay. And on your time on the board, did you 6 always check references for applicants?</p> <p>7 A. If I was asked to, yes.</p> <p>8 Q. Did the board always check references?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you know if any references were checked in 11 relation to Mr. Mott?</p> <p>12 A. I did not check any references. I don't know if 13 the application got that far.</p> <p>14 Q. Did you have any specific responsibilities in the 15 approval process?</p> <p>16 A. No.</p> <p>17 Q. Do certain board members play certain roles in 18 the approval process?</p> <p>19 A. Well, certainly the contract is sent to the 20 president of the board, Ron Early, and the application as 21 well, and then he disperses it to the rest of the board.</p> <p>22 Q. Okay. And then what?</p> <p>23 A. And then, you know, you may or may not be asked 24 to check a reference and then you are asked to be part of 25 the interview and then you are asked for a vote.</p>	<p style="text-align: right;">Page 16</p> <p>1 anything else that you reviewed? What were those emails?</p> <p>2 A. They were just emails that came about a missing 3 part of the contract possibly and concerns about his 4 disbarment.</p> <p>5 Q. Besides those emails, once you received those 6 emails, is there anything that you did?</p> <p>7 A. No.</p> <p>8 Q. Did you review any of the documents?</p> <p>9 A. No.</p> <p>10 Q. Did anything in those emails raise concern with 11 you?</p> <p>12 A. Yes. Yes. Yes. I was concerned.</p> <p>13 Q. Okay. Why?</p> <p>14 A. Because I saw that he had been disbarred.</p> <p>15 Q. Did you look into that any further?</p> <p>16 A. No, I -- it all happened very quickly and it was 17 at a very busy time, and I did not do any investigative 18 work on my own.</p> <p>19 Q. When you say it happened quickly, quickly in 20 relation to other applicants or --</p> <p>21 A. No, quickly in terms of I received the 22 application and the contract and then very quickly there 23 were questions about is this -- is this the Geoffrey Mott 24 that is applying to live in our building.</p> <p>25 Q. And did you have any conversations with anybody</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. And in relation to Mr. Mott's application that 2 you brought up, was there anything asked of you?</p> <p>3 A. No.</p> <p>4 Q. Did you review anything?</p> <p>5 A. I did not.</p> <p>6 Q. Did you ever see his application?</p> <p>7 A. Yes, I did. I'm sorry. Let's go back.</p> <p>8 Q. Sure.</p> <p>9 A. I did review his application and I did see some 10 emails about concerns.</p> <p>11 Q. Did anything stand out of concern in his 12 application?</p> <p>13 A. No.</p> <p>14 Q. Did you have any questions about any information 15 in his application?</p> <p>16 A. No, I did not.</p> <p>17 Q. Based off of the application itself, do you think 18 that Mr. Mott was a fit buyer?</p> <p>19 MS. GRANT: Object to the form. You can answer.</p> <p>20 THE WITNESS: Can I answer?</p> <p>21 MS. GRANT: Yes, you can.</p> <p>22 THE WITNESS: Okay, yes. I did.</p> <p>23 BY MR. LIBERTY:</p> <p>24 Q. And then did you review anything else? I think 25 you said you might have seen some emails. Is there</p>	<p style="text-align: right;">Page 17</p> <p>1 on the board about that?</p> <p>2 A. I don't believe so.</p> <p>3 Q. Did you ever ask for more information about that?</p> <p>4 A. No, I was waiting.</p> <p>5 Q. Waiting for what?</p> <p>6 A. Waiting to get more information.</p> <p>7 Q. But you didn't ask for it?</p> <p>8 A. I didn't ask for it at that point in time.</p> <p>9 Q. Was more information ever provided?</p> <p>10 A. Yes.</p> <p>11 Q. What else was provided?</p> <p>12 A. That it was the same Geoffrey Mott, that he had 13 been disbarred.</p> <p>14 Q. And then did you have any other communications 15 with anybody about that?</p> <p>16 A. There were a few more emails to board members 17 trying -- and to seeking advice of counsel in how to 18 proceed and if we should proceed. This was something of 19 concern.</p> <p>20 Q. And did you ever get an opinion from counsel that 21 you're aware of?</p> <p>22 A. I think eventually, yes.</p> <p>23 Q. Do you know what that opinion was and who it came 24 from?</p> <p>25 A. That we had the right to deny.</p>

<p style="text-align: right;">Page 18</p> <p>1 Q. And who did that come from?</p> <p>2 A. I'm sorry?</p> <p>3 Q. And who did that come from?</p> <p>4 A. From counsel.</p> <p>5 Q. And when was that?</p> <p>6 A. I believe it was in mid-February.</p> <p>7 Q. Do you know if it was before or after Mr. Mott</p> <p>8 was denied?</p> <p>9 A. We sought, we sought advice of counsel before the</p> <p>10 denial letter was issued.</p> <p>11 Q. And then you said you got an opinion. Do you</p> <p>12 know if that opinion came before or after his denial?</p> <p>13 A. I don't know. I don't know.</p> <p>14 Q. And were you a party to those communications or</p> <p>15 was this just communicated to you?</p> <p>16 A. I did -- I was a party to the communication of</p> <p>17 meeting with counsel on how to proceed.</p> <p>18 Q. How often are board meetings held?</p> <p>19 A. Usually once a month.</p> <p>20 Q. And when you were on the board, like what was the</p> <p>21 longest amount of time that one wasn't held once a month?</p> <p>22 A. I don't remember, I don't remember a time where</p> <p>23 we didn't have a meeting once a month.</p> <p>24 Q. And how were they noticed?</p> <p>25 A. There's a two-week notice. It's posted, we're</p>	<p style="text-align: right;">Page 20</p> <p>1 all the residents.</p> <p>2 Q. And how are they sent out?</p> <p>3 A. Email, and I think some are actually mailed to</p> <p>4 people who don't -- who prefer it that way.</p> <p>5 Q. Are the minutes detailed or -- what's that?</p> <p>6 A. I'm sorry. Go ahead, Steven.</p> <p>7 Q. Yeah, are they detailed?</p> <p>8 MS. GRANT: Object to the form. You can answer.</p> <p>9 THE WITNESS: I can go ahead?</p> <p>10 MS. GRANT: Yes.</p> <p>11 THE WITNESS: They are -- no, they're not</p> <p>12 terribly detailed. They give the gist of what's</p> <p>13 happened, not with great detail.</p> <p>14 BY MR. LIBERTY:</p> <p>15 Q. If there was a vote that took place during a</p> <p>16 meeting, would it be included in the minutes?</p> <p>17 A. I believe so, yes.</p> <p>18 Q. As long as you've been on the board, has the</p> <p>19 board ever denied an applicant?</p> <p>20 A. Not before Mr. Mott.</p> <p>21 Q. How about after Mr. Mott?</p> <p>22 A. No.</p> <p>23 Q. Are association members advised of the decision</p> <p>24 of the board related to approvals?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 told of the date probably through email or discussion,</p> <p>2 and then it's posted for all of the residents, at least</p> <p>3 two weeks before the meeting.</p> <p>4 Q. And where did the meetings take place?</p> <p>5 A. Prior to COVID they took place in the board room</p> <p>6 at Inlet Plaza. Since COVID many of the meetings -- in</p> <p>7 fact most of the meetings have been Zoom.</p> <p>8 Q. Are minutes kept of all those meetings?</p> <p>9 A. Yes.</p> <p>10 Q. And who prepares those minutes?</p> <p>11 A. Our secretary, Roger Brinner.</p> <p>12 Q. Do you know what the process is for preparing the</p> <p>13 minutes?</p> <p>14 A. I do not.</p> <p>15 Q. Do you know if they're taken right there at the</p> <p>16 meeting or if it's something that happens after?</p> <p>17 A. They are taken at the meeting. Roger is taking</p> <p>18 them as we're meeting.</p> <p>19 Q. Do you ordinarily receive a copy before they</p> <p>20 become final?</p> <p>21 A. Yes.</p> <p>22 Q. And can you describe that process?</p> <p>23 A. The minutes are sent to board members just to</p> <p>24 review, to see if anything needs be corrected or added.</p> <p>25 Those corrections are made and then they are sent out to</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. Would you agree with me that a board has</p> <p>2 obligations to operate in good faith?</p> <p>3 MS. GRANT: Form.</p> <p>4 THE WITNESS: Yes.</p> <p>5 BY MR. LIBERTY:</p> <p>6 Q. Can a board deny a buyer for any reason they want?</p> <p>7 A. They can deny without cause.</p> <p>8 Q. But could they deny because of race?</p> <p>9 A. No.</p> <p>10 Q. What about religion?</p> <p>11 A. No.</p> <p>12 Q. Or disability?</p> <p>13 A. Yeah, you know, I don't believe so. I think</p> <p>14 that -- I don't believe so.</p> <p>15 Q. So you'd agree that the board probably can't</p> <p>16 discriminate, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Can you think of any reason why the board would</p> <p>19 deny someone without a reason?</p> <p>20 MS. GRANT: Form.</p> <p>21 THE WITNESS: Yes. Because they think, they feel</p> <p>22 they will not be a good neighbor.</p> <p>23 BY MR. LIBERTY:</p> <p>24 Q. And that's a reason to deny them without a reason</p> <p>25 as opposed to giving them a reason why?</p>

<p style="text-align: right;">Page 22</p> <p>1 MS. GRANT: Form.</p> <p>2 THE WITNESS: Can I answer that, Anika?</p> <p>3 MS. GRANT: If you can, yes.</p> <p>4 THE WITNESS: Okay.</p> <p>5 I believe so.</p> <p>6 BY MR. LIBERTY:</p> <p>7 Q. You believe because they might not be a good</p> <p>8 neighbor would be the reason to deny them without a</p> <p>9 reason?</p> <p>10 A. I think it's more complicated than that.</p> <p>11 Q. Can you explain?</p> <p>12 A. You want me to be specific?</p> <p>13 Q. Yeah, it's your answer so, yes. As specific as</p> <p>14 you can.</p> <p>15 A. So in this particular case, we were dealing with</p> <p>16 Mr. Mott who had been disbarred, who had been abusive to</p> <p>17 his clients and to his co-workers, and that would not</p> <p>18 seem to be a good fit to be part of a healthy community</p> <p>19 in a small condo building where people live in close</p> <p>20 proximity to each other.</p> <p>21 Q. So, but why wouldn't you, when issuing a denial,</p> <p>22 think it would be a good reason to tell Mr. Mott that's</p> <p>23 the reason why he was being denied?</p> <p>24 MS. GRANT: Object to the form.</p> <p>25 THE WITNESS: I don't know.</p>	<p style="text-align: right;">Page 24</p> <p>1 A. I've read multiple things since I, you know,</p> <p>2 since I learned that I was going to be involved in this,</p> <p>3 I had read nothing before so it's a variety of things. I</p> <p>4 can't pinpoint exactly what it is.</p> <p>5 Q. Did you learn that he was reinstated?</p> <p>6 A. Yes, I did.</p> <p>7 Q. Did you at any point in time learn that he was</p> <p>8 suffering from a disability at the time of his Bar</p> <p>9 proceedings?</p> <p>10 A. I have recently.</p> <p>11 Q. What about before the denial?</p> <p>12 A. Did not know anything about that.</p> <p>13 Q. You didn't review anything, those documents that</p> <p>14 you're talking about, before the issuance of the denial?</p> <p>15 A. No.</p> <p>16 Q. Do you know David Gury?</p> <p>17 A. Yes, I do.</p> <p>18 Q. And how do you know him?</p> <p>19 A. He lived in Inlet Plaza. He was a neighbor and a</p> <p>20 friend.</p> <p>21 Q. How long have you known him for? Since he moved</p> <p>22 in, I'm assuming?</p> <p>23 A. Yes, he was president of the association, so</p> <p>24 2016.</p> <p>25 Q. So that was before you were on the board,</p>
<p style="text-align: right;">Page 23</p> <p>1 BY MR. LIBERTY:</p> <p>2 Q. And this information you just provided, where did</p> <p>3 you learn of this information?</p> <p>4 A. Through emails.</p> <p>5 Q. Did you ever look into it yourself?</p> <p>6 A. Not before Mr. Mott was denied.</p> <p>7 Q. Did you look into it afterwards?</p> <p>8 A. I read some things, yes.</p> <p>9 Q. What did you read afterwards?</p> <p>10 A. About the disbarment.</p> <p>11 Q. And what did you learn?</p> <p>12 A. I learned a number of things, that he</p> <p>13 was -- Anika, can I go ahead and answer that?</p> <p>14 MS. GRANT: Unless it's attorney-client privilege</p> <p>15 stuff that we've told you, meaning your attorneys,</p> <p>16 yes, you can answer if you had independently learned</p> <p>17 information.</p> <p>18 THE WITNESS: Okay.</p> <p>19 I learned that he had been disbarred, that he had</p> <p>20 improperly used money that was to be put in an escrow</p> <p>21 fund, that he had been abusive to co-workers and to</p> <p>22 clients.</p> <p>23 BY MR. LIBERTY:</p> <p>24 Q. And what, are you basing this off of one</p> <p>25 document?</p>	<p style="text-align: right;">Page 25</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. Who was on the board with you?</p> <p>4 A. There are five of us. Ron Early, Bob Cullen,</p> <p>5 Roger Brinner and Doug Sabra and myself.</p> <p>6 Q. And when you stepped down, who replaced you on</p> <p>7 the board?</p> <p>8 A. Anne McCarthy.</p> <p>9 Q. And you said that was in March, correct?</p> <p>10 A. Yes, March 27th.</p> <p>11 Q. There's 29 units in the building. Is that</p> <p>12 correct?</p> <p>13 A. That's correct. And then there's a 30th unit</p> <p>14 that our superintendent stays in.</p> <p>15 Q. Do you know all the unit owners?</p> <p>16 A. No. I don't know all the unit owners.</p> <p>17 Q. Do you know most of them?</p> <p>18 A. Yes, I do.</p> <p>19 Q. Are there any unit owners that you do not have a</p> <p>20 good relationship with or don't get along with?</p> <p>21 A. No.</p> <p>22 Q. Do you socialize with anyone in the building on</p> <p>23 the board?</p> <p>24 A. Yes, occasionally, yes.</p> <p>25 Q. Do you socialize or did you socialize with</p>

<p style="text-align: right;">Page 26</p> <p>1 Mr. Gury when he was a resident?</p> <p>2 A. I don't think we ever had dinner or anything, but</p> <p>3 we're on friendly terms with Dave.</p> <p>4 Q. Do you know Andrea Chang?</p> <p>5 A. I do not.</p> <p>6 Q. How about Cuppy Kraft?</p> <p>7 A. I do not.</p> <p>8 Q. Did you ever interact with any agents regarding</p> <p>9 unit 304?</p> <p>10 A. No.</p> <p>11 Q. Did you ever see any communications with any real</p> <p>12 estate agents regarding that unit?</p> <p>13 A. No.</p> <p>14 Q. Did there come a point in time that you learned</p> <p>15 that Mr. Gury's former unit, or current unit 304 was for</p> <p>16 sale?</p> <p>17 A. Yes.</p> <p>18 Q. And when?</p> <p>19 A. I believe it was December of 2022 when Bob Cullen</p> <p>20 called me to tell me that it was going on the market.</p> <p>21 Q. And did there come a point in time when you</p> <p>22 learned that Mr. Mott was under contract to purchase?</p> <p>23 A. I'm sorry, can you repeat that?</p> <p>24 Q. Did there come a point in time that you learned</p> <p>25 that Mr. Mott was under contract to purchase unit 304?</p>	<p style="text-align: right;">Page 28</p> <p>1 ever received a contract -- let me think -- until after,</p> <p>2 until after the decision was made to deny Mr. Mott, I did</p> <p>3 not see another contract.</p> <p>4 Q. After Mr. Mott was denied did you see another</p> <p>5 contract?</p> <p>6 A. Yes.</p> <p>7 Q. Do you know who that contract was from, the</p> <p>8 buyer?</p> <p>9 A. At some point I think I saw two contracts. One</p> <p>10 was from a man that I don't know the name, the second one</p> <p>11 was from the Souaids.</p> <p>12 Q. So was the first Filshtinski?</p> <p>13 A. Yes. Yes.</p> <p>14 Q. And do you know around what time you received</p> <p>15 that?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you recall anything of the terms of that</p> <p>18 contract?</p> <p>19 A. I don't remember anything unusual about it.</p> <p>20 Q. Do you recall any conversations with board</p> <p>21 members regarding the Filshtinski contract?</p> <p>22 A. No.</p> <p>23 Q. Do you recall any board members or anybody on the</p> <p>24 board making any preference between Mr. Mott's versus</p> <p>25 Filshtinski's contract or any comparisons?</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes, there came a point in time.</p> <p>2 Q. And when did you come to learn that?</p> <p>3 A. I don't know the exact date. I think it was in</p> <p>4 early February.</p> <p>5 Q. You were still on the board though, correct?</p> <p>6 A. I was on the board, yes.</p> <p>7 Q. And how did you come do learn of that?</p> <p>8 A. I received an email that it had been sold, that</p> <p>9 it was under contract.</p> <p>10 Q. Did you receive a copy of the contract?</p> <p>11 A. I did.</p> <p>12 Q. Do you remember when?</p> <p>13 A. Sometime in the first week or two of February.</p> <p>14 Q. Did you have any conversations or discussions</p> <p>15 related to the contract with anyone?</p> <p>16 A. No.</p> <p>17 Q. Did you do anything after you received the</p> <p>18 contract?</p> <p>19 A. No.</p> <p>20 Q. Around that time did you receive a second</p> <p>21 contract for unit 304?</p> <p>22 A. No.</p> <p>23 Q. So you don't recall any other contracts besides</p> <p>24 Mr. Mott around that time in February?</p> <p>25 A. I did not receive a contract. I don't think I</p>	<p style="text-align: right;">Page 29</p> <p>1 A. No, I do not.</p> <p>2 Q. I think we've already covered this but there did</p> <p>3 come a point that Mr. Mott applied and I believe you</p> <p>4 testified that you did review his application. Is that</p> <p>5 correct?</p> <p>6 A. Yes.</p> <p>7 Q. I believe you also testified that you didn't call</p> <p>8 any references on the application, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Do you know if anyone on the board did?</p> <p>11 A. I do not know.</p> <p>12 Q. Did you have any contact with Mr. Mott?</p> <p>13 A. No.</p> <p>14 Q. Did you have any communications with Mr. Gury</p> <p>15 related to Mr. Mott's application?</p> <p>16 A. No.</p> <p>17 Q. Do you know if anybody on the board did?</p> <p>18 A. I don't know.</p> <p>19 Q. So there was a point in time that there was a</p> <p>20 denial that was issued of Mr. Mott, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And do you know who prepared the denial?</p> <p>23 A. I believe it was Ron Early.</p> <p>24 Q. Do you know whose decision it was to issue the</p> <p>25 denial?</p>

<p style="text-align: right;">Page 30</p> <p>1 A. It was the board's decision.</p> <p>2 Q. And was there a meeting held?</p> <p>3 A. Yes, there was.</p> <p>4 Q. Do you recall when that meeting was?</p> <p>5 A. I don't, I'm sorry. I would be guessing. I</p> <p>6 would say it was the second week of February.</p> <p>7 Q. Was that a noticed meeting?</p> <p>8 A. I'm sorry?</p> <p>9 Q. Was that a noticed meeting?</p> <p>10 MS. GRANT: Form.</p> <p>11 THE WITNESS: It was a meeting not noticed to the</p> <p>12 entire community, no. Just to the board, just the</p> <p>13 board members.</p> <p>14 BY MR. LIBERTY:</p> <p>15 Q. So was there any minutes taken of this meeting?</p> <p>16 A. Yes, I believe so.</p> <p>17 Q. Was this a special meeting?</p> <p>18 A. Yes.</p> <p>19 Q. Was any attorneys present?</p> <p>20 A. I'm having -- I'm having problems keeping the</p> <p>21 meetings separate, but I don't think -- I don't know. I</p> <p>22 don't know.</p> <p>23 Q. I think the term is executive session. Was it an</p> <p>24 executive session, this meeting?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Yes.</p> <p>2 Q. And then after that meeting, was there ever</p> <p>3 another meeting related to Mr. Mott's application?</p> <p>4 A. There was a meeting with the attorney.</p> <p>5 Q. So there was a meeting with an attorney present?</p> <p>6 A. Yes.</p> <p>7 Q. When?</p> <p>8 A. I don't know. I would say mid-February would be</p> <p>9 my best guess.</p> <p>10 Q. You had a meeting and then there was another</p> <p>11 meeting. Was that second meeting before or after the</p> <p>12 denial of Mr. Mott?</p> <p>13 A. The second meeting, was it before or after the</p> <p>14 denial? I don't know. I think, I think we were working</p> <p>15 through it and trying to figure out what needed to be</p> <p>16 done.</p> <p>17 Q. So what I'm trying to get at and what I'm trying</p> <p>18 to understand is, you held a meeting which you said was</p> <p>19 in the second week of February, that at that meeting</p> <p>20 there was no -- well, you didn't know, you don't recall</p> <p>21 if there was a vote, there was no final decision, that</p> <p>22 you were going the seek the advice of an attorney, then</p> <p>23 the advice of attorney was sought and we know that there</p> <p>24 was an issue of the denial of Mr. Mott.</p> <p>25 My question is, was there another meeting where a</p>
<p style="text-align: right;">Page 31</p> <p>1 Q. But you don't recall if there was an attorney</p> <p>2 present?</p> <p>3 A. I don't think, I do not believe there was an</p> <p>4 attorney present at that. I think at that point we</p> <p>5 decided to seek legal counsel on how to proceed.</p> <p>6 Q. So at that meeting, who was present?</p> <p>7 A. I believe it was Ron Early, Roger Brinner, Bob</p> <p>8 Cullen and myself.</p> <p>9 Q. And at that meeting you said that you made the</p> <p>10 determination to seek legal counsel. Was there ever a</p> <p>11 final decision made then regarding the application?</p> <p>12 A. Yes. At that meeting?</p> <p>13 Q. Yes. At that meeting.</p> <p>14 A. I think there were concerns raised. I can't</p> <p>15 remember if the final decision was made then or not.</p> <p>16 Q. So was there -- do you know if there was a vote</p> <p>17 taken at that meeting?</p> <p>18 A. I don't remember.</p> <p>19 Q. So then correct me if I'm misunderstanding, but</p> <p>20 there was that meeting and at that meeting, there was</p> <p>21 concerns and a decision to seek the advice of an</p> <p>22 attorney, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then after that point in time is when advice</p> <p>25 of attorney was sought?</p>	<p style="text-align: right;">Page 33</p> <p>1 vote was taken regarding the denial of Mr. Mott?</p> <p>2 MS. GRANT: Object to form.</p> <p>3 THE WITNESS: There was a vote taken. There was</p> <p>4 also --</p> <p>5 MS. GRANT: Sorry, I just wanted to get my</p> <p>6 objection in for Donna, our court reporter, so just</p> <p>7 object to the form of the question.</p> <p>8 You can answer, if you can.</p> <p>9 THE WITNESS: There was an email sent out,</p> <p>10 minutes of that meeting of the executive session, and</p> <p>11 you may have that. If you can produce that, I can</p> <p>12 better answer your question.</p> <p>13 BY MR. LIBERTY:</p> <p>14 Q. So you think the minutes of the executive session</p> <p>15 would -- make you aware of whether or not there was a</p> <p>16 vote or not?</p> <p>17 A. Yes. It might. It might. I don't know.</p> <p>18 Q. Let's -- I'll come back to that then, so let's</p> <p>19 ask a couple for questions, we can take a break, I can</p> <p>20 pull up those executive session minutes and we can come</p> <p>21 back.</p> <p>22 A. Okay.</p> <p>23 Q. Let's do that. Let's take a small break. I'll</p> <p>24 get the executive session minutes and let's come back in</p> <p>25 five minutes.</p>

<p style="text-align: right;">Page 34</p> <p>1 (A discussion was held off the record.)</p> <p>2 (A brief recess was taken from 10:42 a.m. to</p> <p>3 10:49 a.m.)</p> <p>4 BY MR. LIBERTY:</p> <p>5 Q. So I pulled up the minutes from what you were</p> <p>6 saying would help, which was the executive session which</p> <p>7 you didn't know the exact date but you said was about the</p> <p>8 second week of February. Is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Let me try to share my screen. Are you viewing</p> <p>11 my screen?</p> <p>12 A. Yes, I am.</p> <p>13 Q. Are you able to see this document?</p> <p>14 A. I can see the minutes of the meeting. I'm not</p> <p>15 seeing the executive minutes.</p> <p>16 Q. So this is dated February 13, 2023, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And have you seen this document before?</p> <p>19 A. Yes.</p> <p>20 Q. Can you tell me what this document is?</p> <p>21 A. Those are the minutes from the regular board</p> <p>22 member in February.</p> <p>23 Q. And February 13th, correct?</p> <p>24 A. Yes.</p> <p>25 Q. I'm going to be mark this as Plaintiff's</p>	<p style="text-align: right;">Page 36</p> <p>1 A. It was a denial of the application of Mr. Mott to</p> <p>2 buy Mr. Gury's unit.</p> <p>3 Q. And this was on February 15th, 2023, correct?</p> <p>4 A. Yes.</p> <p>5 Q. So that was -- you'd agree that's two days after</p> <p>6 this February 13th executive session?</p> <p>7 A. Yes.</p> <p>8 Q. Do you remember if there was any meetings that</p> <p>9 were held in between February 13th and the 15th?</p> <p>10 A. I do not remember.</p> <p>11 Q. Do you have any knowledge of any votes that were</p> <p>12 taken in between the 13th and the 15th?</p> <p>13 A. I do not remember.</p> <p>14 Q. So at the time of the application process, you</p> <p>15 told me that there was emails related to the Bar</p> <p>16 decision. I know that you since testified that you did</p> <p>17 review the decision but prior to the denial did you ever</p> <p>18 review that Bar decision?</p> <p>19 A. No.</p> <p>20 MS. GRANT: Object to the form.</p> <p>21 BY MR. LIBERTY:</p> <p>22 Q. So we also -- you also testified that you saw</p> <p>23 after denial about Mr. Mott's ability. Before that, was</p> <p>24 there ever any discussions regarding anything about his</p> <p>25 mental status or his disability?</p>
<p style="text-align: right;">Page 35</p> <p>1 Exhibit 1.</p> <p>2 (Exhibit No. 1, Minutes from Regular Board</p> <p>3 Meeting, was marked for identification.)</p> <p>4 BY MR. LIBERTY:</p> <p>5 Q. And we'll scroll down and then you have a second</p> <p>6 page that says executive session, February 13, 2023.</p> <p>7 A. Yes.</p> <p>8 Q. So is this the document that you were saying</p> <p>9 would -- if you reviewed it, you would know if a vote was</p> <p>10 taken at this meeting?</p> <p>11 A. Yes.</p> <p>12 Q. Are you able to answer now whether or not a vote</p> <p>13 was taken on the executive session on February 13th,</p> <p>14 2023?</p> <p>15 A. Yes, I can. There was not a vote taken.</p> <p>16 Q. I'm then going to mark as Exhibit No. 2 this</p> <p>17 document which is a February 15th, 2023 document. Are</p> <p>18 you familiar with this document?</p> <p>19 A. I am not.</p> <p>20 Q. You've never seen this document?</p> <p>21 A. I don't remember this document.</p> <p>22 Q. Having seen it now, do you know what this</p> <p>23 document is?</p> <p>24 A. Yes.</p> <p>25 Q. What is this document?</p>	<p style="text-align: right;">Page 37</p> <p>1 A. No.</p> <p>2 Q. Did you ever question the decision to issue a</p> <p>3 denial?</p> <p>4 A. No.</p> <p>5 Q. Did you ever have any concerns about the issuance</p> <p>6 of a denial?</p> <p>7 A. No.</p> <p>8 Q. How about today? Do you have any reservations</p> <p>9 about issuing the denial?</p> <p>10 A. No.</p> <p>11 Q. So you have no reservation about denying a man</p> <p>12 based on events which you then learned while he suffered</p> <p>13 of mental illness?</p> <p>14 MS. GRANT: Object to the form. You can answer</p> <p>15 if you are able to.</p> <p>16 THE WITNESS: I can't answer that.</p> <p>17 BY MR. LIBERTY:</p> <p>18 Q. Why not?</p> <p>19 A. I'm not comfortable answering it.</p> <p>20 Q. I'm sorry to make you uncomfortable, but that's</p> <p>21 what we're here for today.</p> <p>22 A. Okay. Can you please restate the question?</p> <p>23 Q. Sure. You told me, your testimony earlier was</p> <p>24 that since the denial, you learned that during the time</p> <p>25 of the Bar proceedings and events, that Mr. Mott was</p>

<p style="text-align: right;">Page 38</p> <p>1 suffering from mental disability.</p> <p>2 My question is since learning of that</p> <p>3 information, do you have any reservations about the fact</p> <p>4 that a denial was issued based on events which occurred</p> <p>5 when he was suffering from a mental illness.</p> <p>6 MS. GRANT: Object to the form.</p> <p>7 Mischaracterization of testimony.</p> <p>8 THE WITNESS: No.</p> <p>9 BY MR. LIBERTY:</p> <p>10 Q. Why not? Why not?</p> <p>11 A. Is that a question for me, Steven?</p> <p>12 Q. Yeah.</p> <p>13 A. Okay. Because I think his actions have proven as</p> <p>14 we've gone on, have proven that he would not be a good</p> <p>15 neighbor.</p> <p>16 Q. And what has happened as you've gone on that</p> <p>17 proved he would not be a good neighbor?</p> <p>18 A. The legal issues that we've gotten involved in.</p> <p>19 Q. So you think he would not be a good neighbor</p> <p>20 because of the allegations of this lawsuit that he is</p> <p>21 saying he was discriminated against?</p> <p>22 MS. GRANT: Object to the form.</p> <p>23 BY MR. LIBERTY:</p> <p>24 Q. Why would he not be a good neighbor? Because he</p> <p>25 filed a lawsuit?</p>	<p style="text-align: right;">Page 40</p> <p>1 A. Only my husband.</p> <p>2 Q. And what did you discuss with your husband?</p> <p>3 A. What had happened.</p> <p>4 Q. And what did you tell him?</p> <p>5 A. That we had an applicant who had been disbarred,</p> <p>6 had been abusive to his co-workers and his clients and</p> <p>7 that we had denied application.</p> <p>8 Q. Did you discuss that with Mr. Gury?</p> <p>9 A. No.</p> <p>10 Q. Do you know if anybody on the board discussed it</p> <p>11 with Mr. Gury?</p> <p>12 A. I believe Ron Early talked directly to Dave Gury</p> <p>13 before the denial was issued.</p> <p>14 Q. And what do you know about that conversation?</p> <p>15 A. Nothing, other than I believe it happened.</p> <p>16 Q. Did anybody on the board have any reservations</p> <p>17 about denying Mr. Mott?</p> <p>18 A. I don't know.</p> <p>19 Q. He was ultimately denied for no reason. Is that</p> <p>20 correct?</p> <p>21 MS. GRANT: Form.</p> <p>22 THE WITNESS: He was.</p> <p>23 MS. GRANT: I object to the form.</p> <p>24 THE WITNESS: He was denied without cause.</p> <p>25</p>
<p style="text-align: right;">Page 39</p> <p>1 MS. GRANT: Object to the form.</p> <p>2 THE WITNESS: That would be one part of it. The</p> <p>3 other parts would be issues of trust and</p> <p>4 responsibility.</p> <p>5 BY MR. LIBERTY:</p> <p>6 Q. Trust and responsibility. Okay.</p> <p>7 If you felt wronged, would you not take action to</p> <p>8 protect your rights and interests?</p> <p>9 MS. GRANT: Object to the form. Move to strike.</p> <p>10 THE WITNESS: I'm not a lawyer. I can't answer</p> <p>11 that question.</p> <p>12 BY MR. LIBERTY:</p> <p>13 Q. If you felt that you were discriminated against,</p> <p>14 would you not protect your rights and interests?</p> <p>15 MS. GRANT: Object to the form.</p> <p>16 THE WITNESS: Do you want a yes or a no for that?</p> <p>17 BY MR. LIBERTY:</p> <p>18 Q. However you want to answer.</p> <p>19 A. No one -- I was not aware that Mr. Mott had any</p> <p>20 kind of a disability when I voted to deny his</p> <p>21 application.</p> <p>22 Q. Did you discuss the decision with any board</p> <p>23 members after the denial was issued?</p> <p>24 A. I don't remember.</p> <p>25 Q. Did you discuss it with any residents?</p>	<p style="text-align: right;">Page 41</p> <p>1 BY MR. LIBERTY:</p> <p>2 Q. Thank you for the clarification. Why not deny</p> <p>3 him for cause?</p> <p>4 A. I don't know.</p> <p>5 Q. Do you think a Google search of someone's name is</p> <p>6 a responsible way to conduct a background investigation?</p> <p>7 A. I don't know. It's a way that is used to conduct</p> <p>8 all kinds of -- to obtain all kinds of information.</p> <p>9 Q. Did you ever have any reservations about the</p> <p>10 board's practice of just Googling names?</p> <p>11 MS. GRANT: Form.</p> <p>12 THE WITNESS: I don't know.</p> <p>13 BY MR. LIBERTY:</p> <p>14 Q. Do you know if anybody on the board did?</p> <p>15 A. I think the Google search was a first step that</p> <p>16 produced something that was then substantiated by other</p> <p>17 searches on the internet.</p> <p>18 Q. In Mr. Mott's case, besides the one document, was</p> <p>19 there anything else to substantiate anything related to</p> <p>20 Mr. Mott?</p> <p>21 A. I believe that there was information that came</p> <p>22 from a form on why he was disbarred.</p> <p>23 Q. And do you know who obtained that information or</p> <p>24 what that information was?</p> <p>25 A. I believe it was Ron Early.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. And what was that information? Was that just a 2 document, the board decision?</p> <p>3 A. It was a document that talked about the 4 disbarment, why he had been disbarred and substantiated 5 the fact that we had from the Google search.</p> <p>6 Q. Are you aware of the requirements of the 7 declaration for issuing a denial what the requirements 8 are after issuing a denial without giving cause?</p> <p>9 A. Yes.</p> <p>10 Q. And can you tell me what those are?</p> <p>11 A. The board then has to find a second buyer who 12 buys with the same or similar terms.</p> <p>13 Q. And what's the timeline for that?</p> <p>14 A. And it has to close within 30 days.</p> <p>15 Q. After the issuance of Mr. Mott, was that 16 provision of the dec discussed among the board?</p> <p>17 A. I don't remember. I assume so.</p> <p>18 Q. Were you still on the board at that time?</p> <p>19 A. Yes. I was on the board. I went off March 27th.</p> <p>20 Q. Do you recall any meetings regarding that issue 21 point?</p> <p>22 A. I do not recall meetings.</p> <p>23 Q. Do you know if it was ultimately determined that 24 the board needed to produce a contract for unit 304?</p> <p>25 A. Yes. That was known.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. I honestly don't remember.</p> <p>2 Q. Did you review the application?</p> <p>3 A. I saw it at some point in time. I don't remember 4 when it was.</p> <p>5 Q. Were background searches performed?</p> <p>6 A. There was some kind of a search performed because 7 we knew he was, he had a scientific background. I don't 8 know much more than that. I did not perform the 9 background search.</p> <p>10 Q. Do you know if Google searches were performed?</p> <p>11 A. I don't know. I assume they might have been.</p> <p>12 Q. Was an interview scheduled for him?</p> <p>13 A. I don't know that his application got that far. 14 I'm not sure he ever completed the application form to 15 proceed.</p> <p>16 Q. So do you know if he was ever approved by the 17 board?</p> <p>18 A. He was not.</p> <p>19 Q. Do you know Robert and Mary Jane Souaid?</p> <p>20 A. I know the name. I've met them in the interview.</p> <p>21 Q. Were they ever Googled?</p> <p>22 A. I did not.</p> <p>23 Q. Did they apply to the association?</p> <p>24 A. They did.</p> <p>25 Q. Do you know if a Google search was performed?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. And how was that known?</p> <p>2 A. Well, it's part of our document.</p> <p>3 Q. Did you ever have that issue come up at any point 4 in time before Mr. Mott?</p> <p>5 A. Where we had to produce a second buyer?</p> <p>6 Q. Yeah.</p> <p>7 A. No.</p> <p>8 Q. Did the board undergo efforts to produce a new 9 buyer?</p> <p>10 A. Yes.</p> <p>11 Q. Can you tell me what was done?</p> <p>12 A. I believe they contacted Andrea Chang when they 13 knew that there were other people who were interested in 14 the unit.</p> <p>15 Q. Andrea Chang was Mr. Gury's agent, correct?</p> <p>16 A. I don't know.</p> <p>17 Q. Do you know who contacted Andrea Chang?</p> <p>18 A. I don't know.</p> <p>19 Q. Were you involved with that process whatsoever of 20 obtaining a new buyer?</p> <p>21 A. No.</p> <p>22 Q. Was there ever an application that you're aware 23 of for Michael Filshtinski?</p> <p>24 A. Yes.</p> <p>25 Q. And when did you receive that application?</p>	<p style="text-align: right;">Page 45</p> <p>1 A. I don't know.</p> <p>2 Q. Was there ever any communications with you 3 regarding their application?</p> <p>4 A. I saw their application and I was part of the 5 interview.</p> <p>6 Q. When did the interview occur?</p> <p>7 A. I was still on the board so maybe they were 8 interviewed the end of February.</p> <p>9 Q. Were they approved as buyers?</p> <p>10 A. They were.</p> <p>11 Q. And how were they introduced to the board?</p> <p>12 A. Through an application and an interview.</p> <p>13 Q. But were they introduced by an agent?</p> <p>14 A. No. I met them at the interview.</p> <p>15 Q. You told me that Mr. Early contacted Andrea Chang 16 but you don't know who Andrea Chang was. Is that 17 correct?</p> <p>18 A. No, I don't know Andrea Chang. I know, I didn't 19 know if she was the seller or the buyer's realtor.</p> <p>20 Q. Do you know who Mr. Gury's realtor was?</p> <p>21 A. I do as of now.</p> <p>22 Q. Who is that?</p> <p>23 A. Andrea Chang.</p> <p>24 Q. And the Souaids, were the Souaids introduced to 25 the board by Andrea Chang?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. I don't know. I was introduced to the Souaids 2 when they came for their interview. I assume -- I don't 3 know. 4 Q. Do you ever recall seeing a contract from them? 5 A. I believe I did. 6 Q. Do you know how that contract came to be? 7 A. I do not. 8 Can I say a little bit more? 9 MS. GRANT: Not unless there's a question, Kris. 10 THE WITNESS: Okay. 11 MS. GRANT: Just wait for the pending question 12 and then respond to that. 13 THE WITNESS: Okay. 14 BY MR. LIBERTY: 15 Q. Do you have anything you want to add to the 16 contract with the Souaids? 17 A. Just that the Souaids were our backup buyer that 18 needed to be produced by the board. 19 Q. But you don't know how they came to enter into 20 contract you testified to, correct? 21 A. Okay. I'm getting contract and application 22 confused. So how they came to contract. 23 Q. Yeah. 24 A. I assume, but don't know for sure, that when Ron 25 Early spoke to Andrea Chang to see if there were backup</p>	<p style="text-align: right;">Page 48</p> <p>1 closing. 2 Q. How? 3 A. By putting some type of a legal maneuver lawsuit 4 in place making it impossible for the Souaids to close. 5 Q. Are you aware that the Souaids had language in 6 their contract giving them a right to cancel the 7 contract? 8 A. I am not. 9 Q. Are you aware that the Souaids cancelled their 10 contract? 11 A. I was not. 12 Q. So then you dispute that Mr. Mott is deemed 13 approved under the terms of the dec? 14 MS. GRANT: Object to the form. 15 THE WITNESS: I cannot make a legal judgment on 16 that. 17 BY MR. LIBERTY: 18 Q. Are you in possession of any emails or text 19 messages which relate to the parties or events that were 20 discussed today that have not been produced to your 21 counsel? 22 A. No. 23 Q. Let me take another three-minute break. 24 (A discussion was held off the record.) 25 (A brief recess was taken from 11:09 a.m. to</p>
<p style="text-align: right;">Page 47</p> <p>1 buyers, that Andrea Chang went back to them and a 2 contract was written. 3 Q. Do you know if they ultimately closed on their 4 purchase? 5 A. They did not. 6 Q. Since they were not approved, what happens if an 7 alternative under the dec does not close within those 8 allotted 30 days? 9 A. Well, according to the document, the first buyer 10 then receives the property. However, in this particular 11 case where there was legal maneuvering to make that very 12 thing happen, I doubt that seems appropriate. 13 Q. What legal maneuvering? 14 A. Some type of a lawsuit. 15 Q. Okay. So the lawsuit we're here today? 16 A. I think it was -- I don't know. I don't know. 17 Q. So correct me if I'm wrong; what I'm 18 understanding your testimony is that under the dec, if 19 the alternative buyer doesn't close within 30 days, the 20 original buyer is deemed approved. Is that correct? 21 A. I don't know. I'm not a lawyer. I can't 22 interpret that. 23 Q. So what is your understanding of the dec then? 24 A. My understanding would be that the first buyer is 25 approved but in this case, the first buyer prevented the</p>	<p style="text-align: right;">Page 49</p> <p>1 11:17 a.m.) 2 MR. LIBERTY: I don't have anymore questions I 3 believe Mr. Arora might have some questions. 4 CROSS-EXAMINATION 5 BY MR. ARORA: 6 Q. Okay. So I have a few questions. Give me a 7 minute. We introduced prior to the deposition. I'm 8 counsel for Mr. Gury and my name is Harsh Arora. I have 9 a few follow-up questions for you. Everything as far as 10 instructions are concerned that Mr. Liberty provided to 11 you previously, remain the same. If there's any 12 clarification that you need from me, please ask so and 13 I'll be happy to provide it. 14 Just to be clear, you had left the board in end 15 of March of this year prior to the board's determination 16 of not issuing the certificate of approval to Mr. Gury, 17 correct? 18 A. Yes. I left the board on March 27th, which was 19 before the settlement fell through so I wasn't part of 20 those discussions. 21 Q. And you weren't involved with the board when 22 Mr. and Mrs. Souaid terminated their contract with 23 Mr. Gury, correct? 24 A. That's correct. 25 Q. As far as the contract with Mr. Mott is</p>

<p style="text-align: right;">Page 50</p> <p>1 concerned, you previously testified to the fact that you 2 were involved with the review of that application, 3 correct? 4 A. Yes. 5 Q. And that of the application -- do you recall if 6 the application was received on or around February 11th 7 of 2023? 8 A. I think, I believe that's true because I think 9 the 12th was the Super Bowl and I think that's when we 10 started having concerns, so it was sometime around then. 11 Q. Okay. And was that through like an email that 12 was received by you that you know from someone? 13 A. I believe it was an email from Ron Early. 14 Q. Okay. So let me try to show you that email. 15 Can you see my screen? 16 A. Yes, I can. 17 Q. Okay. So what I'm going to mark as Defendant's 18 Exhibit 1 the email dated February 11, 2023 and it 19 appears to be an email from Mr. Early to the board 20 members including yourself, correct? 21 A. Yes. 22 (Exhibit No. 1, Email dated 2/11/2023, was marked 23 for identification.) 24 BY MR. ARORA: 25 Q. So by looking at this email, does this refresh</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. Were those two documents received prior to the 2 rejection of Mr. Mott's application by the board? 3 A. The contract and the application were both 4 received before Mr. Mott was rejected. 5 Q. Are you aware of any document that was required 6 to complete the transfer of the property that Mr. Gury 7 did not execute? 8 MR. LIBERTY: Object to the form. 9 THE WITNESS: I don't know. 10 BY MR. ARORA: 11 Q. Did the association require Mr. Gury to make a 12 personal appearance in connection with the association's 13 decision to approve Mr. Mott's application? 14 A. No. 15 Q. Did the board discuss Mr. Mott's disbarment with 16 Mr. Gury? 17 A. I don't know. 18 Q. Did you ever discuss it with him? 19 A. I did -- no, I did not. 20 Q. Was the board aware that the approval or 21 rejection of Mr. Mott's application could be problematic? 22 A. We made our decision based on legal counsel and 23 felt we had the right to do what we did. 24 Q. Did the board consider in any of the meetings 25 that you attended, executive or other regular board</p>
<p style="text-align: right;">Page 51</p> <p>1 your recollection that to confirm that the application of 2 Mr. Mott was received by the board on February 11th? 3 A. Yes. 4 Q. So after February 11th and before what you saw 5 was a combination of or actually a rejection of Mr. 6 Mott's application, were there any documents that the 7 board was waiting for or had requested from Mr. Gury? 8 A. Not that I remember. 9 Q. Were there any documents that Mr. Gury could have 10 provided which could have helped the board to approve Mr. 11 Mott's application? 12 A. I don't know. 13 MS. GRANT: Form. 14 BY MR. ARORA: 15 Q. Did the board ask for any specific documents from 16 Mr. Gury to support Mr. Mott's application? 17 MS. GRANT: Form. 18 THE WITNESS: Not that I know of. 19 BY MR. ARORA: 20 Q. And so what is involved in initiating the 21 approval process as far as the documents are concerned? 22 What documents does the association require to initiate 23 the approval process? 24 A. They need a contract. They need an application 25 and those are the two documents.</p>	<p style="text-align: right;">Page 53</p> <p>1 meetings, where the board considered that denial of Mr. 2 Mott's application could result in litigation against Mr. 3 Gury? 4 MS. GRANT: Form. 5 THE WITNESS: I don't know. 6 BY MR. ARORA: 7 Q. Did the board in any of its executive sessions or 8 board meetings discuss if Mr. Mott's application was 9 denied, that it could result in litigation against the 10 association? 11 MS. GRANT: Form. 12 BY MR. ARORA: 13 Q. Or the board? 14 MS. GRANT: Same objection. 15 THE WITNESS: I can answer? 16 MS. GRANT: Yes, if you can. If you can. 17 THE WITNESS: Certainly that was, that was 18 something we considered but we felt we had the right 19 to go forward. 20 BY MR. ARORA: 21 Q. You had mentioned previously in your testimony 22 about knowledge of an application that was put in by or 23 was being considered or you had knowledge of from 24 Mr. Filshtinski. Do you recall that? 25 A. Yes.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q. Did the board perform from your knowledge any due 2 diligence to review an application from Mr. Filshinski? 3 A. I think his application, it was submitted, but 4 there was a contingencies on it that was not met in a 5 timely manner. 6 Q. And do you remember what that contingencies was? 7 A. I do not. 8 Q. What Mr. Filshinski's application automatically 9 approved by rejection of Mr. Mott's application? 10 A. I do not think so. 11 Q. So the board's position at that time in February 12 of 2023, after rejection of Mr. Mott's application, was 13 that Mr. Filshinski would have to put in his application 14 to seek an approval, correct? 15 A. Yes. 16 Q. So did the board ever a proof Mr. Filshinski's 17 application? 18 A. No. 19 Q. And I think that previously you testified that 20 his application didn't get that far. Do you know the 21 circumstances behind that? 22 A. I think there were contingencies that were not 23 met and they had to be met by a certain date, and they 24 were not. 25 Q. Was that due to the failure on part of</p>	<p style="text-align: right;">Page 56</p> <p>1 discussions that the board had considering denial of Mr. 2 Mott's application? 3 MS. GRANT: Object to the form. Predicate. 4 Compound. 5 BY MR. ARORA: 6 Q. You can respond. 7 A. Okay. Certainly there would have been concerns 8 about Dave. I do not remember specific conversations 9 about legal entanglement. We all felt, we all felt that 10 we -- we all had sympathy for the position Dave was in 11 but we felt we had a backup buyer. 12 Q. Do you know what a lis pendens is? 13 A. I do not. 14 Q. Were you aware at any time prior to leaving the 15 board that because of the pending lawsuit, that Mr. Gury 16 cannot sell his property? 17 MS. GRANT: Object to the form. 18 BY MR. ARORA: 19 Q. You can respond. 20 A. No. 21 Q. Do you know if the board in any of its executive 22 meetings or regular board meetings discussed that issue? 23 A. Not when I was on the board. 24 MR. ARORA: So if I can get like a two-minute 25 break, I might be wrapping up. Thank you.</p>
<p style="text-align: right;">Page 55</p> <p>1 Mr. Filshinski to not be able to have such contingencies 2 be met? 3 A. I don't know. 4 Q. So from what you know of or what you may 5 remember, what did the association do to pursue providing 6 Mr. Gury with a substitute purchase contract upon denial 7 of Mr. Mott's application? 8 A. I believe they contacted Andrea Chang to find out 9 who the backup buyers were. 10 Q. And based on your prior testimony, was that the 11 Souaids or were those backup buyers, Mr. and Mrs. 12 Souaid? 13 A. Yes. 14 Q. Did -- were there any discussions or did the 15 board consider that Mr. Gury could incur damages upon 16 rejection of Mr. Mott's application? 17 A. I don't remember. Dave is a friend. He's a 18 fellow resident. Certainly there would have been 19 concern. I don't know if there were discussions about 20 it. 21 Q. So you don't remember any such discussions 22 pertaining to problems that Mr. Gury could encounter in 23 connection with being entangled in a lawsuit, such as 24 this one, or having force to pay the carrying costs 25 because he's entangled in litigation as part of the</p>	<p style="text-align: right;">Page 57</p> <p>1 (A discussion was held off the record.) 2 (A brief recess was taken from 11:31 a.m. to 3 11:32 a.m.) 4 MR. ARORA: Thank you, Ms. Engel. I don't have 5 anymore questions. 6 MS. GRANT: I don't have any as well. If 7 ordered, we'll read. 8 MR. LIBERTY: I'm going to order. 9 THE COURT REPORTER: Would anybody like a copy? 10 MS. GRANT: I'm not going to order. 11 MR. ARORA: We are not ordering at this time 12 either. 13 MS. GRANT: Thank you so much for your time. 14 (The deposition was concluded at 11:34 a.m.) 15 16 17 18 19 20 21 22 23 24 25</p>

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<p>1 WITNESS NOTIFICATION LETTER</p> <p>2</p> <p>3 DATE: 09/06/2023</p> <p>4 KRISTINA ENGEL c/o</p> <p>5 COLE, SCOTT & KISSANE, P.A.</p> <p>6 222 LAKEVIEW AVENUE</p> <p>7 SUITE 120</p> <p>8 WEST PALM BEACH, FLORIDA 33401</p> <p>9 561-383-9226</p> <p>10 ANIKA.GRANT@CSKLEGAL.COM</p> <p>11 ATTENTION: ANIKA C. GRANT, ESQUIRE</p> <p>12 IN RE: GEOFFREY T. MOTT, individually v INLET PLAZA</p> <p>13 CONDOMINIUM ASSOCIATION, INC., a Florida corporation,</p> <p>14 DAVID J. GURY, individually, and Ron Early</p> <p>15 Deposition taken on: August 28, 2023</p> <p>16 U.S. Legal Support JOB NO: 6421936-001</p> <p>17</p> <p>18 The transcript of the above proceeding is now available</p> <p>19 for your review.</p> <p>20 Please call 305-373-8404 to schedule an appointment</p> <p>21 between the hours of 9:00 a.m. and 4:00 p.m., Monday</p> <p>22 through Friday.</p> <p>23 Please complete your review within 30 days.</p> <p>24</p> <p>25 Sincerely,</p> <p>26</p> <p>27 Donna Gunion, Florida Professional Reporter</p> <p>28</p> <p>29 U.S. Legal Support, Inc.</p> <p>30 16825 Northchase Drive</p> <p>31 Suite 900</p> <p>32 Houston, TX 77060-6004</p> <p>33</p> <p>34 Cc via transcript:</p> <p>35 STEVEN M. LIBERTY, Esq.</p>	<p>1</p> <p>2</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</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 59</p> <p>1 E R R A T A S H E E T</p> <p>2 IN RE: GEOFFREY T. MOTT, individually V INLET PLAZA</p> <p>3 CONDOMINIUM ASSOCIATION, INC., a Florida corporation,</p> <p>4 DAVID J. GURY, individually, and Ron Early</p> <p>5 DEPOSITION OF: KRISTINA ENGEL TAKEN: August 28, 2023</p> <p>6</p> <p>7 Taken By: DONNA GUNION JOB NO. 6421936-001</p> <p>8</p> <p>9 DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE</p> <p>10 PAGE # LINE # CHANGE REASON</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 Please forward the original signed errata sheet to this</p> <p>21 office so that copies may be distributed to all parties.</p> <p>22</p> <p>23 Under penalty of perjury, I declare that I have read my</p> <p>24 deposition and that it is true and correct subject to any</p> <p>25 changes in form or substance entered here.</p> <p>26</p> <p>27 DATE: _____</p> <p>28</p> <p>29 SIGNATURE OF DEPONENT: _____</p>	<p>Page 61</p> <p>1 CERTIFICATE OF OATH</p> <p>2</p> <p>3 THE STATE OF FLORIDA)</p> <p>4 COUNTY OF MIAMI-DADE)</p> <p>5</p> <p>6 I, Donna Gunion, Florida Professional Reporter,</p> <p>7 Notary Public, State of Florida, certify that KRISTINA</p> <p>8 ENGEL appeared via Zoom on the 28th day of August, 2023</p> <p>9 and was duly sworn.</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</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

CERTIFICATE OF REPORTER

THE STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, Donna L. Gunion, Florida Professional Reporter and Notary Public in and for the State of Florida at large, do hereby certify that I was authorized to and did stenographically report the deposition of KRISTINA ENGEL in the foregoing proceedings and was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; that said proceedings were taken before me at the time and place therein set forth and is a true record of my stenographic notes.

I further certify that I am neither a relative, employee, attorney or counsel of any of the parties, nor am I relative or employee of any of the parties or connected with the action, nor am I financially interested in the action.

In witness whereof, I have hereunto subscribed my name.

DATED: 09/06/2023, at Miami, Dade-County,
Florida.



Donna L. Gunion, FPR
Florida Professional Reporter

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