

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

BETH SAFFER and ARTHUR ROBINS,
individually and on behalf of others similarly
situated,

Plaintiffs,

Case No.: 50-2023-CA-015733

v.

SANDRA KLIMAS, ROBERT THOM, aka
ROB THOM, ANTHONY DiGENNARO,
ROBERT STERN aka BOB STERN,
THOMAS ALDRIDGE, ROCHELLE
COHEN, YAHUDA ISRAEL, aka JANICE
SMITH aka TIRTZHAH ISRAEL,
CHARLES COHN, NUMBER 2
CONDOMINIUM ASSOCIATION - PALM
GREENS AT VILLA DEL RAY, INC.,
BECKER BALLOT, aka
BECKERBALLOT.COM, and BECKER &
POLIAKOFF, P.A.,

Defendants.

**DEFENDANTS' SUPPLEMENTAL BRIEF IN SUPPORT OF THEIR MOTION FOR
CASE MANAGEMENT CONFERENCE AND ENTRY OF DISCOVERY PLAN**

Defendants, SANDRA KLIMAS, ROBERT THOM, ANTHONY DiGENNARO, and
ROBERT STERN (hereinafter "Defendants"), by and through their undersigned counsel, and
pursuant to Fla. R. Civ. P. 1.310 and this Court's inherent authority to manage its affairs, hereby
files this Supplemental Brief in Support of Their Motion for Case Management Conference to
Discuss the Entry of a Discovery Plan. In support thereof, Defendants state as follows:

1. Despite pleadings being open, and it being Defendants' position that Plaintiffs
currently operative pleading fails to allege a cognizable cause of action that would warrant judicial

relief, the Parties have agreed that discovery could proceed upon the issue of alleged malfeasance¹.
See January 3, 2024, Order attached hereto as **Exhibit “A.”**

2. Plaintiffs have thus far deposed four (4) persons in an effort to try and uncover alleged malfeasance committed by Defendants, namely: (1) Marge Fattori; (2) Majorie Kurinsky; (3) Susan Herman; and (4) Mark Sokol.

3. Marge Fattori’s deposition revealed that she has held no position of leadership in the Palm Greens Community and had no knowledge concerning any of the merits of this case. It quickly became clear at Ms. Fattori’s deposition that she was being deposed because she was running against Plaintiff Arthur Robins for a position on the Palm Greens at Villa Del Ray Recreation Condominium Association, Inc. (the “Rec Association”) Board of Directors. Indeed, the entirety of the questions directed towards her by Plaintiffs’ attorney, Elad Bowin, concerned her resume/position statement in support of her candidacy, which challenged the way Mr. Robin’s led the Rec Association as its President. *See* Fattori Dep. Tr. attached hereto as **Exhibit “B.”**

4. Following Ms. Fattori’s deposition testimony, Plaintiff Arthur Robins utilized his position as the Palm Greens at Villa Del Ray Recreation Condominium Association, Inc. President to publicly attack Ms. Fattori, and even threatened her with a lawsuit. *See* e-mail correspondence attached hereto as **Exhibit “C.”**

5. Plaintiffs next deposed Majorie Kurinsky. Ms. Kurinsky was previously on the Board of Directors for Number 1 Condominium Association – Palm Greens at Villa Del Ray, Inc. (the “Number 1 Association”), a non-party to this lawsuit. Ms. Kurinsky was also the liaison between the Number 1 Association and the Palm Greens Condominium Association (“PGCA”)

¹ This agreement was reached among the parties before Plaintiffs filed an Amended Complaint, aggressively expanding the scope of the alleged lawsuit and adding eight (8) new co-defendants. Nevertheless, Defendants have stood by their agreement.

until it was dissolved in January 2024. The primary purpose of her deposition concerned the PGCA, with very few questions concerning the allegations found in Plaintiffs' Amended Complaint. *See* Kurinsky Dep. Tr. attached hereto as **Exhibit "D."**

6. During Ms. Kurinsky's deposition, it was evident she had no knowledge about the allegations contained within Plaintiffs' Amended Complaint. *Id.* When asked why she was subpoenaed to provide testimony if she had no information about the lawsuit, Ms. Kurinsky said she did not want to face retaliation before beginning to cry and stating that she could not finish answering this question. *Id.*

7. Susan Herman was also deposed. Ms. Herman is a prior Board of Director on the Number 2 Condominium Association – Palm Greens at Villa Del Ray, Inc. (the "Number 2 Association") Board. During her testimony, it was evident that she also had no information concerning the actual merits of this litigation. *See* Herman's Dep. Tr. attached hereto as **Exhibit "E."**

8. Finally, Plaintiffs deposed Mark Sokol, a recent addition to the Number 1 Board of Directors, having been appointed to the Number 1 Board in October 2023. The entirety of Plaintiffs' questioning of Dr. Sokol focused on the allegations in a lawsuit filed in Miami-Dade County concerning related facts and circumstances: *Palm Greens Recreation Condominium Association, et al v. Klimas, et al*, Case No. 2023-027942-CA-01. Plaintiffs' counsel did not ask Dr. Sokol a single question about any purported malfeasance by Defendants, possibly because Dr. Sokol testified that he did not know who any of the Defendants are and had never met any of them.²

² Dr. Sokol was deposed on February 5, 2024. As such, Dr. Sokol's deposition has not yet been transcribed. Undersigned counsel can file Dr. Sokol's deposition transcript under separate cover once received.

9. Ultimately, Dr. Sokol had no knowledge about any of the allegations contained in Plaintiffs' Amended Complaint against Defendants, and he testified he was likely subpoenaed because Lisa DeFabritiss, who is on the Condo 2 Board, does not like him and this deposition was retribution.

10. Oddly enough, the relationship between Plaintiffs' counsel, Elad Botwin, and Mr. Sokol became an issue nearly three (3) hours into the deposition. At one point during the deposition, Mr. Botwin indicated he did not represent Dr. Sokol and was not Dr. Sokol's attorney while Dr. Sokol seemed to believe otherwise. However, later, after lunch, Mr. Botwin stated that Dr. Sokol, as a Board of Director on the Number 1 Association Board, was included as a client in the scope of Mr. Botwin's representation of the Number 1 Association. Thus, Dr. Sokol's deposition was the result of Mr. Botwin subpoenaing his own client or his client's own board member. Despite this, Mr. Botwin still asked Dr. Sokol questions about the scope of the Miami litigation and conversations they had together, including Dr. Sokol's confusion with the Number 1 Association's litigation strategy in the Miami lawsuit.

11. More egregious to the administration of justice in this case is the role Mitchell J. Stein appears to be playing. Dr. Sokol testified that during a meeting with himself, Mr. Botwin, and Mr. Stein, there were legal questions that Dr. Sokol asked Mr. Botwin and that Mr. Botwin deferred to Mr. Stein. While on its face this may not be an issue, but Mr. Stein is a convicted felon³ that was previously licensed to practice law in California before being disbarred on April 23, 2022.⁴ Incredibly, Dr. Stein testified that he asked Mr. Stein if he was a licensed attorney, and Mr. Stein responded that, "its complicated." It was this answer by Mr. Stein that led Dr. Sokol to investigate

³ <https://www.justice.gov/criminal/criminal-vns/case/united-states-v-mitchell-j-stein>

⁴ <https://apps.calbar.ca.gov/attorney/Licensee/Detail/121750>

Mr. Stein, resulting in him discovering that the truth is not complicated: Mr. Stein is not a licensed attorney because he has been disbarred following a felony conviction.

12. Undersigned counsel appreciates that the scope of discovery can be fairly expansive and broad. However, after four (4) depositions, Plaintiffs counsel has failed to ask any meaningful questions about the merits of this litigation. Rather, it appears as if Plaintiff Arthur Robins and disbarred attorney Mitchell J. Stein are utilizing their lawyers to torment and terrorize Members of the Palm Greens Community.

WHEREFORE, SANDRA KLIMAS, ROBERT THOM, ANTHONY DiGENNARO, and ROBERT STERN, respectfully requests this Honorable Court schedule a Case Management Conference for the purpose of developing a discovery procedure so that discovery may proceed timely and appropriately, while also ensuring the due process rights of all parties are protected, and for any other relief this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 6th day of February, 2024, a copy of the foregoing document was filed via Florida Court's E-Portal Filing service, which will transmit electronic copies to all counsel of record.

Respectfully submitted,

/s/Kevin Yombor

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Counsel for Defendants

CERTIFICATE OF CONFERRAL

Prior to filing the January 25, 2024, Motion, undersigned counsel exchanged multiple e-mail correspondence with El'ad Botwin concerning, among other matters, scheduling the depositions of Klimas, Thom, DiGennaro, and Sterns. Specifically, the conversations concerned whether these depositions should proceed in early-to-mid February or delay the depositions 2-3 weeks. Despite offering for a 2-3 week extension, when undersigned counsel sought to secure dates for depositions for dates after February 22, 2024, Mr. Botwin objected and indicated he would proceed as planned. The referenced case law was provided to Mr. Botwin in response to his demand and was rejected. Previous efforts to meet and confer on issues with Mr. Botwin have proven unsuccessful, as he has indicated that he does not generally have the final say on matters. As such, given past experience with conferral conferences with Mr. Botwin, and his hardline stance, as set forth in the previously attached e-mails, undersigned counsel believes a good faith conferral was made without the parties being able to reach a resolution of the issues.

/s/Kevin Yombor

Kevin P. Yombor, Esq.

EXHIBIT A

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

BETH SAFFER and ARTHUR ROBINS,
individually and on behalf of others similarly
situated,

Plaintiff,

Case No.: 50-2023-CA-015733

v.

SANDRA KLIMAS, an individual;
ROBERT THOM aka ROB THOM, an
individual; ANTHONY DiGENNARO, an
individual; and ROBERT STERN aka BOB
STERN, an individual,

Defendants.

AGREED ORDER CONCERNING JANUARY 3, 2024, HEARING

THIS CAUSE came before the Court on January 3, 2024, upon Defendants' Motion to Dismiss, Continued Hearing on Defendants' Motion for Protective Order, and Defendants' *Ore Tenus* Emergency Motion regarding Recent Email Communication. This Court, having reviewed the papers, noting the agreement of the Parties, and being otherwise apprised of the matters before it:

ORDERS AND ADJUDGES as follows:

1. Defendants' Motion to Dismiss is denied as moot. Plaintiffs have agreed to file an Amended Complaint on or before January 12, 2024.
2. Defendants' Motion for Protective Order is denied as moot based upon the Parties' agreement to reschedule Robert Stern's deposition to occur on January 22, 2024. The Parties have agreed that discovery may proceed upon the issue of alleged malfeasance.

3. Defendants' *Ore Tenus* Emergency Motion regarding Recent Email Communication is withdrawn based upon the Parties' agreement to work to resolve the issues.

DONE AND ORDERED in West Palm Beach, Palm Beach County, Florida



502023CA015733XXXAMB 01/04/2024
Carolyn Bell Circuit Judge
ADMINISTRATIVE OFFICE OF THE COURT

502023CA015733XXXAMB 01/04/2024
Carolyn Bell
Circuit Judge

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: "AF"

CASE NO. 502023CA015733XXXAMB

BETH SAFFER and ARTHUR
ROBINS, individually and on
behalf of others similarly
situated,

Plaintiffs,

-vs-

SANDRA KLIMAS, an individual;
ROBERT THOM aka ROB THOM, an
individual, ANTHONY
DiGENNARO, an individual; and
ROBERT STERN aka BOB STERN,
an individual,

Defendants.

Zoom Videoconference,
Palm Beach, Florida,
Tuesday, 10:05 a.m.,
January 23, 2024.

DEPOSITION

of

MARJORIE FATTORI
taken on behalf of the Plaintiffs
pursuant to a Subpoena Duces Tecum for Deposition

[VIA ZOOM]

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[Thereupon, all parties hereunder
appeared remotely pursuant to Florida
Supreme Court Order AOSC20-23 and the
following proceedings were had:]

THE COURT REPORTER: Marge, may I see
your I.D. before we get started, please?

[Whereupon, the witness presented a
valid Florida Driver's License and identity
was verified.]

THE COURT REPORTER: Thank you.

Raise your right hand, please.

[Witness complies.]

THE COURT REPORTER: Do you solemnly
swear or affirm that the testimony you
shall give in this cause will be the truth,
the whole truth, and nothing but the truth
so help you God?

THE WITNESS: I do.

THE COURT REPORTER: Thank you.

MR. YOMBOR: All right. Do we want to
make appearances real quick?

MR. BOTWIN: Yes. Yes, I think we
should do that.

My name is Elad Botwin.

I am appearing on behalf of plaintiffs

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1 APPEARANCES:

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ALSO PRESENT:

SANDRA KLIMAS
ROBERT THOM
ANTHONY DiGENNARO
ROBERT STERN

INDEX OF EXAMINATION

WITNESS DIRECT CROSS REDIRECT RECROSS

MARJORIE FATTORI

[BY MR. BOTWIN]

6

[BY MR. YOMBOR]

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for the law firm SMGQ law.

MR. YOMBOR: My name is Kevin Yombor.

I represent defendants Sandra Klimas,
Robert Thom, Anthony DiGennaro and Bob
Stern.

I at least want to state on the record
that I'm not going to object to every
single question, but I do want to put a
standing objection on all questions here,
as well, given the fact that this
deposition is going forward.

An amended complaint was filed on
January 16.

The additional defendants, none of
those defendants are here. I don't even
know if any of them have even been made
aware of this deposition.

Florida Rule of Civil Procedure 1.310
requires leave of Court if the plaintiff
seeks to take a deposition within 30 days
after service of process and the initial
pleading on any defendant.

I don't believe that leave was ever--I
know for a fact that leave was never
sought.

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<div>5</div> <div> <p>1 We also have Brown versus Tanner, 164</p> <p>2 So.2d 848, First DCA case from 1964, as</p> <p>3 well as Bank of Montreal versus Estate of</p> <p>4 Antoine, A-n-t-o-i-n-e. That's 86 So.3d</p> <p>5 1262, that's a Fourth DCA, which holds that</p> <p>6 if the defendant does not have the right to</p> <p>7 cross-examine a witness that that</p> <p>8 deposition testimony may not be used</p> <p>9 against them.</p> <p>10 So if we are required to show back up</p> <p>11 at another deposition of Miss--Chef Marge</p> <p>12 because one of the other defendants were</p> <p>13 not properly noticed we will be seeking our</p> <p>14 fees and costs from the plaintiff for not</p> <p>15 following the proper procedure.</p> <p>16 So, notwithstanding that, I just</p> <p>17 wanted to put that on the record, but the</p> <p>18 show is yours.</p> <p>19 MR. BOTWIN: Okay. Thank you. That</p> <p>20 is noted and I will proceed now.</p> <p>21</p> <p>22</p> <p>23 [Intentionally left blank.]</p> <p>24</p> <p>25</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p> </div>	<div>7</div> <div> <p>1 transcript is, of course, still important.</p> <p>2 So, please make sure to answer audibly instead</p> <p>3 of nods or "mm-hmm" or other sounds.</p> <p>4 Will that be okay with you?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Sounds good.</p> <p>7 And it sounded like you had the idea already.</p> <p>8 Which does remind me: Have you ever had your</p> <p>9 deposition taken before, Miss Fattori?</p> <p>10 A. No.</p> <p>11 Q. Okay. Just as a quick procedural: Are you</p> <p>12 under the influence of any medications or substances that</p> <p>13 may impede your ability to give testimony today?</p> <p>14 A. No.</p> <p>15 [The Subpoena Duces Tecum referred to</p> <p>16 below was marked for identification as</p> <p>17 Exhibit No. 1.]</p> <p>18 BY MR. BOTWIN:</p> <p>19 Q. Okay. Thank you.</p> <p>20 Before I go into the substantive questioning</p> <p>21 I'm going to quickly show you the subpoena that was</p> <p>22 served on you and the document production requirements</p> <p>23 that were attached to said subpoena.</p> <p>24 And, as you probably know, this is what was</p> <p>25 served on you.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p> </div>
<div>6</div> <div> <p>1 Thereupon:</p> <p>2 MARJORIE FATTORI</p> <p>3 was called as a witness and, having been duly sworn, was</p> <p>4 examined and testified as follows:</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. BOTWIN:</p> <p>7 Q. Good morning, Miss Fattori.</p> <p>8 And, just to start, could you please state and</p> <p>9 spell your name for the record?</p> <p>10 A. Yes. Marjorie Fattori.</p> <p>11 M-a-r-j-o-r-i-e, F-as in Frank-a-t-t-o-r-i.</p> <p>12 Q. Okay. And you are here pursuant to a subpoena</p> <p>13 served on you.</p> <p>14 Do you understand that?</p> <p>15 A. Yes.</p> <p>16 Q. And I'm going to ask a few quick procedural</p> <p>17 questions before we get into this.</p> <p>18 First, the oath that you were just given by the</p> <p>19 court reporter is the same kind of oath you will receive</p> <p>20 in a courtroom with the judge present.</p> <p>21 Do you understand what I'm saying with that?</p> <p>22 A. Yes.</p> <p>23 Q. Please note that the court reporter cannot</p> <p>24 transcribe nods of the head and although this is a--you</p> <p>25 know, you can see on Zoom, this deposition, the</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p> </div>	<div>8</div> <div> <p>1 And I will now attach as Exhibit 1 to this</p> <p>2 transcript that subpoena.</p> <p>3 And let me pull it up real quick.</p> <p>4 This is the subpoena.</p> <p>5 Please confirm if you can see this on your</p> <p>6 screens?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Great.</p> <p>9 Now, as of today our offices have not received</p> <p>10 any documents from you as were requested in the subpoena,</p> <p>11 and my first question is to say with that: First</p> <p>12 question is: Do you have any documents with you today?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. Have you sent any documents to my office</p> <p>15 or in the process of doing so?</p> <p>16 A. No.</p> <p>17 Q. Okay. Thank you.</p> <p>18 I'm going to just scroll down through these</p> <p>19 requests real quick and then ask a few quick questions.</p> <p>20 I would like to first ask why you don't have</p> <p>21 any documents with you today?</p> <p>22 A. Because I routinely do not keep emails for</p> <p>23 longer than 7 to 10 days; any emails that I receive.</p> <p>24 Q. So, what you are saying is that you delete</p> <p>25 emails in every 7 to 10 days or emails that are---</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p> </div>

1 A. Yes.

2 Q. Okay.

3 So, in other words, if you had any emails that
4 were responsive to these requests they would be no older
5 than about ten days?

6 A. That would be correct.

7 Q. Okay. And how long has it been your personal
8 policy, I suppose, to delete emails every 7 to 10 days?

9 A. Years.

10 Q. Okay. But, in any case, you've certainly been
11 doing it before, say, November of last year?

12 A. Yes.

13 Q. And before 2022?

14 A. Before '21; before 2022.

15 Q. Okay. Thank you.

16 I just wanted to make sure I'm extra clear and
17 I'm not missing anything here.

18 Okay. Now, let me check this.

19 I will now ask with respect to these requests
20 that are on your screen: Did you search for documents
21 regarding or relating to each of these requests?

22 A. Yes, I did. I searched all the boxes--the
23 in-box, the--all mail; the trash, the spam, everything in
24 the emails and there's nothing in there.

25 There's nothing in there prior to--the only
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1 that helps a lot.

2 And I do appreciate your reaction to preserve
3 anything that you received upon receipt of the subpoena.

4 Let me just check my notes and see if there's
5 anything I want to ask further about the document
6 production since I think you've pretty much covered what
7 I wanted to learn about.

8 I just have a few quick questions regarding--I
9 guess these documents may no longer be in existence since
10 you say that you delete anything from before the date of
11 the subpoena with the exception of the documents related
12 to the purchase of your home in 2021, and I just want to
13 ask a few quick questions about documents that were
14 called for via subpoena.

15 And, first of all, I'd like to ask: Have you
16 ever emailed Rob Thom?

17 A. Yes.

18 Q. And has Mr. Thom ever emailed you?

19 A. Yes.

20 Q. Have you ever emailed Sandra Klimas?

21 A. No.

22 Q. Has Miss Klimas ever emailed you?

23 A. No.

24 Q. Have you ever emailed Mr. Kevin Yombor, the
25 attorney sitting here today?

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1 thing that's in there, and I'll tell you exactly what it
2 is, 'cause from 2021 and it's documents pertaining to the
3 purchase of this home that I was buying when I was moving
4 down here to Florida.

5 Q. Okay. And that, I guess, would be considered
6 personal in nature?

7 A. Yes, it would.

8 Q. Okay. And your purchase did not--did it
9 involve the Boards, either of Condo---

10 A. No, it didn't.

11 Q. Okay. I just want to make sure. Thank you.

12 And you're saying that is the only document
13 that you found that may possibly bear on the requests
14 that were included in the subpoena?

15 A. No. That's not what I'm saying.

16 What I'm saying is that they're the only
17 documents that were in the emails that were dated prior
18 to the date of the subpoena.

19 Once I got the subpoena I stopped deleting any
20 emails, including bills, thank you for your payments, all
21 those kinds of things and--but prior to January 5th I was
22 cleaning out my emails on a regular basis, as I stated
23 before.

24 Q. Okay. Thank you.

25 And I do appreciate that clarification since
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1 A. No.

2 Q. Has Mr. Yombor ever emailed you?

3 A. No.

4 Q. Have you ever emailed Mr. Anthony Di — sorry.
5 Pardon me if I mispronounce — Anthony DiGennaro?

6 A. No.

7 Q. Has Mr. DiGennaro ever emailed you?

8 A. No.

9 Q. Have you ever emailed Susan Herman?

10 A. No.

11 Q. Has Miss Herman ever emailed you?

12 A. No.

13 Q. Have you ever emailed Thomas Aldrich?

14 A. No.

15 Q. Has Mr. Aldrich ever emailed you?

16 A. No.

17 Q. And I know the answer to this already, but just
18 to confirm, you have not produced any of the emails
19 between the folks that you did say that you've emailed
20 with which I believe is just Mr. Thom?

21 A. Correct.

22 Q. And those emails you say you delete them, I
23 guess, for--you're not a business, but it is in the
24 spirit of the regular course of business well before the
25 subpoena was served on you. Is that correct?

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<p>13</p> <p>1 MR. YOMBOR: Objection to the form.</p> <p>2 A. That's correct.</p> <p>3 BY MR. BOTWIN:</p> <p>4 Q. Okay. I'll stop sharing this screen since I</p> <p>5 think we've covered everything I would like to know with</p> <p>6 regard to your responses to the document requests.</p> <p>7 And I'm going to check my notes and then I</p> <p>8 think we'll be going into that resume real quick.</p> <p>9 I'm going to go back to this Exhibit 1 real</p> <p>10 quick with the document request, namely the document</p> <p>11 Request 9 to 12.</p> <p>12 They all call for a similar thing and I just</p> <p>13 want to--I'll read Number 9 which says, "Any and all</p> <p>14 documents appertaining or relating to any evidence you</p> <p>15 have in your possession, custody or control demonstrating</p> <p>16 in any way, shape or form that Rob Thom has not stolen or</p> <p>17 assisted in diverting money while he has been a member of</p> <p>18 the Board of Number 2 Condominium Association — Palm</p> <p>19 Greens at Villa del Ray, Incorporated, a Florida</p> <p>20 not-for-profit corporation.</p> <p>21 Now, with respect to this request I want to</p> <p>22 ask: Did you search for documents relevant to that</p> <p>23 request?</p> <p>24 MR. YOMBOR: Objection to that request</p> <p>25 and objection to the form of the question.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>15</p> <p>1 ask: Are the answers you just gave me with respect to</p> <p>2 Request Number 9, would they be the same for the others?</p> <p>3 A. Yes, they would.</p> <p>4 MR. YOMBOR: Objection to the form.</p> <p>5 [The Resume referred to below was</p> <p>6 marked for identification as Exhibit No.</p> <p>7 2.]</p> <p>8 BY MR. BOTWIN:</p> <p>9 Q. Okay. I will stop sharing the screen.</p> <p>10 And bear with me for a moment while I pull up</p> <p>11 that resume.</p> <p>12 I'm attaching this as Exhibit 2 to the</p> <p>13 transcript.</p> <p>14 This is a resume that you submitted in</p> <p>15 connection with the board.</p> <p>16 A. Yes.</p> <p>17 Q. And the first question I would like to ask is:</p> <p>18 Have you ever seen this document before, Miss Fattori?</p> <p>19 A. I wrote this document.</p> <p>20 Q. Well, that answers my second question.</p> <p>21 But, just to be clear, who prepared this</p> <p>22 document?</p> <p>23 A. I did.</p> <p>24 MR. YOMBOR: Eli, can I make a quick</p> <p>25 inquiry, just could I make a quick notice</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>14</p> <p>1 But, go ahead. You can answer.</p> <p>2 BY MR. BOTWIN:</p> <p>3 Q. To clarify, I'm asking: Did you search for any</p> <p>4 documents that would be responsive to that request?</p> <p>5 A. I searched for documents, as I stated before.</p> <p>6 That request, I would have no knowledge of any</p> <p>7 of that, or documents pertaining to any of that.</p> <p>8 Q. Okay. So--</p> <p>9 A. In any way, shape or form.</p> <p>10 Q. Got it. So your testimony is that you don't</p> <p>11 have any documents relating to that request?</p> <p>12 MR. YOMBOR: Objection.</p> <p>13 A. Correct.</p> <p>14 BY MR. BOTWIN:</p> <p>15 Q. And that you would not--and you're also saying</p> <p>16 that you have no knowledge of the matters relating to</p> <p>17 that request?</p> <p>18 A. Correct.</p> <p>19 MR. YOMBOR: Objection to the form of</p> <p>20 the last question.</p> <p>21 BY MR. BOTWIN:</p> <p>22 Q. All right. And for the Request 10, 11 and 12</p> <p>23 that call for the same thing, but regarding different</p> <p>24 defendants.</p> <p>25 So, just for sake of the record, I'm going to</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>16</p> <p>1 for the record?</p> <p>2 The highlation, is that part of the</p> <p>3 original document, or is that post?</p> <p>4 MR. BOTWIN: No. I don't think so.</p> <p>5 BY MR. BOTWIN:</p> <p>6 Q. Actually, Miss Fattori, is the highlighting</p> <p>7 original or not?</p> <p>8 A. It's original to my resume for running for</p> <p>9 board through this year.</p> <p>10 Q. Okay. So you're saying that you did apply this</p> <p>11 highlighting yourself?</p> <p>12 A. Yes, I did.</p> <p>13 Q. Okay. Thank you.</p> <p>14 MR. BOTWIN: Thank you, Kevin. That</p> <p>15 clears things up.</p> <p>16 BY MR. BOTWIN:</p> <p>17 Q. Did you have any help in preparing this resume,</p> <p>18 Miss Fattori?</p> <p>19 A. I had some conversations with other people,</p> <p>20 yes.</p> <p>21 Q. Would you be able to tell me who those people</p> <p>22 were?</p> <p>23 A. I had conversations with Rob Thom concerning my</p> <p>24 running for the board.</p> <p>25 Q. Did you speak to anybody else with respect to</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 preparing this resume?

2 **A. No.**

3 **Q.** Would I be correct to say that Mr. Thom

4 assisted you in preparing this resume?

5 **A. If you mean assisted by writing it, no, that**

6 **would not be correct.**

7 **Q.** Okay. Did he assist you in terms of

8 information that you've put on this resume?

9 **A. Yes.**

10 **Q.** Okay. Thank you.

11 Would you be able to specify which parts of the

12 resume that he provided you information in connection to?

13 **A. He told me about the Rec Board using consent**

14 **documents to push things through without all of the board**

15 **knowing about it.**

16 **Q.** Okay.

17 **A. In so many--in so many words.**

18 **Q.** I understand.

19 So would I be correct that the highlighted

20 section here that reads, "Rec Board Association documents

21 have been altered without a public vote, consent forms

22 are used to push through topics and agendas, again

23 without a public vote." That was a statement made with

24 information from Mr. Thom?

25 **A. That was a decision I made to put that**
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1 **statement in there with information I was given.**

2 **Q.** Okay. Thank you.

3 I would like to ask: Did you produce any

4 documents that--or, I'm sorry.

5 Did you produce any copies of the documents

6 that you say were altered without a public vote?

7 **MR. YOMBOR: Objection.**

8 **A. No.**

9 **BY MR. BOTWIN:**

10 **Q.** Do you know of the existence of those

11 documents?

12 **A. No, I don't.**

13 **Q.** Are you aware of any particular documents that

14 you say were altered without a public vote?

15 **A. No.**

16 **Q.** Now, with respect to that, to your knowledge,

17 do you know who was involved in altering these Rec Board

18 documents without a public vote?

19 **A. The president of the Rec Board, Mr. Robins.**

20 **Q.** Okay. And is there anybody else that you

21 suspect may have been involved in altering the Rec Board

22 Association's documents without a public vote?

23 **MR. YOMBOR: Objection to the form of**

24 **the question.**

25 **THE WITNESS: I'm sorry. I didn't**
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1 hear what he said.

2 **MR. YOMBOR: For me or for Eli?**

3 **THE WITNESS: For you, Kevin.**

4 **MR. YOMBOR: Oh. Oh, I just objected**

5 **to the form of the question, but you can**

6 **still answer the question.**

7 **A. I would suspect other members of the Rec Board**

8 **whose names I don't know.**

9 **BY MR. BOTWIN:**

10 **Q.** Okay. Thank you. That would answer my

11 immediate question of who do you think...

12 All right. Thank you.

13 Do you believe that Rob Thom could have been

14 one of them?

15 **A. He was not on, on the Rec Board.**

16 **Q.** Okay. Thank you.

17 And, again, the one person that you can name in

18 your belief that Rec Board documents have been altered

19 without a public vote is Art Robins. Is that correct?

20 **A. That's correct.**

21 **Q.** And I think I asked--actually, it's kind of

22 related to my previous questions, but would you be able

23 to describe exactly what documents were altered without a

24 public vote?

25 **A. No.**
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1 **Q.** Can you give me any idea of what documents you

2 think were altered without a public vote?

3 **MR. YOMBOR: Objection to the form of**

4 **the question.**

5 **A. Not at this time.**

6 **BY MR. BOTWIN:**

7 **Q.** And with respect to the altering of documents,

8 Rec Board documents without a public vote, is this an

9 allegation that you believe in good faith?

10 Or, let me rephrase.

11 Do you have a good faith belief that Rec Board

12 documents have been altered without a public vote?

13 **MR. YOMBOR: Objection to the form of**

14 **the question.**

15 **BY MR. BOTWIN:**

16 **Q.** If you understand you may answer.

17 **A. Repeat the question.**

18 **Q.** Do you believe in good faith that Rec Board

19 documents have been altered without a public vote?

20 **MR. YOMBOR: Same objection.**

21 **A. Yes, I do.**

22 **BY MR. BOTWIN:**

23 **Q.** And as you sit here today you still stick by

24 that statement that you made in the resume.

25 Is that correct?
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1 A. Yes.

2 Q. Have you told people in the community of this
3 opinion regarding Rec Board documents being altered
4 without a public vote?

5 MR. YOMBOR: Objection to the form of
6 the question.

7 A. **Well, being that everyone in the community got
8 this resume with their package to vote, I would say yes.**

9 BY MR. BOTWIN:

10 Q. Okay. Sounds good.

11 Okay. Then I'll move on to another--actually,
12 it's kind of part of what we covered, but I want to go
13 toward the matter with the consent forms specifically.

14 And specifically in your resume you state that,
15 quote, "Consent forms are used to push through topics and
16 agendas, again without a public vote." End quote.

17 I'd first like to ask: Did you produce these
18 consent forms today?

19 A. No.

20 Q. Have you ever seen those consent forms?

21 A. **No, I have not.**

22 Q. Did you ever have possession of those consent
23 forms?

24 A. **No, I have not.**

25 Q. Do you know why you have never seen those
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1 consent forms before?

2 MR. YOMBOR: Objection to the form of
3 that question.

4 A. No.

5 BY MR. BOTWIN:

6 Q. Miss Fattori, I'd like to ask what topic and
7 agendas, to your knowledge, have been pushed through
8 without a public vote?

9 A. **I believe at one time the rules and regulations
10 were rewritten and that was not done in the public forum.**

11 Q. Could you tell me more of it?

12 I guess to start: When did this happen?

13 A. **This was back in 2022, I believe.**

14 Q. Okay. And, to your knowledge, what was the
15 effects of this revision of rules and regulations?

16 A. **Effects on who? The community?**

17 **It was the Rec Board's rules and regulations
18 were rewritten.**

19 **They were passed, pushed through, whatever, and
20 an email was sent out community-wise from the Rec Board
21 saying that the rules and regulations have been rewritten
22 and here's a copy of them. Please read them and comply
23 with them 'cause they will be enforced.**

24 Q. Is that the only topic or agenda that was
25 passed without public vote to the best of your

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1 recollection?

2 A. **It's one I know about, yes.**

3 Q. Do you know who was seated on the Rec Board at
4 that time in 2022 when this agenda was pushed through?

5 A. **I don't know anybody that was sitting on the
6 Rec Board, no.**

7 Q. Is there anybody in particular that you recall?

8 A. **I know Mr. Robins was on the Rec Board.**

9 **Offhand, I couldn't tell you who anybody else
10 was on the Rec Board at that time.**

11 Q. Okay. Thank you.

12 I'd like to go to another part of the resume
13 and then I think we'll be done or nearly done after that.

14 So, we won't be taking too much of your time.

15 So, it's clear on the resume that you state
16 that the community has fallen victim to false
17 information.

18 I can read to you the specific sentences, but
19 are all of those---

20 A. **I wrote it. I know what it says.**

21 Q. All right. There we go.

22 I will read it just for the sake of the record.

23 The first line I see is, quote, "We have let
24 ourselves become divided by gossip and false
25 information." End quote.

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1 The second quote is, "I do not think that the
2 best interest of this community is being represented by
3 the people that are spreading gossip and false
4 information and suing members of the board." End quote.

5 So I'd first just like to ask: What false
6 information are you aware of that the community has
7 fallen victim to?

8 A. **What I was referring to with the false
9 information was that, if you read the last line, about
10 the pro bono being free.**

11 **It's not--in my opinion, that is not an
12 entirely true statement. It's not going to be free.
13 Everybody's going to end up paying in the long run
14 through condo fees.**

15 Q. And, for the sake of the record, I will read
16 that line from the resume which is, quote, "They are
17 telling you that these lawsuits are pro bono, quote,
18 'free,' end quote, but as a reasonable person who can
19 logically think things through to the end, the end is the
20 community pays through our condo fees." End quote.

21 Have you produced any documents showing the
22 false information that you're referring to?

23 MR. YOMBOR: Objection. Asked and
24 answered.

25 A. **What--**

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1 BY MR. BOTWIN:

2 Q. Are you aware of--sorry.

3 A. **What documents would you think that I would**
4 **have?**

5 **That's my opinion of what's going on here in**
6 **the community.**

7 Q. Okay. Are you aware of any documents that
8 support what you believe is the false information?

9 A. **I'd probably say the lawsuit itself or**
10 **whatever--I have not seen the agreement that says this is**
11 **pro bono. But, again, this is my opinion as to what pro**
12 **bono actually means to the community.**

13 [The Verified First Amended Complaint
14 referred to below was marked for
15 identification as Exhibit No. 3.]

16 BY MR. BOTWIN:

17 Q. Okay. I am going to bring up one more exhibit
18 and then I think we'll be wrapping this up.

19 I will be bringing up Tab B as Exhibit 3 which
20 is the Amended Complaint currently on file in this case.

21 Here is the complaint on screen.

22 This is the First Amended Complaint in this
23 case and I'd just first like to ask as an initial matter:
24 Have you seen this document before?

25 A. **The amended one?**

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1 the complaint that contains that representation.

2 Now, my question, so we can wrap this up, is:

3 When speaking of the false information in your resume--
4 excuse me.

5 When you referred to false information in your
6 resume, would you consider that part of the false
7 information?

8 A. **No. That was not what I was referring to at**
9 **all.**

10 Q. Okay. Thank you.

11 MR. YOMBOR: If I may, real quickly, I
12 just would like to object to questions
13 related to this email for lack of predicate
14 as well as she's not a recipient of this
15 email. So...

16 MR. BOTWIN: All right.

17 MR. YOMBOR: I don't know if you still
18 have questions about it.

19 MR. BOTWIN: Okay.

20 A. **Gossip and false information is at the pool**
21 **with people saying, oh, somebody got a kickback, this**
22 **kind of stuff, all that kind of crap going around.**
23 **That's gossip and false information.**

24 **That's what I was referring to.**

25

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1 Q. Yes.

2 A. **No.**

3 Q. And have you seen the original initial
4 complaint?

5 A. **Yes. I saw the initial one.**

6 Q. Okay. So I'm going to show you the exhibits
7 attached to this complaint real quick.

8 And, namely, there's a portion where Mr. Thom
9 and Miss Klimas represent that the board and the
10 community, they had no financial problems in 2022.

11 So I'll bring you to the exhibits and you can
12 quickly look at them if you want to.

13 You can tell me when you want to move on to the
14 next page.

15 Sorry. I'm just getting down to the Exhibit 1.

16 Let me rotate this so you can actually read it.

17 There you go.

18 MR. YOMBOR: Eli, are you going to ask
19 her a question about this exhibit?

20 MR. BOTWIN: Yes. Yes.

21 BY MR. BOTWIN:

22 Q. So I did mention that Mr. Thom made
23 representations that Condo 2 was not in trouble
24 financially in 2022.

25 And I'm just showing you one of the exhibits to
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1 BY MR. BOTWIN:

2 Q. Okay. I appreciate the clarification. And I
3 will take that exhibit down.

4 That's all I have for there. I'm going to just
5 check if I have anything else to ask.

6 Let me just refer to my notes.

7 Just a quick thing with respect to your email.

8 Would you be able to tell me on the record your
9 email address?

10 A. **Chef Marge, C-h-e-f-m-a-r-g-e at Gmail dot com.**

11 Q. Are there any other email addresses that you
12 have used in the last five years?

13 A. **There's my work email address.**

14 Q. And that work email address, did you have any
15 communications with Mr. Thom through there?

16 A. **No. I don't believe he even knows that email.**

17 Q. Okay. And I think your answer will be the same
18 for the others.

19 So, just to make it quick: For the other
20 people I asked you about, Miss Klimas, Mr. Yombor, Mr.
21 DiGennaro, Miss Herman and Mr. Aldrich, you never had any
22 communications with them through your work email?

23 A. **No.**

24 Q. Okay. All right. Thank you.

25 I'd like to ask, especially in case that--since
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1 you said that you regularly delete emails before the
2 subpoena and we want to like try and rule out the
3 possibility that they haven't been completely lost.
4 We want to see if you would be willing to
5 stipulate for a subpoena to Google to check for emails at
6 your address?

7 MR. YOMBOR: I'm going to object to
8 that stipulation without seeing---

9 **A. And I'm not going to agree.**

10 MR. BOTWIN: Okay. That's fine.

11 Thank you.

12 I don't think I have any further
13 questions.

14 Kevin, if you want to ask Miss Fattori
15 anything, the ball is in your court.

16 MR. YOMBOR: Perfect. Yes, I do.

17 Thank you.

18 CROSS-EXAMINATION

19 BY MR. YOMBOR:

20 Q. Miss Fattori — may I call you Marge?

21 **A. Sure.**

22 Q. Can you please just tell us a little bit of
23 background about yourself? Who you are, where you came
24 from, what did you do for work?

25 Can I have kind of like a three-minute spiel of
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1 exactly who you are just in case this deposition
2 transcript needs to be read to a jury?

3 **A. Okay. I'm from New Jersey; born and raised in**
4 **New Jersey.**

5 **Worked for the State of New Jersey for 30 years**
6 **in the Superior Court. As a Supervising Senior Probation**
7 **Officer I supervised the judge's courtroom in family**
8 **Court.**

9 **I came to live full time here in Florida in**
10 **Delray Beach in 2021, after being familiar with the area**
11 **from coming back and forth to this area through 30 years**
12 **and decided that this is where I wanted to live when I**
13 **retired. I bought a home here in Palm Greens.**

14 **I liked the community.**

15 **I wanted to become more involved in the**
16 **community.**

17 **Since I got here in 2021 I've ran for the Rec**
18 **Board every year; and I've always had the same platform**
19 **that the Rec Board needs more transparency and more than**
20 **one open board meeting per year and more interaction with**
21 **the residents.**

22 **And that's it in a nutshell.**

23 Q. Thank you.

24 So you have never held a position on the Rec
25 Board. Correct?

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1 **A. No.**

2 Q. Have you ever held a position on the Palm
3 Greens Condo 2 Board?

4 **A. No.**

5 Q. Are you generally aware of the allegations made
6 by the plaintiffs in this lawsuit against our clients
7 Sandy, Rob, Bob and Anthony?

8 **A. In general, yes.**

9 Q. And there are--you know, candidly, I think
10 they're kind of still amass, but it does appear that
11 there are general allegations that Sandy, Rob, Bob and
12 Anthony, that they have stolen money from the Number 2
13 Association.

14 Are you aware of those allegations generally?

15 **A. I'm aware of them since the lawsuit was filed.**
16 **Prior to that, no.**

17 Q. Do you know of anything that would suggest that
18 those allegations are accurate?

19 **A. No, I do not.**

20 Q. There are also allegations that Bob, Rob, Sandy
21 and Anthony have stolen money from the Rec Association.

22 Are you aware of those allegations?

23 **A. That--no. That one I wasn't.**

24 Q. Do you know of anything, any evidence, that
25 would support the notion or allegation that Bob, Rob,
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1 Sandy or Anthony have stolen any money from the Rec
2 Association?

3 **A. No, I don't.**

4 Q. It's not exactly clear, but just for purposes
5 of being complete, there may be allegations that Bob,
6 Rob, Sandy and Anthony stole money from the Number 1
7 Association.

8 Are you aware of any evidence through documents
9 that would establish that they stole money from the
10 Number 1 Association?

11 **A. No.**

12 Q. Is the Number 1 Condo and the Number 2 Condo,
13 are those completely separate entities, separate
14 associations?

15 **A. As far as I know, yes, they are. Except for**
16 **the Rec Board where all three--well, both Condo 1 and**
17 **Condo 2, are together.**

18 **Otherwise, the Board of Directors are separate,**
19 **in my knowledge.**

20 Q. Okay. Since you have moved into the Palm
21 Greens community has Art Robin been on the Rec Board the
22 entire time?

23 **A. I believe so.**

24 Q. So during the entirety of time in which the
25 plaintiffs are alleging that money was stolen from the
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1 Rec Association, Mr. Art Robins was actually on the board
 2 during that time?
 3 **A. Yes.**
 4 **Q.** Are you aware of a joint resolution that was
 5 entered into between the Rec Association, Number 1 and
 6 the Number 2 Association?
 7 **A. Yes. I have read that document.**
 8 **Q.** And can you tell me what that document
 9 generally is, to your understanding?
 10 **A. To my understanding, it was done because of the**
 11 **new development going in, Delray Trails, which will**
 12 **eventually become, as I understand it, a third party to**
 13 **the Rec Board Association and that the joint resolution**
 14 **was to ensure that all the money that Condo 1 and Condo 2**
 15 **residents have paid in over the years doesn't benefit the**
 16 **new Delray Trails.**
 17 **Q.** Was the Palm Greens community at large, were
 18 they generally made aware of this joint resolution before
 19 it was entered into?
 20 **A. Yes. I believe there were several open**
 21 **meetings discussing the resolution and the residents of**
 22 **Condo 1 and Condo 2 wanted it signed.**
 23 **It was the Rec Board that was reluctant to sign**
 24 **the resolution with them.**
 25 **Q.** But the Rec Board eventually did sign it?
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1 **A. To my knowledge, yes.**
 2 **Q.** Do you know when that joint resolution was
 3 signed?
 4 **A. I don't know the exact date, no.**
 5 **Q.** Can you give me maybe an approximate?
 6 **A. Probably some time, I would say maybe Summer of**
 7 **2022.**
 8 **Q.** And---
 9 **A. Oh, no. I'm sorry. Maybe Summer of 2023.**
 10 **Yeah. We are in 2024 now. Correct?**
 11 **Q.** Who was the Rec Association's president in
 12 2023?
 13 **A. I believe it was Mr. Robins.**
 14 **Q.** Do you know if Mr. Art Robins signed the joint
 15 resolution?
 16 **A. I believe he did.**
 17 MR. YOMBOR: I'm going to send a
 18 document in the chat.
 19 I believe everybody should be able to
 20 see it.
 21 Rob, are you able to open up that
 22 document?
 23 Was everybody able to open that
 24 document?
 25 Rob, Marge?
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1 MR. BOTWIN: I have--my computer is
 2 being slow at the moment, but I'm sure once
 3 I download it I'll be able to look at it.
 4 MR. YOMBOR: All right. And for
 5 purposes of representation it's a four-page
 6 PDF titled Joint Resolution at the top.
 7 So, I'll wait until everybody has a
 8 chance to open it completely.
 9 THE WITNESS: Well, I actually have a
 10 copy of it because it is on the website.
 11 MR. YOMBOR: Oh, fantastic. Okay.
 12 Eli, may I continue? I just want to
 13 make sure...
 14 MR. BOTWIN: Yeah, yeah. Go ahead.
 15 MR. YOMBOR: Okay. Perfect.
 16 [The Joint Resolution referred to was
 17 marked for identification as Exhibit No.
 18 4.]
 19 BY MR. YOMBOR:
 20 **Q.** Marge, I'd like you to briefly look at this
 21 four-page document and if you can confirm that this
 22 document is a true and accurate depiction of the Joint
 23 Resolution that was entered into by the Rec Association,
 24 the Number 1 Association and the Number 2 Association?
 25 **A. Yes, it is.**
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1 **Q.** And if you can look at Page 4. I'd like you to
 2 look about one-third of the way down. It looks like
 3 there's a signature next to Rec Association Signature and
 4 a name underneath it.
 5 It looks like it's dated May 24th, 2022.
 6 Can you tell me whose name that is?
 7 **A. That's Arthur Robins.**
 8 **Q.** Any reason to dispute that that's his
 9 signature?
 10 **A. I--no. I'm...**
 11 **Q.** Okay. All right. We can put that aside.
 12 There's also some allegations that my clients
 13 have stolen real estate from the Rec Association.
 14 Are you aware of those allegations?
 15 **A. I heard some rumors about them pushing people**
 16 **out of their homes and keeping them for--again, through**
 17 **rumors and false information, but, yes, I've heard things**
 18 **of that sort.**
 19 **Q.** When you say "them," are you referring to the
 20 rumors being that "them" is our clients, my clients?
 21 **A. Yes.**
 22 **Q.** All right. So the rumors are that Bob, Rob,
 23 Sandy and Anthony are pushing people out of their houses?
 24 **A. Yes.**
 25 **Q.** And how is it that they are pushing these
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1 people out of their houses?
 2 **A. There was no explanation given. And, quite**
 3 **frankly, I haven't been able to figure that one out**
 4 **myself. So...**

5 **Q.** So have you seen anything to substantiate any
 6 allegation that Bob, Rob, Sandra or Anthony are taking
 7 property away from the Rec Association?

8 **A. No.**

9 **Q.** Are you aware of any property that the Rec
 10 Association has lost to anybody in the last--

11 **A. No.**

12 **Q.** --say year?

13 **A. No.**

14 **Q.** How about two years?

15 **A. No.**

16 **Q.** Now, I obviously understand you're not on the
 17 board, but would you consider yourself an above-average
 18 interest resident of the Palm Greens community?

19 **A. Yes.**

20 **Q.** Would it be fair to say that if the Rec
 21 Association had lost property this is something that
 22 would probably tickle your interest and you'd be paying
 23 attention to that?

24 **A. Yes. As probably would a lot of other people**
 25 **in the community.**

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1 **Q.** Are you aware of anybody in the Number 2
 2 Association that is being forced to sell or liquidate
 3 their property currently right now?

4 **A. No.**

5 **Q.** There was an open board meeting, I think it was
 6 a budget meeting, in November 2023 for the Number 2
 7 Association. Do you recall that?

8 **A. I recall the meeting being announced. I don't**
 9 **recall if I was an attendee.**

10 **I don't believe I was.**

11 **Q.** Okay. Do you have any knowledge that the
 12 result of that budget meeting resulted in higher monthly
 13 assessments or quarterly assessments for the members of
 14 the Number 2 Association?

15 **A. Yes. Yeah. Our monthly fees, condo fee went**
 16 **up.**

17 **Q.** Can you tell me the amount of which that
 18 monthly condo fee increased?

19 **A. Oh, it was approximately \$200, maybe a little**
 20 **bit more. But, yeah, 200; roughly 200.**

21 **Q.** Can you tell me when the first increased
 22 payment is or was due?

23 **A. January 1st. I paid it.**

24 **Q.** And were you provided any information or
 25 reasoning as to why that increase occurred?

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1 **A. I believe the majority of the increase was due**
 2 **to increase in insurance for the property.**

3 **Q.** So Rob, Bob, Sandy and Anthony did not just
 4 increase the assessments and pocket the money for
 5 themselves?

6 **A. No.**

7 **Q.** There are some general allegations that there
 8 were false invoices paid by the Number 2 Association to
 9 benefit one or all of Rob, Bob, Anthony and Sandy.

10 Are you aware of anything substantiating those
 11 allegations?

12 **A. No, I am not.**

13 **Q.** The Rec Board, how often does the Rec Board
 14 have open meetings?

15 **A. Probably just once a year after the election**
 16 **when they reorganize.**

17 **Q.** Do you know how many open meetings they're
 18 required to have?

19 **A. I don't believe there is a requirement in their**
 20 **bylaws, or anything like that, as to how many open**
 21 **meetings they're required to have.**

22 **But my feeling, and one of the things I was**
 23 **saying as I was running, is that I believe there should**
 24 **be more open meetings per year so that the residents and**
 25 **homeowners know what is happening and what is available**

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1 **to them as far as activities, things like that are going,**
 2 **and how the Rec Board money is being spent.**

3 **Q.** So you're simply just asking the Rec
 4 Association for it to be more transparent with its
 5 operation?

6 **A. Correct.**

7 **Q.** When confronted with this criticism, which I
 8 think seems to be a fair criticism, how does Art Robins
 9 typically take that criticism?

10 **A. He doesn't.**

11 **Q.** He doesn't take it? What do you mean by that?

12 **A. He doesn't. I don't believe the man takes**
 13 **criticism well.**

14 **I got served with a subpoena for running for**
 15 **the board.**

16 **Q.** Do you believe that the purpose of the subpoena
 17 is an effort by Art Robins and his lawyers to harass and
 18 intimate you?

19 **MR. BOTWIN: Objection.**

20 **A. Absolutely.**

21 **MR. YOMBOR: Can you tell me the**
 22 **grounds for your objection?**

23 **MR. BOTWIN: Objection.**
 24 **Argumentative.**

25

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1 BY MR. YOMBOR:

2 Q. Are you aware of an individual by the name
3 Mitchell Stein?

4 A. Yes.

5 Q. Who is Mitchell Stein?

6 A. He's a resident here. He spoke at a meeting
7 that a lot of people in the community attended before
8 this lawsuit came about, about the lawsuit and
9 everything.

10 And about, you know, people in the community
11 banning together to find out more information as to the
12 agreement with Delray Trails and 13th Floor and that was
13 the impression I had at the end of that meeting; that the
14 lawsuit was going to be about Delray Trails and the 13th
15 Floor, not individual members of the board.

16 And my opinion and my impression from the end
17 of that meeting.

18 Q. Do you know the relationship between Mitch
19 Stein and Art Robins?

20 A. I believe they're good friends from what I hear
21 throughout the community.

22 Q. What about Mitch and Beth?

23 A. I don't know much about her.

24 Q. Do you know the relationship between Mitch and
25 the lawyers representing the plaintiffs?

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1 A. Just that, again, through my understanding of
2 that meeting, that Mitch was the one that brought these
3 attorneys to the community.

4 Q. So Mitch brought the attorneys to the
5 community. So Mitch was the conduit between the
6 plaintiffs' lawyers and the plaintiffs?

7 A. That was my take and understanding at the
8 community meeting, yes.

9 Q. Do you know any background information on Mr.
10 Mitchell Stein?

11 A. I actually did Google him, yes.

12 Q. Are you aware that Mitchell Stein was actually
13 a disbarred counsel and attorney?

14 A. Yes.

15 Q. Are you aware that Mitchell Stein is a
16 convicted felon in the state of Florida?

17 A. Yes.

18 Q. When Mitch Stein spoke to the community at
19 large was Mitch Stein honest about his background?

20 A. I don't believe he mentioned anything about his
21 background that night.

22 Q. So he never shared with anybody that he is a
23 convicted felon?

24 A. I don't believe so.

25 Q. And he never shared with anybody that he was a
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1 disbarred attorney?

2 A. Not in that forum that night, I don't believe
3 so.

4 Q. I know I kind of asked you this earlier, but
5 what do you believe — and I appreciate all the
6 information you've shared because it was very helpful —
7 but what do you believe is the purpose of the subpoena
8 against you?

9 A. The subpoena against me?

10 Q. Yes.

11 A. I just believe Mr. Robins is a vindictive
12 person and he's afraid of what I might uncover about
13 things that have been happening. And maybe he was trying
14 to intimidate me into dropping out of the board race.

15 Q. Did you drop out?

16 A. No.

17 MR. YOMBOR: Let me look through my
18 notes but I think I'm pretty close to being
19 done.

20 I don't know if anybody needs to go to
21 the restroom or something, but maybe we can
22 take five minutes real quick and I can look
23 through my notes?

24 MR. BOTWIN: Sure.

25 MR. YOMBOR: All right. Yes. Let's
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1 take a quick five minutes.

2 [Short recess taken.]

3 MR. YOMBOR: Okay. Let's go back.

4 BY MR. YOMBOR:

5 Q. There are allegations that one or all of our
6 clients, Rob, Bob, Sandy and Anthony have made threats,
7 personal threats, against individuals in the community.

8 Are you aware of any threats made by Rob, Bob,
9 Sandy or Anthony against any person?

10 A. No, I'm not.

11 Q. Do you believe that my clients want to kick
12 individuals out of their house?

13 A. No.

14 Q. There's allegations that Number 2 Association
15 has not provided its members with audited financials.

16 Are you aware that the Number 2 Association
17 puts the annual audit statements online for all members
18 to see?

19 A. Yes, I am.

20 Q. And every member of the Number 2 Association
21 has access to those audited financials?

22 A. Yes, they do.

23 Q. Those audited financials are completed by an
24 independent third-party CPA firm?

25 A. As far as I know, yes.

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<p style="text-align: right;">45</p> <p>1 Q. Are you aware of any evidence of any misconduct</p> <p>2 committed by the Number 2 Association since you moved in</p> <p>3 to the Palm Greens community?</p> <p>4 A. No, I'm not.</p> <p>5 Q. Today you were asked about the subpoena that</p> <p>6 you were served with, and specifically you were asked</p> <p>7 about Request 9 through 12.</p> <p>8 Those requests actually asked you to produce</p> <p>9 documents that our clients did not steal money.</p> <p>10 Did you notice that that was a request for you</p> <p>11 to produce documents to establish a negative?</p> <p>12 A. Well, yes, but I was wondering why that request</p> <p>13 would have even been in a document request to get</p> <p>14 anything from me; why anyone would think I had anything</p> <p>15 to do with any of that.</p> <p>16 Q. So, to just be a little bit more logically</p> <p>17 sound, you do not even have documents that would</p> <p>18 establish any theft of money by any one of my clients.</p> <p>19 Correct?</p> <p>20 A. Correct.</p> <p>21 Q. One of plaintiffs' complaints in this lawsuit</p> <p>22 is that our clients did not pursue lawsuits or a lawsuit</p> <p>23 against the 13th Floor and Lennar.</p> <p>24 Are you generally aware of those allegations?</p> <p>25 A. Yes.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">47</p> <p>1 We're not friends in the community as such.</p> <p>2 Q. I got you.</p> <p>3 You're aware that Art and Elad have sent email</p> <p>4 blasts to the community at large concerning this lawsuit</p> <p>5 and the alleged wrongdoing and malfeasance by my clients?</p> <p>6 A. Yes.</p> <p>7 Q. Other than just conclusory allegations found in</p> <p>8 those emails, have you seen any actual objective</p> <p>9 documentation evidence put forth by either Art, Elad,</p> <p>10 anyone else in the plaintiffs side, to substantiate any</p> <p>11 of the conclusory allegations that they claim in those</p> <p>12 emails?</p> <p>13 A. No. I have not seen any other documents</p> <p>14 attached to any of the emails that I saw previous or</p> <p>15 anything.</p> <p>16 MR. YOMBOR: All right. I have no</p> <p>17 questions. I appreciate your time.</p> <p>18 I wish you have lots of fun with your</p> <p>19 family that's coming from New Jersey.</p> <p>20 THE WITNESS: Thank you.</p> <p>21 MR. BOTWIN: All right. I guess will</p> <p>22 you read or waive?</p> <p>23 MR. YOMBOR: Marge, do you know what</p> <p>24 he's asking you?</p> <p>25 THE WITNESS: No.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p style="text-align: right;">46</p> <p>1 Q. Do you know any reason why the Rec Board did</p> <p>2 not pursue a lawsuit against the 13th Floor and Lennar</p> <p>3 before December 2023?</p> <p>4 A. No, I don't know any reasons.</p> <p>5 Q. And, obviously, because you said that you were</p> <p>6 not previously, or you have not ever been on the Number 2</p> <p>7 Board, you would not have direct knowledge concerning</p> <p>8 board business that was discussed internally about board</p> <p>9 policy. Would that be fair?</p> <p>10 A. Yes.</p> <p>11 Q. And I guess one final question: As a member of</p> <p>12 the association, much like Mr. Robins, you have the</p> <p>13 statutory right to request official records, some of</p> <p>14 which include financial records of the association.</p> <p>15 Are you aware of that?</p> <p>16 A. Yes.</p> <p>17 Q. To your knowledge, are you aware of Art Robins</p> <p>18 ever utilizing that right before pursuing this lawsuit?</p> <p>19 A. I'm sorry. Do you mean whether he ever asked</p> <p>20 for any?</p> <p>21 Q. Yes. Are you aware?</p> <p>22 A. No, I'm not. I--I don't really personally know</p> <p>23 Mr. Robins. I wouldn't have a conversation--have not had</p> <p>24 any conversations with him or anything to know what he</p> <p>25 would be asking for.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">48</p> <p>1 Okay. Say it again.</p> <p>2 MR. BOTWIN: Do you want an</p> <p>3 opportunity to review the transcript and</p> <p>4 make corrections if there is anything that,</p> <p>5 you know, you mis-said or that kind or sort</p> <p>6 of thing?</p> <p>7 THE WITNESS: I don't think I misspoke</p> <p>8 on any of my answers. I answered true and</p> <p>9 to my knowledge as to what I know.</p> <p>10 MR. YOMBOR: So you're not entitled to</p> <p>11 change your testimony but you're just</p> <p>12 entitled to correct the transcript if the</p> <p>13 court reporter transcribes an error.</p> <p>14 But I know the court reporter is</p> <p>15 required to either get an answer today</p> <p>16 either you do want to read the transcript</p> <p>17 before it is finalized or you waive that</p> <p>18 right and just trust the court reporter.</p> <p>19 THE WITNESS: No, I'll read it.</p> <p>20 MR. YOMBOR: Okay. So then what</p> <p>21 you'll have to do is you will connect with</p> <p>22 the court reporter.</p> <p>23 She'll send you a draft.</p> <p>24 I'll let her kind of explain it all.</p> <p>25 THE WITNESS: Okay.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

<div>49</div> <div>1MR. YOMBOR: And then you get with</div> <div>2her. Yeah.</div> <div>3MR. BOTWIN: Sounds good.</div> <div>4THE COURT REPORTER: Okay. Mr.</div> <div>5Yombor, the resolution that you put on the</div> <div>6screen, did you want it to be an exhibit?</div> <div>7MR. YOMBOR: Madam Court Reporter,</div> <div>8you're muted.</div> <div>9THE COURT REPORTER: Okay. Sorry.</div> <div>10The resolution that you showed the</div> <div>11witness, did you want it to be a part of</div> <div>12the record or no?</div> <div>13MR. YOMBOR: Yes, I do. Thank you</div> <div>14very much.</div> <div>15I would like to mark that as</div> <div>16Exhibit--Elad, you had three -- so I think</div> <div>17we're Exhibit 4.</div> <div>18MR. BOTWIN: Yeah. That will be</div> <div>19Exhibit 4 to the transcript.</div> <div>20MR. YOMBOR: So I'd like to mark the</div> <div>21Joint Resolution as Exhibit 4.</div> <div>22Thank you so much.</div> <div>23THE COURT REPORTER: You're welcome.</div> <div>24And, Marge, what I will do is, once</div> <div>25the transcript is ready, I will send an</div> <div>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</div>	<div>51</div> <div>1[Whereupon, the deposition was</div> <div>2concluded at 11:35 a.m.]</div> <div>3- - -</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8MARJORIE FATTORI</div> <div>9</div> <div>10Sworn to and subscribed</div> <div>11before me this _____ day</div> <div>12of February, 2024.</div> <div>13</div> <div>14Notary Public, State of</div> <div>15Florida at Large.</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</div>
<div>50</div> <div>1email to you.</div> <div>2Can I use your Chef Marge email to</div> <div>3send you the read letter and then you have</div> <div>4a certain amount of time?</div> <div>5THE WITNESS: Yes.</div> <div>6THE COURT REPORTER: Okay. So that's</div> <div>7what I'll do.</div> <div>8Do you want to order it, Eli?</div> <div>9MR. BOTWIN: Yes. I will order.</div> <div>10THE COURT REPORTER: Do you need a</div> <div>11copy, Mr. Yombor?</div> <div>12MR. YOMBOR: Yes. Just the PDF</div> <div>13version only.</div> <div>14THE COURT REPORTER: Okay. Perfect.</div> <div>15Okay. Thank you. Thank you all.</div> <div>16MR. YOMBOR: Thank you all.</div> <div>17THE WITNESS: Thank you.</div> <div>18</div> <div>19</div> <div>20[Intentionally left blank.]</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</div>	<div>52</div> <div>1C E R T I F I C A T E</div> <div>2</div> <div>3THE STATE OF FLORIDA)</div> <div>4COUNTY OF MIAMI-DADE)</div> <div>5</div> <div>6I, MIREYA VEGA, Court Reporter and Notary</div> <div>7Public in and for the State of Florida at Large, do</div> <div>8hereby certify that, pursuant to a Subpoena Duces Tecum</div> <div>9For Deposition in the above-entitled cause, MARJORIE</div> <div>10FATTORI was by me first duly cautioned and sworn to</div> <div>11testify the whole truth, and upon being carefully</div> <div>12examined testified as is hereinabove shown, and the</div> <div>13testimony of said witness was reduced to written word</div> <div>14under my personal supervision and that the said</div> <div>15deposition constitutes a true record of the testimony</div> <div>16given by the witness.</div> <div>17</div> <div>18I further certify that the said deposition was</div> <div>19taken at the time and place specified hereinabove and</div> <div>20that I am neither of counsel nor solicitor to either of</div> <div>21the parties in said suit nor interested in the event of</div> <div>22the cause.</div> <div>23</div> <div>24The foregoing certification of this transcript</div> <div>25does not apply to any reproduction of the same by any</div> <div>means unless under the direct control and/or direction of</div> <div>the certifying reporter.</div> <div>WITNESS my hand and official seal in the City</div> <div>of Miami, County of Dade, State of Florida, this 29th day</div> <div>of January, 2024.</div> <div>MIREYA VEGA, Court Reporter</div> <div>Notary Public - State of Florida</div> <div>My Commission # HH 278429</div> <div>Expires: June 24, 2026</div> <div>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</div>

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[READ LETTER SENT VIA EMAIL ONLY.]

January 28, 2024

Miss Marjorie Fattori
5860 Sugar Palm Court
B Apartment
Delray Beach, Florida 33484

In Re: Saffer v. Klimas
Case No.: 502023CA015733XXXAMB

Dear Miss Fattori:

Your deposition taken January 23, 2024, is available for reading, the making of changes to form or substance, and signing until February 29, 2024, or the time of trial, whichever comes first.

Please make arrangements with my office to read and sign your deposition and furnish our office and counsel of record with a notarized list of changes by you, noting page and line numbers, and the reason for the change.

Thank you for your cooperation.

Sincerely,

MIREYA VEGA, Court Reporter

Mireya Vega

cc: Original Transcript
Mr. Elad Botwin, Esq.
Mr. Kevin Yombor, Esq.

BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

ERRATA SHEET

IN RE: _____
CASE NO.: _____

DEPOSITION OF: _____ TAKEN: _____

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
[Use additional copies of errata sheet if needed.]

PAGE #	LINE #	CHANGE	REASON
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NOTA

Please forward the original signed errata sheet to our office and a copy to counsel of record.

Under penalty of perjury, I declare that I have read my deposition and that it is true and correct subject to any changes in form or substance entered here.

DATE: _____ **SIGNATURE OF DEPONENT:** _____
BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

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EXHIBIT C

From: Palm Greens Recreation Association <recreationassociation@palmgreens.org>

Date: January 29, 2024 at 4:59:41 PM EST

To: newavecohn@aol.com

Subject: Special Notice - Monday, January 29, 2024

Reply-To: recreationassociation@palmgreens.org



Palm Greens Recreation Association



Dear Residents,

I am assuming you are as tied up as I am in reading these Emails and trying to determine fact from fiction. I am sending you this to prove without a shadow of a doubt that Rob Thom's most recent email continues his dishonesty. I promise if you read this the result will be that you will laugh out loud at his latest mistakes.

Please note that no lawyer for Rob Thom or anybody else has signed on to Thom's latest words and no lawyer for Rob Thom (or anybody else) is willing to support Thom's latest email. This is because Thom is being dishonest yet again. I am not going to go through rebutting everything he

says because some of it is desperate and ridiculous. All you need to do in order to know this is look at the document that I have placed in this email box and read the below statement. This document is from 13th Floor and shows 13th Floor's representation and prediction to all of us as far back as September of 2021 that the clubhouse would be **completed** by "Q1 2023." This means the rest of the renovations would also be completed by Q1 2023. This shows what all of us expected regarding the Development Agreement. Thom's email admits that he and the other defendants, **without getting any approval from you**, interfered with our expectations and gave Lennar Homes an open extension to build and renovate years later, through Thom's actions at PGCA. The problem is that PGCA was never formed in order to take rights away from you, or to take over the Recreation Association or Condo 1 or Condo 2. And the problem is pure logic in the form of a question: why has Rob Thom done such a thing to us? He has never answered this question of why Lennar has been given so many extensions by him and his associates.

Then Thom claims that the dissolution of PGCA violates the Development Agreement because it constitutes a change to the Development Agreement. This is preposterous. Ask Thom to get any lawyer in the United States to tell you the dissolution of a corporate entity operates to change the **words** of a contract. He will be unable to do so. No lawyer will ever support what Thom has told you, because if a lawyer said such a thing that lawyer would get in a lot of trouble. Our attorneys have not changed one word of the Development Agreement, but instead are insisting that the words in the Development Agreement be complied with for your benefit. Although Thom has said his lawyer will be contacting us regarding the dissolution of the PGCA entity, we have heard from no lawyer because Thom is lying about that too.

Thom is desperate, and his email shows the way he is working for Lennar and making arguments for Lennar as to why Lennar can delay renovating our facilities and build our clubhouse. Thom has never denied that his home is listed for sale and that he is leaving this community. Thom's colleagues DiGennaro and Klimas should be removed from office because they are carrying Thom's water in the protection of Lennar at all costs.

As our lawyers told you, there is far more evidence of wrongdoing on the part of Thom, DiGennaro and their champion Lennar Homes. But his latest email will now be Exhibit 1, showing Thom's admission that he decided to allow Lennar Homes to delay the scheduling that 13th Floor gave us not by months but by many years.

In addition to this, yesterday, Sandra Klimas sent a note to all of you complaining that Condo 2 was never invited to join in the class action against 13th Floor and Lennar. Now, as you can see, this morning Rob Thom has written to you telling you that Lennar has done nothing wrong and that he supports Lennar's position of stalling and delaying renovating our facilities and building the clubhouse. Are you all starting to see how desperate and duplicitous Thom, Klimas and their associates like DiGennaro have been? Klimas tells you yesterday that Condo 2 wants to join the lawsuit against Lennar. Today, Thom tells you Lennar is right and has not violated any contract. Think carefully about what you are seeing in writing from these Board members. I doubt you will ever in your lives see anything like this again. Here is Klimas' statement on NextDoor's App yesterday, for you to compare to Thom's statement today:

Lastly, let's focus on Marge Fattori, who is running for a seat on the Board of the Recreation Association. Fattori wrote to you recently and said she has not defamed me. Fattori said her deposition transcript would prove that. Read her deposition testimony and how Fattori admitted accusing me of forging documents but having no proof besides Thom telling her to do

it. Read about Fattori admitting she doesn't even know of the existence of any such documents. Of course, Fattori will now be sued for defamation and I will share proceeds I receive with this community for your benefit since we are going through this together:

BY MR. BOTWIN:

Q. Did you have any help in preparing this resume, Miss Fattori?

A. I had some conversations with other people, yes.

Q. Would you be able to tell me who those people were?

A. I had conversations with Rob Thom concerning my running for the board.

Q. Did you speak to anybody else with respect to preparing this resume?

A. No.

Q. Would I be correct to say that Mr. Thom assisted you in preparing this resume? ... Did he assist you in terms of information that you've put on this resume?

A. Yes.

Q. Okay. Thank you. Would you be able to specify which parts of the resume that he provided you information in connection to?

A. He told me about the Rec Board using consent documents to push things through without all of the board knowing about it. ...

Q. I understand. So would I be correct that the highlighted section here that reads, "Rec Board Association documents have been altered without a public vote, consent forms are used to push through topics and agendas, again without a public vote." That was a statement made with information from Mr. Thom?

A. That was a decision I made to put that statement in there with information I was given.

Q. Okay. Thank you. ... Do you know of the existence of those documents?

A. No, I don't.

Q. Are you aware of any particular documents that you say were altered without a public vote?

A. No.

Q. Now, with respect to that, to your knowledge, do you know who was involved in altering these Rec Board documents without a public vote?

A. The president of the Rec Board, Mr. Robins."

So, ladies and gentlemen, just like our lawyers told you, we have a conspiracy ongoing before your very eyes. Thom is getting people to submit to you papers making false claims of wrongdoing in order to persuade you to vote for them. They are doing this while they are assessing you thousands of dollars and while they are trying to take reserves of the Recreation Association and while they are permitting Lennar Homes to take your real estate property rights. You are the only people who can stop this. Your vote matters. And as I have shown, I am committed to giving you **the truth** so you know precisely what is happening.

Thank you for allowing me to do that.

Art.



Palm Greens Recreation Association
5801 Via Delray
Delray Beach, FL 33484
Palm Beach County
(561) 498-5316
recreationassociation@palmgreens.org

Get In Touch

Palm Greens Recreation Association | 5801 Via Delray, Delray Beach, FL 33484

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Sent by recreationassociation@palmgreens.org powered by



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		BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340	
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1 APPEARANCES:		4	
2 SANCHEZ-MEDINA, GONZALEZ, QUESADA,		1 [Thereupon, all parties hereunder	
3 ELAD D. BOTWIN, Esq.,		2 appeared remotely pursuant to Florida	
4 Attorneys for Plaintiffs.		3 Supreme Court Order AOSC20-23 and the	
5 201 Alhambra Circle, Suite 1201		4 following proceedings were had:]	
6 Coral Gables, FL 33134		5 THE COURT REPORTER: Marjorie, may I	
7 Telephone: 305.377.1000		6 see your I.D. before we get started,	
8 Facsimile: 844.273.9076		7 please?	
9 Email: Ebotwin@smgqlaw.com		8 [Whereupon, the witness presented a	
10 KAUFMAN DOLOWICH, LLP, by		9 valid New Jersey Driver's License and	
11 KEVIN P. YOMBOR, Esq., and		10 identity was verified.]	
12 LABEED A. CHOUDHRY, Esq.,		11 THE COURT REPORTER: Thank you.	
13 Attorneys for Defendants.		12 Raise your right hand, please.	
14 100 Southeast 3rd Avenue, Suite 1500		13 [Witness complies.]	
15 Fort Lauderdale, FL 33394		14 THE COURT REPORTER: Do you solemnly	
16 Telephone: 954.302.2360		15 swear or affirm that the testimony you	
17 Facsimile: 888.464.7982		16 shall give in this cause will be the truth,	
18 Email: Kyombor@kaufmandolowich.com		17 the whole truth, and nothing but the truth	
19 Email: Labeed.choudhry@kaufmandolowich.com		18 so help you God?	
20 ALSO PRESENT:		19 THE WITNESS: I do.	
21 ROBERT THOM		20 THE COURT REPORTER: Okay. Thank you.	
22 ROBERT STERN		21 MR. BOTWIN: I want to--oops. Sorry.	
23		22 You want to make your initial	
24		23 objecting now, Kevin?	
25		24 MR. YOMBOR: Yeah. Just for the	
		25 record, Kevin Yombor on behalf of the —	
		BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340	
		BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340	
		</	

<p>5</p> <p>1 well, I guess now I really can't just say</p> <p>2 defendants — on behalf of Sandy Klimas, Rob</p> <p>3 Thom, Bob Stern and Anthony DiGennaro.</p> <p>4 I just object to the premise of this</p> <p>5 deposition in letting it going forward</p> <p>6 pursuant to Florida Rule of Civil Procedure</p> <p>7 1.310 (a) which requires leave of court for</p> <p>8 any deposition scheduled within 30 days</p> <p>9 after service of process of the initial</p> <p>10 pleading on any defendant.</p> <p>11 There were newly-added defendants</p> <p>12 within the last 30 days.</p> <p>13 So it's our position that this</p> <p>14 deposition is improper.</p> <p>15 Further, the case law of Brown versus</p> <p>16 Tanner, 164 So.2d 848. It's a First DCA</p> <p>17 case from 1964.</p> <p>18 And Bank of Montreal versus Estate of</p> <p>19 Antoine, 86 So.3d 1262. That's a Fourth</p> <p>20 DCA case says that these deposition</p> <p>21 transcripts cannot be utilized to</p> <p>22 cross-examine defendants that are named in</p> <p>23 the lawsuit that are not present.</p> <p>24 So, to the extent that these</p> <p>25 depositions do have to occur a second time</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>7</p> <p>1 A. Yes. I have it right in front of me</p> <p>2 [indicating].</p> <p>3 Q. All right.</p> <p>4 A. Plus a \$10 check which I don't know what that's</p> <p>5 for, but...</p> <p>6 Go ahead.</p> <p>7 Q. Okay. And the oath that you were given by the</p> <p>8 court reporter just earlier, it is the same kind of oath</p> <p>9 you will receive in a courtroom with a Judge present.</p> <p>10 So do you understand what I'm saying with</p> <p>11 respect to that?</p> <p>12 A. Yes, I do.</p> <p>13 Q. Thank you.</p> <p>14 Please be aware that the court reporter cannot</p> <p>15 transcribe nods of the head. So, if you can give answers</p> <p>16 audibly instead of nods or mm-hmm's or other like grumps</p> <p>17 or mumbles. Will that be okay?</p> <p>18 A. Yes. I will answer distinctly.</p> <p>19 Q. Thank you.</p> <p>20 And then another preliminary question before we</p> <p>21 get into it: Are you under the influence of any</p> <p>22 substances or medications that might inhibit your ability</p> <p>23 to give testimony today?</p> <p>24 A. No.</p> <p>25 Q. Okay. Thank you.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>6</p> <p>1 we will be seeking fees and costs for our</p> <p>2 attendance, which we've already notified</p> <p>3 plaintiffs about this before this</p> <p>4 deposition.</p> <p>5 But, nevertheless, Mr. Botwin, you may</p> <p>6 continue or proceed.</p> <p>7 MR. BOTWIN: All right. Thank you.</p> <p>8 Thereupon:</p> <p>9 MARJORIE KURINSKY</p> <p>10 was called as a witness and, having been duly sworn, was</p> <p>11 examined and testified as follows:</p> <p>12 DIRECT EXAMINATION</p> <p>13 BY MR. BOTWIN:</p> <p>14 Q. So, to start, Ms. Kurinsky, can you please</p> <p>15 state your name for the record and spell it, as well?</p> <p>16 A. My name is Marjorie Kurinsky.</p> <p>17 M-a-r-j-o-r-i-e K-u-r-i-n-s-k-y.</p> <p>18 Q. Thank you.</p> <p>19 And do you have any preference to how I address</p> <p>20 you as in Ms. Kurinsky or Marge or Marjorie?</p> <p>21 A. You can call me Marge.</p> <p>22 Q. All right. Thank you.</p> <p>23 So, Marge, you're here pursuant to a subpoena</p> <p>24 that was served on you.</p> <p>25 Do you understand that?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>8</p> <p>1 Just, first, I'd like to ask real quick about</p> <p>2 your--just a brief background about your time in the</p> <p>3 community of Palm Greens.</p> <p>4 Just how long you've been here and if you</p> <p>5 served on any of the boards and, if so, when?</p> <p>6 A. I retired 12 years ago.</p> <p>7 My husband and I formally moved--bought a place</p> <p>8 12 years ago.</p> <p>9 We are snowbirds. We spend six months here and</p> <p>10 six months in New Jersey.</p> <p>11 I, basically, was on the Condo 1 Board from</p> <p>12 2019 to 2022 and I served on the Condo 1 Board.</p> <p>13 I also was asked then to be on the Palm Greens</p> <p>14 PGCA and I was the liaison for the representative for</p> <p>15 Condo 1 up until a few weeks ago, when it was dissolved.</p> <p>16 And that's what it is here.</p> <p>17 I live here from October through April and then</p> <p>18 I go back up home from April to October.</p> <p>19 Q. Okay. Thank you.</p> <p>20 And just for sake of the record, PGCA refers to</p> <p>21 Palm Greens Community Association?</p> <p>22 A. Correct.</p> <p>23 Q. Thank you.</p> <p>24 MR. BOTWIN: Oh, I'm sorry. We do</p> <p>25 have a--I do have like another exhibit I</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 didn't send to you all before this.

2 That's just the subpoena itself.

3 Do you need a copy of that, Kevin, or

4 Madam Court Reporter?

5 MR. YOMBOR: I don't. As long as it's
6 the subpoena you filed.

7 MR. BOTWIN: Yes. It's just that.

8 So I will pull this up real quick.

9 I don't know where it went.

10 Pardon the delay.

11 Oh, here it is.

12 BY MR. BOTWIN:

13 Q. I will be sharing my screen real quick and,
14 Marge, if you can confirm that you can see this now?

15 A. **Yes, I do see it.**

16 Q. Okay. So this is a copy of that subpoena that
17 you said you have in front of you today.

18 A. **Right. Yes. I have it right here**
19 **[indicating].**

20 Q. Okay. And maybe in that case it may not be
21 necessary to screen-share.

22 A. **And I'm on Page 14.**

23 Q. Okay. Page 14 which is--oh, yes. That's where
24 the requests starts.

25 A. **Yes.**

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1 Q. Okay. Perfect. That's exactly what I wanted
2 to ask briefly about.

3 So, yeah, before I get into substantive
4 questioning I want to--yeah. So, as you can see the
5 subpoena before you.

6 Our offices not long before this deposition
7 received a little over 70 documents from you and my
8 question is: Are all the 70-plus documents you produced
9 to us, are those all the documents in the world
10 responsive to the subpoena?

11 A. **Yes. That's all I had.**

12 MR. YOMBOR: But let me, a quick
13 break, Elad, if I may.

14 MR. BOTWIN: Yes.

15 MR. YOMBOR: So you have documents
16 produced related to the subpoena?

17 MR. BOTWIN: Yeah. And we can get
18 those turned over to you in due time.

19 MR. YOMBOR: But it's depositions.

20 They're supposed to be produced now. So I
21 would like them now.

22 MR. BOTWIN: Okay. If you want to
23 take a quick break I can get that over to
24 you now.

25 That being said, the documents that

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1 were produced that I intend to ask about
2 are the ones I already sent to you before
3 the deposition.

4 MR. YOMBOR: Okay.

5 MS. BOTWIN: So, if we can take a
6 five-minute break while I get this sent to
7 you.

8 MR. YOMBOR: Okay. Thanks.

9 MR. BOTWIN: I am now preparing a
10 download link right now and it will be
11 ready in less than a minute and then I'll
12 email it to you.

13 [Discussion off the record.]

14 THE COURT REPORTER: Elad, do you want
15 to make the subpoena Exhibit 11 or you
16 don't want to mark it?

17 MR. BOTWIN: We can make it one of the
18 exhibits. I don't think I have a
19 preference if it's 1 or 11.

20 Whatever is easiest for you.

21 THE COURT REPORTER: Okay.

22 MR. BOTWIN: Since I think I only have
23 one question and then--or just a handful of
24 quick questions and then I'm moving on from
25 that subpoena.

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1 THE COURT REPORTER: Okay. It's just
2 that you sent me from 1 to 10. So I
3 figured we can put it as 11 at the end.

4 MR. BOTWIN: Yes. Let's do that.

5 THE COURT REPORTER: Thank you.

6 [Discussion off the record.]

7 [The Subpoena Duces Tecum referred to
8 was marked for identification as Exhibit
9 No. 11.]

10 BY MR. BOTWIN:

11 Q. All right, Marge.

12 So, just one thing that I'd like to ask with
13 respect to the documents you produced.

14 There were many emails that you were copied on
15 within these emails, but we do not see any emails that
16 you authored and sent out.

17 Do you know why that is?

18 A. **Probably because I didn't send any out.**

19 **These are emails from--from people who live**
20 **here who had concerns.**

21 **My job being on that committee was to forward**
22 **all the concerns to Rob or Art or Thom, whoever was on**
23 **the committee at the--or Susan, who was on the committee**
24 **with me, and they would be answering.**

25 **So, that's...**

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1 Q. Okay. I appreciate the explanation.
2 So, I guess that's a--so that lines up with how
3 you said that you worked as a liaison for the board.
4 Is that correct?
5 A. **Correct.**
6 Q. So, I know you kind of said this, but just so
7 the record is super clear: So if people from the
8 community sent questions or concerns to the board you
9 would not be the person responding to them?
10 A. **Ninety-eight percent of the time, correct.**
11 **May I expand?**
12 Q. Absolutely. Please.
13 A. **Okay. If it was a concerned owner saying that**
14 **there was--the silk screen was down in front of--behind**
15 **their house I might have answered, "The next time we talk**
16 **to Lennar we will bring your concern to them and let them**
17 **know." That was the extent of my liaisonship.**
18 Q. Okay. Thanks.
19 And were these responses emails or in person or
20 phone calls?
21 A. **They were what I sent you, sir.**
22 Q. Okay. Thank you.
23 Now, I'm going to just quickly run through the
24 subpoena requests. For sake of saving time I'm not going
25 to read them since you do have them before you.
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1 So, again, it starts on Page 14.
2 A. **Correct.**
3 Q. And I just want to quickly go through each
4 request and ask the following question which is just if
5 you've produced everything that you have responsive to
6 those requests?
7 A. **Yes, I have.**
8 Q. Okay. So, repeating that question for Request
9 Number 1? Or let me---
10 A. **Yes. Condo 1 when I was on the board. The**
11 **first eight of them were about Condo 1 Board matters.**
12 Q. Great. Thank you.
13 And Request Number 2?
14 A. **I don't have anything to do with Condo 2. So**
15 **there would be no emails or anything to send you.**
16 Q. Thank you.
17 Request Number 3?
18 A. **I sent you 70--let's see.**
19 **From Number 9 to Number 74 was PGCA material.**
20 Q. Okay. Request Number 4?
21 A. **I have nothing to do with the Recreation**
22 **Association.**
23 Q. Thanks.
24 Number 5?
25 A. **I sent you--that was Number 1 to 8 was for**
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1 **Condo 1. When I was on the board, not since I was on the**
2 **board.**
3 Q. Okay. Got it.
4 A. **So only up through 2022.**
5 Q. Great. Thank you. And I appreciate it.
6 Request Number 6?
7 A. **I answered that in Request Number 3. Is**
8 **everything I've sent you.**
9 Q. Yeah. It sounds good.
10 A. **Okay.**
11 Q. And I understand that you might have some
12 repetitive answers here, but I do want to--
13 A. **Okay.**
14 Q. --just go through the motions, make sure things
15 are clear and there isn't anything missing, I guess.
16 A. **Okay.**
17 Q. Request Number 1?
18 A. **Condo 1. You already have received all the**
19 **Condo 1 material.**
20 Q. Request Number 8?
21 A. **You've already received all the PGCA material.**
22 Q. Request Number 9?
23 A. **All the material related to Rob Thom is within**
24 **the PGCA material that you have.**
25 Q. Thank you.
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1 Number 10?
2 A. **That is Number 10 that you just asked me.**
3 Q. Well, actually, I--
4 A. **It's the same thing.**
5 Q. There it is. Yeah. I noticed now.
6 A. **It is pretty much repetitive.**
7 Q. Okay. Then same answer.
8 Request Number 11?
9 A. **I have nothing with Sandra Klimas--oh, I'm**
10 **sorry. There was one email that was done on 5/16/22.**
11 **She sent to all of us from Palm Greens about,**
12 **if I'm not mistaken, electric vehicle plug-ins.**
13 Q. Okay. Request Number 12?
14 A. **I don't know who Anthonoy DiGennaro is. I've**
15 **never met him.**
16 Q. Okay. Thanks. And that means I don't have to
17 ask that later.
18 A. **Correct.**
19 **And the same with Number 13. I don't know who**
20 **Robert Stern is. I've never met him.**
21 **Except his face down here about 15 minutes ago.**
22 **That was the first time I've ever seen him.**
23 Q. Okay. So first time you ever see Mr. Stern is
24 on this deposition here. Is that correct?
25 A. **Correct.**
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<p>17</p> <p>1 Q. Request Number 14?</p> <p>2 MR. YOMBOR: Real quick. I'll object</p> <p>3 just to the Request 14, 15, 16, 17, just a</p> <p>4 standing objection to all of them.</p> <p>5 I think the question is vague and it</p> <p>6 asks the witness to produce documents to</p> <p>7 establish a negative.</p> <p>8 But, notwithstanding, you can go</p> <p>9 ahead.</p> <p>10 MR. BOTWIN: Okay. Thank you.</p> <p>11 BY MR. BOTWIN:</p> <p>12 Q. Okay. Marge, you can answer if you've produced</p> <p>13 documents responsive to those last four requests.</p> <p>14 So that's 14, 15, 16 and 17.</p> <p>15 A. I don't have contact with Rob except for PGCA.</p> <p>16 I don't have--</p> <p>17 Q. To clarify--sorry.</p> <p>18 To clarify, Rob, you mean Rob Thom?</p> <p>19 A. Correct. Why would you even ask me?</p> <p>20 I have nothing to do with Condominium 2.</p> <p>21 Q. Okay. I understand.</p> <p>22 All right. Then we can move on from the</p> <p>23 subpoena real quick.</p> <p>24 A. So we're done.</p> <p>25 Q. Oh, no. No. I have some other questions.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>19</p> <p>1 address yet.</p> <p>2 THE WITNESS: Want me to spell it for</p> <p>3 you, Kevin?</p> <p>4 MR. YOMBOR: Is it</p> <p>5 m-a-r-g-e-k-u-r-i-n-s-k-y at Yahoo dot com?</p> <p>6 THE WITNESS: Yes, it is.</p> <p>7 MR. YOMBOR: Thank you.</p> <p>8 BY MR. BOTWIN:</p> <p>9 Q. And then I think I have some quick questions</p> <p>10 here. I think we kind of heard the answers to these but,</p> <p>11 again, I want to keep the record clear.</p> <p>12 Have you ever emailed Rob Thom?</p> <p>13 A. Yes.</p> <p>14 Q. Has Rob Thom ever emailed you?</p> <p>15 A. Regarding PGCA? Yes. And it's all regarding</p> <p>16 PGCA.</p> <p>17 Q. Have you ever emailed Sandra Klimas?</p> <p>18 A. No.</p> <p>19 Q. Has Miss Klimas ever emailed you?</p> <p>20 A. She emailed that one time with Condo 1</p> <p>21 Association.</p> <p>22 Q. Thank you.</p> <p>23 Have you ever emailed Mr. Yombor who is sitting</p> <p>24 here today?</p> <p>25 A. No.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>18</p> <p>1 With the subpoena, yes, but we do have more</p> <p>2 questions.</p> <p>3 MR. BOTWIN: I know, Kevin, you</p> <p>4 probably will object to this, but I do--I</p> <p>5 am being directed to ask this real quick.</p> <p>6 This is something you heard from the</p> <p>7 previous deposition, but...</p> <p>8 BY MR. BOTWIN:</p> <p>9 Q. I want to just quickly ask you, Marge, if we</p> <p>10 were to subpoena your email address would your email</p> <p>11 service provider tell us if there are more emails than</p> <p>12 you produced to us?</p> <p>13 MR. YOMBOR: Objection to the form of</p> <p>14 the question.</p> <p>15 A. I don't--- No.</p> <p>16 BY MR. BOTWIN:</p> <p>17 Q. Okay. Thank you.</p> <p>18 Now I just want to quickly talk about documents</p> <p>19 in existence a little bit further.</p> <p>20 I would like to ask: What is your email</p> <p>21 address, Marge?</p> <p>22 A. You have it. I gave it to you when I sent you</p> <p>23 all this huge file. Marge Kurinsky at Yahoo dot com.</p> <p>24 Q. Okay. Thanks. And I figured it's good to</p> <p>25 repeat since Mr. Yombor here has not gotten that email</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>20</p> <p>1 Q. Has Mr. Yombor ever emailed you?</p> <p>2 A. No.</p> <p>3 Q. Have you ever emailed Anthonoy DiGennaro?</p> <p>4 A. I don't know him. No.</p> <p>5 Q. Okay. So is it safe to say that you've never</p> <p>6 received any emails from him, either?</p> <p>7 A. It's safe to say I have never received any</p> <p>8 emails from him.</p> <p>9 Q. Thanks.</p> <p>10 Have you ever emailed Susan Herman?</p> <p>11 A. Yes.</p> <p>12 Q. And has Susan Herman ever emailed you?</p> <p>13 A. Yes. When we were both on the PGCA.</p> <p>14 Q. And were those emails concerning PGCA matters?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever emailed Thomas Aldridge?</p> <p>17 A. Concerning PGCA, yes.</p> <p>18 Q. And has Mr. Aldridge ever emailed you?</p> <p>19 A. Concerning PGCA, I've always been--- Yes.</p> <p>20 Q. And I'm going to ask about the email provider</p> <p>21 server real quick.</p> <p>22 If we were to subpoena Yahoo for information</p> <p>23 regarding dates of emails, sender and recipients, but no</p> <p>24 other content like subject line or the email itself,</p> <p>25 would you approve of that or not?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

<p>21</p> <p>1 MR. YOMBOR: Objection.</p> <p>2 A. Can you repeat the question?</p> <p>3 BY MR. BOTWIN:</p> <p>4 Q. Sure. Would you approve of us sending a</p> <p>5 subpoena to Yahoo calling for information about your</p> <p>6 emails? Specifically, date, sender and recipient?</p> <p>7 MR. YOMBOR: Objection to the form.</p> <p>8 Just to state on the record no</p> <p>9 subpoena is being issued without us</p> <p>10 reviewing it.</p> <p>11 But, go ahead. You can answer the</p> <p>12 question.</p> <p>13 A. I honestly don't know what you're asking for.</p> <p>14 I'm very confused with the question.</p> <p>15 BY MR. BOTWIN:</p> <p>16 Q. Okay.</p> <p>17 A. Okay.</p> <p>18 Q. Then, to clarify, this would be--</p> <p>19 A. I sent you everything I have.</p> <p>20 Q. Okay.</p> <p>21 A. What more do you want from me--my email?</p> <p>22 Q. I understand. I'm just asking you this</p> <p>23 question just because it's what I've been instructed to</p> <p>24 do.</p> <p>25 So I'm just playing the messenger for today on</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>23</p> <p>1 And I will share my screen so you can see it.</p> <p>2 Can you see this, Marge?</p> <p>3 A. Yes.</p> <p>4 Q. This is an email that you produced to us as I</p> <p>5 believe, again, I think with all the others, but I will</p> <p>6 say it for the record that this is an email that you</p> <p>7 produced to us.</p> <p>8 A. Okay.</p> <p>9 Q. Can you take a look real quick and just refresh</p> <p>10 your recollection about this email?</p> <p>11 A. This is from Susan Herman to David Levine,</p> <p>12 October 4th. So, a year-and-a-half ago.</p> <p>13 Okay.</p> <p>14 Q. And you can tell me when you need me to scroll</p> <p>15 down.</p> <p>16 A. Okay. You can scroll down.</p> <p>17 [Scrolling.]</p> <p>18 Okay.</p> <p>19 Q. And that's the end of the document.</p> <p>20 A. So, what about it?</p> <p>21 Q. So, I first want to ask if you know why this</p> <p>22 email was copied to you?</p> <p>23 A. Probably because all three of us were on the</p> <p>24 PGCA together; Art, myself and Susan.</p> <p>25 MR. YOMBOR: I'm going to object to</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>22</p> <p>1 this.</p> <p>2 Just to explain, it would be a subpoena to see</p> <p>3 what other emails you have.</p> <p>4 MR. YOMBOR: Objection. It's not even</p> <p>5 a question.</p> <p>6 MR. BOTWIN: Sorry. I'm explaining.</p> <p>7 BY MR. BOTWIN:</p> <p>8 Q. So, with that explanation in mind, would you</p> <p>9 approve or not approve of a subpoena to Yahoo?</p> <p>10 MR. YOMBOR: Objection to the form of</p> <p>11 the question. Lack of predicate.</p> <p>12 A. Until I understand more, I can't answer that</p> <p>13 question.</p> <p>14 [The 10/4/22 email from Herman to</p> <p>15 Levine referred to below was marked for</p> <p>16 identification as Exhibit No. 1.]</p> <p>17 BY MR. BOTWIN:</p> <p>18 Q. All right. We'll just move on and I'll</p> <p>19 probably go back to it later.</p> <p>20 So now I'm going to go through ten exhibits and</p> <p>21 I have a few quick questions regarding each exhibit.</p> <p>22 And these, I believe, are emails that you</p> <p>23 produced.</p> <p>24 So let me first bring up--I'm going to bring up</p> <p>25 what is Exhibit 1 to this deposition.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>24</p> <p>1 the form of that last question.</p> <p>2 BY MR. BOTWIN:</p> <p>3 Q. All right. Then let me--actually, it's kind of</p> <p>4 the second question, but...</p> <p>5 Was this email copied to you because it was</p> <p>6 something that you asked to be done?</p> <p>7 MR. YOMBOR: Objection to the form of</p> <p>8 the question.</p> <p>9 You can still answer.</p> <p>10 I'm just objecting to preserve--raise</p> <p>11 challenging the sufficiency of the question</p> <p>12 marked, but any time I object you can still</p> <p>13 answer.</p> <p>14 A. We were always included on the emails together.</p> <p>15 As a team we worked together. That's why I got it.</p> <p>16 And you spelled my name wrong in every single</p> <p>17 place. I just--for the record.</p> <p>18 MR. YOMBOR: Elad, if I may ask just--</p> <p>19 sorry to interrupt. I have, obviously, and</p> <p>20 you've marked it as Exhibit 1, but for</p> <p>21 purposes of clarification can you identify</p> <p>22 what number document this was in Marge's</p> <p>23 production so that way we kind of have</p> <p>24 that?</p> <p>25 THE WITNESS: Sure. It was</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

<p>25</p> <p>1 October 4th.</p> <p>2 January, February, March. October is</p> <p>3 10. It was number--it should be Number 21.</p> <p>4 MR. BOTWIN: Let's take a look.</p> <p>5 Yes.</p> <p>6 MR. YOMBOR: And, Eli, just so I don't</p> <p>7 have to interrupt your questions, if you</p> <p>8 could when you do identify the exhibit if</p> <p>9 you could identify which number that</p> <p>10 associates with her production?</p> <p>11 MR. BOTWIN: Okay.</p> <p>12 Actually, you know what we should do?</p> <p>13 We should go off the record for a few</p> <p>14 minutes and get this sorted out now so it</p> <p>15 will be quick and dynamic once we identify</p> <p>16 each one.</p> <p>17 MR. YOMBOR: Okay. Yeah.</p> <p>18 If you need a couple of minutes to do</p> <p>19 that, that's fine.</p> <p>20 MR. BOTWIN: Yeah. Absolutely.</p> <p>21 THE WITNESS: Another break?</p> <p>22 MR. BOTWIN: Yes, but we would like</p> <p>23 your help on this since one of the folks in</p> <p>24 my office prepared the exhibit names so I</p> <p>25 didn't get a chance to see which is which.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>27</p> <p>1 BY MR. BOTWIN:</p> <p>2 Q. So we're looking at Exhibit 1 to this</p> <p>3 deposition again.</p> <p>4 And I want to ask real quick, Marge, did you</p> <p>5 agree at the time with Miss Herman when she sent this</p> <p>6 email that, quote, "The more I think about it, the more</p> <p>7 ridiculous this request seems. Lennar has absolutely</p> <p>8 nothing to do with the Rec Association's reserves.</p> <p>9 "This is a non-issue and I don't think it takes</p> <p>10 a meeting to share this information." End quote.</p> <p>11 MR. YOMBOR: Objection to the form of</p> <p>12 the question.</p> <p>13 You can go ahead and answer it.</p> <p>14 A. I didn't answer it. I just read it.</p> <p>15 BY MR. BOTWIN:</p> <p>16 Q. Okay. And my question with respect to that</p> <p>17 statement by Miss Herman is: Did you agree at the time</p> <p>18 with her statement?</p> <p>19 A. As I said, I didn't answer it. I just read it</p> <p>20 and filed it away.</p> <p>21 Q. Okay. So, did you read it or--</p> <p>22 A. Of course I did.</p> <p>23 Q. --or you just file it?</p> <p>24 A. I read it. Yes, I read.</p> <p>25 Q. And, to the best of your recollection, did you</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>26</p> <p>1 MR. YOMBOR: All right. So I guess</p> <p>2 we---</p> <p>3 MR. BOTWIN: If it was me I would keep</p> <p>4 the original file names and that would be</p> <p>5 easy.</p> <p>6 So, Exhibit 2 is another email dated</p> <p>7 October 4th---</p> <p>8 Actually, I'll screen-share so you can</p> <p>9 see it.</p> <p>10 THE COURT REPORTER: This is off the</p> <p>11 record. Right?</p> <p>12 MR. BOTWIN: Yes. We're off the</p> <p>13 record right now.</p> <p>14 THE COURT REPORTER: Okay.</p> <p>15 [Discussion off the record.]</p> <p>16 MR. BOTWIN: Okay. Then we'll go back</p> <p>17 on the record and let me pull up Exhibit 1</p> <p>18 again.</p> <p>19 Pardon this snafu.</p> <p>20 MR. YOMBOR: All right. I think we're</p> <p>21 back on the record. Right?</p> <p>22 THE COURT REPORTER: Yes.</p> <p>23 MR. YOMBOR: Perfect.</p> <p>24 Thank you, Madam Court Reporter.</p> <p>25 MR. BOTWIN: Yes. Yes.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>28</p> <p>1 have any reaction to what she said?</p> <p>2 A. No.</p> <p>3 Q. And at this time do you agree with the</p> <p>4 statements that she made?</p> <p>5 MR. YOMBOR: Objection to the form of</p> <p>6 the question.</p> <p>7 A. At this time in regards to what, sir?</p> <p>8 BY MR. BOTWIN:</p> <p>9 Q. In regards to what she is discussing with</p> <p>10 Lennar and the Recreation Association's reserves.</p> <p>11 A. Lennar had nothing to do with the Rec</p> <p>12 Association's reserves. It's true then, yes.</p> <p>13 [Whereupon, Mr. Rob Thom enters the</p> <p>14 Zoom deposition in progress.]</p> <p>15 BY MR. BOTWIN:</p> <p>16 Q. Okay. I'm going to take this exhibit down and</p> <p>17 I will be pulling up Exhibit Number 2.</p> <p>18 MR. YOMBOR: Rob, please mute</p> <p>19 yourself.</p> <p>20 [Background conversation.]</p> <p>21 MR. YOMBOR: Rob?</p> <p>22 MR. THOM: Yes?</p> <p>23 MR. YOMBOR: We need you to mute</p> <p>24 yourself, please.</p> <p>25 MR. THOM: I'm on my phone. I need to</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

<p>29</p> <p>1 figure out how to do it. Sorry.</p> <p>2 MR. YOMBOR: The bottom left of your</p> <p>3 screen on the Zoom thing.</p> <p>4 You're muted. Thank you.</p> <p>5 MR. YOMBOR: Sorry about that</p> <p>6 everybody.</p> <p>7 MR. BOTWIN: No worries.</p> <p>8 [The 10/4/22 email referred to below</p> <p>9 was marked for identification as Exhibit</p> <p>10 No. 2.]</p> <p>11 BY MR. BOTWIN:</p> <p>12 Q. Now, I'm pulling up what is Exhibit Number 2.</p> <p>13 This is another email that you produced to us,</p> <p>14 Marge, and I would like you to take a moment to</p> <p>15 familiarize yourself with it and then identify which file</p> <p>16 it is so we're all on the same page?</p> <p>17 A. Okay. What would you like me to say about it?</p> <p>18 Q. Okay. Let's just first make sure that it's</p> <p>19 among which documents that you produced?</p> <p>20 I believe it might have been PGCA---</p> <p>21 A. It's either Number 23 or 24.</p> <p>22 MR. BOTWIN: Okay. Let me check here.</p> <p>23 It's PGCA-23, Kevin, for your notes.</p> <p>24 MR. YOMBOR: PGCA-23. Thank you.</p> <p>25 MR. BOTWIN: Sure.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>31</p> <p>1 Yes, I do.</p> <p>2 Q. Okay. Thank you.</p> <p>3 One last question I'd like to ask here is: So,</p> <p>4 in your view, was Miss Herman correct about the entire</p> <p>5 fear about Lennar stealing reserves was a non-issue?</p> <p>6 If you understand---</p> <p>7 MR. YOMBOR: Objection to the form.</p> <p>8 A. She didn't say one thing about Lennar stealing</p> <p>9 reserves.</p> <p>10 All she said was PGCA is a non--Lennar's</p> <p>11 relationship is a non-issue with the reserves.</p> <p>12 She said nothing about stealing reserves.</p> <p>13 [The 3/31/22 email referred to below</p> <p>14 was marked for identification as Exhibit</p> <p>15 No. 3.]</p> <p>16 BY MR. BOTWIN:</p> <p>17 Q. Okay. Thank you.</p> <p>18 All right. I will take this exhibit down and</p> <p>19 bring up Exhibit Number 3.</p> <p>20 Here is Exhibit 3. If you can please take a</p> <p>21 moment to look at it, familiarize yourself again.</p> <p>22 A. Okay. And what is your question, sir?</p> <p>23 Q. Sure. First, I'd like to--you might notice</p> <p>24 this is a standard question now.</p> <p>25 You received this email at or about March 31st,</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>30</p> <p>1 BY MR. BOTWIN:</p> <p>2 Q. Okay. And as to the document itself I would</p> <p>3 like to ask the following: You received this email at or</p> <p>4 about the time referenced in the email, is that correct,</p> <p>5 which would be about October 4th, 2022?</p> <p>6 A. Correct.</p> <p>7 Q. Now, did you read this email when you received</p> <p>8 it?</p> <p>9 A. Yes, I did.</p> <p>10 Q. And at the time that you read it did you agree</p> <p>11 with Miss Herman's statement in which she said that the</p> <p>12 Rec Association's reserves are a non-issue?</p> <p>13 MR. YOMBOR: Objection. Asked and</p> <p>14 answered.</p> <p>15 A. Okay. I agree that the PGCA has nothing to do</p> <p>16 with the Recreation's reserves.</p> <p>17 Q. Okay. And do you see that she is referring to</p> <p>18 Joint Resolution as she says in her email?</p> <p>19 A. Find me the sentence.</p> <p>20 Q. Sure.</p> <p>21 I can highlight this for you.</p> <p>22 Do you see my highlighting?</p> <p>23 A. I do. And the sentence says it would lead to</p> <p>24 an issue of the reserves and the Joint Resolution; "an</p> <p>25 issue."</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>32</p> <p>1 the time printed on the email?</p> <p>2 A. Yes. Let me find...</p> <p>3 January, February, March.</p> <p>4 Okay. That is Number 9.</p> <p>5 Q. PGCA-9? Yes, it is.</p> <p>6 A. Okay.</p> <p>7 MR. YOMBOR: Thank you.</p> <p>8 MR. BOTWIN: Of course.</p> <p>9 BY MR. BOTWIN:</p> <p>10 Q. And let me check what I'd like to ask here.</p> <p>11 Now, my question with this document is just</p> <p>12 regarding the role of the PGCA and I just need to</p> <p>13 highlight a particular paragraph.</p> <p>14 MR. THOM: Can I ask what the date on</p> <p>15 that email is?</p> <p>16 THE WITNESS: 3/31/22.</p> <p>17 MR. THOM: Of what year?</p> <p>18 THE WITNESS: 2022.</p> <p>19 MR. THOM: Thank you.</p> <p>20 MR. YOMBOR: Thank you, Ms. Kurinsky.</p> <p>21 BY MR. BOTWIN:</p> <p>22 Q. So I'm highlighting this paragraph here and</p> <p>23 I'll read it. It says, "Therefore the PGCA needs to make</p> <p>24 sure that the Development Agreement is interpreted</p> <p>25 correctly and that all the requirements contained therein</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 are met."

2 And my question is: Do you agree with Miss
3 Herman's statement there that that was the role of the
4 PGCA?

5 MR. YOMBOR: Objection to the form of
6 the question.

7 **A. I was not at that meeting.**

8 **"PGCA needs to make sure the Development**
9 **Agreement is interpreted correctly and that all the**
10 **requirements contained therein are met."**

11 **Yes.**

12 **Q.** Okay. And setting aside statements made by
13 Miss Herman, what was your understanding of the PGCA's
14 role?

15 **A. The understanding of my role was that concerned**
16 **owners would come to me with their concerns and I would**
17 **forward it along to the people, whoever was the president**
18 **of the PGCA at the time, and then they would go to**
19 **Lennar, and that the process would be dealt that way so**
20 **many voices would not be heard at one time to Lennar.**
21 **One voice from the community.**

22 **That's what my role was and that's how I**
23 **interpreted my role.**

24 **Q.** All right. I appreciate it.

25 But what I really wanted to ask was what you
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1 BY MR. BOTWIN:

2 **Q.** And, Marge, you received this email here on or
3 about October 15th, 2022?

4 **A. Yes, if that's the date it says.**

5 **Q.** So I'm highlighting the fourth paragraph of
6 this email and I want to ask if Miss Herman's statement
7 here, if you agree that is also your understanding of the
8 meetings with Lennar with respect to the Development
9 Agreement?

10 And you can take a moment to read this.

11 **A. Yes.**

12 **Q.** Okay. Thank you.

13 So, let's say if Lennar wanted to change
14 language of the Development Agreement or otherwise ignore
15 language in the Development Agreement, is it your
16 understanding the PGCA's role in such a situation was not
17 to give Lennar approvals to either violate or modify the
18 Development Agreement?

19 MR. YOMBOR: Objection to the form of
20 the question.

21 **A. Could you repeat the question?**

22 BY MR. BOTWIN:

23 **Q.** Sure. So, if Lennar wanted to change the
24 language of the Development Agreement or ignore language
25 in the Development Agreement, your understanding is that
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1 understood the PGCA itself, what its role was as opposed
2 to your role in it?

3 **A. That's what I interpreted it to be and that's**
4 **how I went forward with my role.**

5 **Q.** Okay. So, just so I'm understanding correctly,
6 you saw the PGCA as a liaison to forward questions and
7 concerns from the community to Lennar?

8 **A. Correct.**

9 [The 10/15/22 email referred to below
10 was marked for identification as Exhibit
11 No. 4.]

12 BY MR. BOTWIN:

13 **Q.** Thank you.
14 And I am going to pull up Exhibit Number 4 now.
15 And this is the Exhibit Number 4.
16 Please just take a quick moment to look at the
17 document.

18 **A. That should be either Number 30, 31, 32.**

19 MR. BOTWIN: And let me double-check
20 this.

21 It's PGCA-30 of the PDF, Kevin.

22 MR. YOMBOR: Dash 30?

23 MR. BOTWIN: Thirty, yes.

24 MR. YOMBOR: Thank you.

25
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1 the PGCA's role, if such was the situation, was not to
2 give Lennar such approvals to violate the Development
3 Agreement?

4 MR. YOMBOR: Objection to the form.

5 **A. I still don't understand. You're asking me to**
6 **say is it okay or is it not okay?**

7 **Could you put it in English that I can**
8 **understand, please?**

9 BY MR. BOTWIN:

10 **Q.** Yes, of course.

11 **A. You're doing very good, but just explain it a**
12 **little better to me.**

13 **Q.** Okay. Was it your understanding of the PGCA's
14 role--or, sorry. I have the notes and I read sometimes
15 from the notes and then I realize that it's a little bit
16 messy. I apologize for that.

17 Was it your understanding that one of the
18 PGCA's role was to give approvals to modifications to the
19 Development Agreement with Lennar?

20 **A. No.**

21 **Q.** What would be your understanding was the PGCA's
22 role with respect to the Development Agreement?

23 **A. That was not my job to change the agreement.**
24 **That was not the PGCA's job to change any agreements with**
25 **Lennar. And Lennar, as far as I'm--they never asked**

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1 **anybody in the PGCA to change anything.**

2 Q. Okay. Got it.

3 And one last question with this highlighted
4 portion. To the best of your knowledge, was Miss Herman
5 right regarding what you're saying?

6 A. **Well, you just took it off so I can't read it**
7 **again.**

8 Q. Oh, see here?

9 A. **Okay. "These meetings with Lennar were not to**
10 **renegotiate the terms."**

11 **Yes.**

12 MR. YOMBOR: Could you please repeat
13 the question?

14 MR. BOTWIN: I'm just asking--I'll
15 rephrase.

16 BY MR. BOTWIN:

17 Q. Marge, do you agree with what Miss Herman is
18 saying here?

19 A. **Yes.**

20 [The 12/16/22 email referred to below
21 was marked for identification as Exhibit
22 No. 5.]

23 BY MR. BOTWIN:

24 Q. Okay. Thank you. I'll take this down.

25 Okay. I am bringing up--this is Exhibit Number
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1 getting that clubhouse permit and homes permit shortly
2 after." End quote.

3 Do you see that?

4 A. **Yes, I see it.**

5 Q. In your view, Marge, was Lennar able under the
6 Development Agreement, in Thom's words, to quote, "get
7 the clubhouse permit shortly after," or did Lennar have
8 to do what the Development Agreement said it would do?

9 MR. YOMBOR: Objection to the form of
10 the question. Calls for a legal
11 conclusion.

12 A. **So what do you want me--what's your question**
13 **again?**

14 BY MR. BOTWIN:

15 Q. I'm pretty much asking if you agree with what
16 Mr. Thom says in that paragraph?

17 MR. YOMBOR: Objection to the form of
18 that question.

19 A. **I'm still confused with what you want with the**
20 **question.**

21 BY MR. BOTWIN:

22 Q. I'm asking do you agree with Mr. Thom's
23 understanding in this paragraph of the work on the
24 clubhouse with respect to the Development Agreement?

25 A. **Well, I--- Can I take a pass on that?**
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1 5.

2 A. **12/16...**

3 Q. And, yes---

4 A. **That is Number 43.**

5 MR. YOMBOR: Forty-three.

6 MR. BOTWIN: Let me confirm.

7 Yes, it is.

8 MR. YOMBOR: Is that Exhibit 5?

9 MR. BOTWIN: Exhibit Number 5.

10 BY MR. BOTWIN:

11 Q. And I will ask for you to just take a quick
12 moment to familiarize yourself with it.

13 A. **Okay. And your question is?**

14 Q. First one is just did you receive this email on
15 or about December 16th, 2022?

16 A. **Yes.**

17 Q. Okay. And I'm going to highlight the second
18 paragraph of the email.

19 And in it Rob Thom states, I quote, "I would
20 agree that the perception was the clubhouse would be
21 completed first and that may have been the 13th Floor
22 plan.

23 "The agreement states that the clubhouse permit
24 is to be the first approval for vertical construction.

25 "Now Lennar owns the property and will be
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1 Q. Okay. If you don't understand it, then that's
2 fine and we can move on.

3 A. **Right. Thank you.**

4 Q. Yes. Yes. I should just say, yes, if you
5 don't understand something then you're free to say so and
6 that's fine.

7 A. **Okay.**

8 Q. I mean, we don't expect you to know everything
9 about everything.

10 A. **Thank you. Because I'm old and I forget**
11 **things.**

12 Q. And, of course, it is appreciated to know what
13 you don't know, as well.

14 A. **Correct.**

15 Q. Did you approve, on behalf of the PGCA, of Mr.
16 Thom's decision to take no action in response to Lennar
17 not complying with the Development Agreement?

18 MR. YOMBOR: Objection to the form of
19 the question.

20 You can go ahead and answer it.

21 A. **Repeat?**

22 BY MR. BOTWIN:

23 Q. Let's see. Did the--well, actually, let me
24 first ask: Did the PGCA approve of any decision by Mr.

25 Thom with respect to Lennar's compliance with the
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1 Development Agreement?

2 MR. YOMBOR: Objection to the form of

3 the question.

4 **A. The PGCA never voted that Lennar change**

5 **anything.**

6 BY MR. BOTWIN:

7 **Q.** Did the PGCA do anything about ensuring Lennar

8 complies with the agreement as it was?

9 MR. YOMBOR: Objection to the form of

10 the question. Lack of predicate.

11 BY MR. BOTWIN:

12 **Q.** If you don't understand the question, you can

13 say so.

14 **A. Thank you. I don't understand the question.**

15 [The 10/15/22 email referred to below

16 was marked for identification as Exhibit

17 No. 6.]

18 BY MR. BOTWIN:

19 **Q.** Okay. You know, I'll just move on. I don't

20 think there's any need to go further on this.

21 So I'm going to stop sharing and I'm going to

22 go forward with Exhibit Number 6.

23 And let me share this.

24 And I think once I'm done with the exhibits I

25 won't have any further questions for today.

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1 MR. YOMBOR: Now we're going to

2 Exhibit 6?

3 MR. BOTWIN: Yes. And it's on the

4 screen now.

5 THE WITNESS: October 15.

6 MR. BOTWIN: I believe this is--hold

7 on. Sorry.

8 THE WITNESS: October 13--December 13?

9 MR. BOTWIN: I'm sorry.

10 BY MR. BOTWIN:

11 **Q.** Sorry. Just take a moment to look at this

12 document real quick.

13 **A. October 15th?**

14 **Q.** Yes. I'll ask this document, did you receive

15 it on or about October 15th, 2022?

16 **A. Oh, this is from the Recreation Board. Okay.**

17 MR. YOMBOR: And, Elad, what number

18 production is this?

19 THE WITNESS: I--let's see. Oh,

20 Number 31.

21 MR. BOTWIN: Thirty-one. I thought I

22 was in the wrong number.

23 I'm sorry. No, that's not it.

24 It's--let me check here. It's 32.

25 PGCA-32 is Exhibit 6.

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1 BY MR. BOTWIN:

2 **Q.** And I think I just wanted you to take a quick

3 look at it and I think my only--

4 **A. But you don't have Number 32 up. This is**

5 **Number 31. This is from the Rec Board.**

6 **Q.** Okay.

7 **A. Okay. It's not from Susan Herman.**

8 **Q.** Yes. That's correct.

9 **A. It's the Rec Board.**

10 **Q.** Okay. Thank you.

11 Do you recall getting this email?

12 **A. The entire community got this email, yes.**

13 **Q.** Okay. Thank you.

14 That's all I have for this exhibit.

15 I'm going to move on with Exhibit Number 7.

16 We're almost done here.

17 MR. YOMBOR: With your questions.

18 MR. BOTWIN: Yes, my questions.

19 [The 10/26/23 email referred to was

20 marked for identification as Exhibit No.

21 7.]

22 BY MR. BOTWIN:

23 **Q.** Here is Exhibit Number 7 and I'd just like you

24 to take a moment to familiarize yourself with this one.

25 **A. Okay.**

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1 MR. YOMBOR: Elad, what document

2 number in the production?

3 **A. What number are you on now? October 26th?**

4 BY MR. BOTWIN:

5 **Q.** Yes. I'll ask for this exhibit: Did you get

6 this email on or about October 26, 2023?

7 **A. Hold on. I have to turn the page.**

8 **Wait a minute.**

9 THE WITNESS: That's Number 67.

10 MR. YOMBOR: Thank you, Marge.

11 MR. BOTWIN: Yes, it is. PGCA-67.

12 BY MR. BOTWIN:

13 **Q.** And just because I kind of got lost in the

14 shuffle, I was asking: Did you receive this email--

15 **A. Yes.**

16 **Q.** --on or about October 26, 2023?

17 **A. Correct.**

18 **Q.** Okay. Do you see this sentence I'm

19 highlighting here, which reads--and it's--and I'm sorry.

20 Rob Thom--

21 **A. I see the sentence. I see the sentence.**

22 **Q.** --mentioning Lennar and said, "Yes, we would

23 have to sue them, which will be costly, and what would

24 that accomplish? It's not worth fighting about.

25 "We were told we are very close to getting the

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<p>45</p> <p>1 permit for the clubhouse."</p> <p>2 My question with that, Marge, as a liaison for</p> <p>3 PGCA, was it your view at the time of this email that</p> <p>4 PGCA had a right to decide whether or not Condo 1 and</p> <p>5 Condo 2 could or should sue Lennar for violations of the</p> <p>6 agreement?</p> <p>7 MR. YOMBOR: Objection to the form of</p> <p>8 the question.</p> <p>9 A. How would I know what Lennar was thinking about</p> <p>10 suing?</p> <p>11 BY MR. BOTWIN:</p> <p>12 Q. Let me clarify.</p> <p>13 To your knowledge, did the PGCA have a role in</p> <p>14 deciding whether or not Condo 1 or 2 could or should take</p> <p>15 action against Lennar?</p> <p>16 A. No. I do not believe that the PGCA had that</p> <p>17 right or authority.</p> <p>18 Q. Okay. Let's see.</p> <p>19 A. Lennar was waiting for the permits from the</p> <p>20 State.</p> <p>21 Q. Okay. Could you tell me more about that?</p> <p>22 A. What about it? They've been waiting for the</p> <p>23 permits from the State.</p> <p>24 Q. Okay. And that was your understanding of why</p> <p>25 the clubhouse work was delayed?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>47</p> <p>1 page.</p> <p>2 A. Number 53.</p> <p>3 MR. YOMBOR: Thank you.</p> <p>4 MR. BOTWIN: Let me double-check that.</p> <p>5 THE WITNESS: You don't have to.</p> <p>6 That's the only one of the day.</p> <p>7 It's 53.</p> <p>8 MR. BOTWIN: Yes. That's right.</p> <p>9 Okay. Thank you.</p> <p>10 BY MR. BOTWIN:</p> <p>11 Q. And, of course, my first question — actually, I</p> <p>12 think it's my only question for this particular exhibit</p> <p>13 is: Did you receive this on or about May 11th, 2023?</p> <p>14 A. Yes, I did.</p> <p>15 Q. Okay. Does the content of this email, do you</p> <p>16 have a recollection of this monthly meeting?</p> <p>17 A. Yes. I was on the meeting.</p> <p>18 Q. And do these notes, are they accurate to your</p> <p>19 recollection of what happened at the meeting?</p> <p>20 A. Yes.</p> <p>21 [The 10/26/23 referred to below was</p> <p>22 marked for identification as Exhibit No.</p> <p>23 9.]</p> <p>24 BY MR. BOTWIN:</p> <p>25 Q. Okay. Thank you.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>46</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Let me see if I have any further</p> <p>3 questions with respect to this exhibit.</p> <p>4 Now where here this email Rob Thom says it's</p> <p>5 not a good idea to sue Lennar. To your understanding of</p> <p>6 the PGCA's role, do you think that Mr. Thom was doing</p> <p>7 what he was supposed to be doing as an officer of the</p> <p>8 PGCA?</p> <p>9 MR. YOMBOR: Objection to the form of</p> <p>10 that question.</p> <p>11 BY MR. BOTWIN:</p> <p>12 Q. Do you understand the question?</p> <p>13 A. You want me to say did Rob Thom--was Rob Thom</p> <p>14 doing his job?</p> <p>15 Q. Yes.</p> <p>16 A. I was on the same committee as he was. We all</p> <p>17 were doing our jobs.</p> <p>18 [The 5/11/23 email referred to below</p> <p>19 was marked for identification as Exhibit</p> <p>20 No. 8.]</p> <p>21 BY MR. BOTWIN:</p> <p>22 Q. Okay. Sounds good.</p> <p>23 I'll take this down and we're going to bring up</p> <p>24 Exhibit Number 8.</p> <p>25 Here is Exhibit Number 8. It's just this one</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>48</p> <p>1 That's done. Now I'm going to pull up Exhibit</p> <p>2 Number 9. Here it is.</p> <p>3 A. October 26th.</p> <p>4 It's either 67, 68, 69 or 70.</p> <p>5 MR. BOTWIN: Okay. Let me check here.</p> <p>6 It's 68.</p> <p>7 MR. YOMBOR: Sixty-eight. Thank you.</p> <p>8 BY MR. BOTWIN:</p> <p>9 Q. Now I'll just ask you to take a quick moment to</p> <p>10 look at this document and familiarize yourself with it</p> <p>11 real quick.</p> <p>12 If you want me to scroll down further please</p> <p>13 let me know.</p> <p>14 A. It's the same email that you just did three</p> <p>15 times ago.</p> <p>16 Q. Oh, okay. So...</p> <p>17 A. It was the same thing.</p> <p>18 We've talked about this already.</p> <p>19 Q. Okay. I see.</p> <p>20 Now, as for this particular email, did you</p> <p>21 receive it on or about October 26, 2023?</p> <p>22 A. Yes. It's dated October 26th.</p> <p>23 Q. Thank you.</p> <p>24 So this first sentence up here, I don't think</p> <p>25 we've seen this one before at this deposition, and it</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 reads, "I wouldn't say that. There was a change in
2 developer and they have taken a different approach as a
3 for-profit company." End quote.

4 And I first want to ask: Do you see that
5 statement?

6 **A. I see the statement.**

7 **Q.** Okay. Did you read this email when you
8 received it?

9 MR. YOMBOR: Objection to the form of
10 the question. Lack of predicate.

11 **A. Yes. I'm sure I scrolled down and read it.**

12 BY MR. BOTWIN:

13 **Q.** Okay. And at the time of this email was it
14 your understanding that 13th Floor was a not-for-profit
15 company?

16 **A. I don't know. I had no idea if it's...**

17 **Q.** Okay. And was it your understanding that
18 Lennar is a for-profit company?

19 **A. If they have stocks they're a for-profit
20 company.**

21 **Q.** Okay. And just here, since there isn't like a
22 name particularly mentioned, do you understand what
23 company Mr. Thom is referring to when he says this
24 for-profit company?

25 MR. YOMBOR: Objection to the form of
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1 the question.

2 Do you want to point to a specific one
3 or just all of them?

4 MR. BOTWIN: I'd say all of them, but
5 certainly the--or we could go bit by bit,
6 if you wish.

7 MR. YOMBOR: Okay. Sustain objection.

8 **A. So, gentlemen, what is your question that you
9 want me to answer, please?**

10 BY MR. BOTWIN:

11 **Q.** Well, I would like to ask--I'll highlight this
12 portion here [indicating].

13 **A. Okay.**

14 **Q.** This statement from Rob Thom.

15 Do you agree with what he said here?

16 MR. YOMBOR: Objection to the form of
17 the question.

18 **A. I agree with the first sentence, but I disagree
19 with the second sentence.**

20 BY MR. BOTWIN:

21 **Q.** Okay. And, so, the second sentence starts
22 with, "Yes, we would have to sue them, which will be
23 costly and what would that accomplish?"

24 Can you tell me more about what you disagree
25 about what he says there in that paragraph?

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1 the question.

2 MR. BOTWIN: Or I'll rephrase.

3 BY MR. BOTWIN:

4 **Q.** Do you know what company he's referring to in
5 this sentence?

6 MR. YOMBOR: Same objection.

7 BY MR. BOTWIN:

8 **Q.** If you don't, that's okay.

9 **A. Okay.**

10 **Q.** So, I think that based on a lot of what I've
11 heard earlier, it does sound like you've been--you've
12 monitored the emails that you've received with respect to
13 the PGCA.

14 Is that correct?

15 **A. What do you mean by monitored? I kept them.
16 Is that what you're saying?**

17 **Q.** I'm sorry. That you read them as they came?

18 **A. Some I read more in-depth. Some I glanced
19 through quicker than others.**

20 **Q.** Okay. Thank you.

21 And throughout--or, actually, I'll start with
22 this email.

23 Do you agree with the statements that Rob Thom
24 is making in here?

25 MR. YOMBOR: Objection to the form of
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1 MR. YOMBOR: Elad, didn't you just
2 highlight the other paragraph before?

3 MR. BOTWIN: Oh, I'm sorry. Right
4 here [indicating].

5 MR. YOMBOR: Yeah. Okay.

6 When I looked at it first to compare
7 it, you highlighted the paragraph above.

8 MR. BOTWIN: Yeah.

9 BY MR. BOTWIN:

10 **Q.** Yeah. So I understand this first paragraph
11 that starts with, "As I stated"--

12 MR. BOTWIN: Oh, okay.

13 **Q.** --Marge, you would agree with that. Is that
14 correct?

15 **A. Yes. I agree that we were waiting for the
16 permits.**

17 **Q.** Okay.

18 **A. I also agree, okay, that we would--that the
19 state--I also agree that the permits were coming for the
20 clubhouse.**

21 **Q.** Okay.

22 **A. And they were waiting for the permits from the
23 state for the clubhouse. And that took a lot of time.**

24 **I also agree that--that's what I agree on.**

25 **Q.** Okay. And now I would just like to ask what
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1 was it that you disagreed with in this second paragraph?

2 **A. The sentence, "It's not worth fighting about.**

3 **We are told we are very close to getting the permit for**

4 **the clubhouse."**

5 **I agree with that. That, I agree with.**

6 Q. Did---

7 **A. But I don't--**

8 Q. Sorry. Go ahead.

9 **A. I disagree that we would have to sue them. I**

10 **do disagree with that. Because we were waiting for the**

11 **permits.**

12 Q. Okay. Thank you.

13 Let me see if I have any further questions on

14 this exhibit.

15 I don't think so.

16 **A. But that--that was--okay. Go ahead.**

17 Q. No, no. Please. If you have something to say,

18 please.

19 **A. I was going to say that was not part of the**

20 **subpoena. Right? This is going beyond?**

21 Q. It's a document that you produced.

22 **A. I produced because you asked me to send all**

23 **documents.**

24 **Okay. I just want to make sure.**

25

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1 **Okay.**

2 **[Scrolling.]**

3 **Okay.**

4 **[Scrolling.]**

5 **Okay.**

6 **[Scrolling.]**

7 **Okay.**

8 **[Scrolling.]**

9 **Okay.**

10 Q. And I think there following are pictures.

11 **A. Yes.**

12 Q. And that's the end of the document.

13 **A. Okay.**

14 Q. And let me see what I want to do.

15 Okay. And first question I would just like to

16 ask is: Did you receive this email on or about

17 October 26, 2023?

18 **A. Yes.**

19 Q. And are you aware of or were you aware of the

20 issues that are described in this email?

21 **A. When I got--when I read it I became aware of**

22 **it, yes.**

23 Q. And do you know anything about the issues

24 described in this email like beyond the email?

25 **A. No.**

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1 [The 10/26/23 email referred to below

2 was marked for identification as Exhibit

3 No. 10.]

4 BY MR. BOTWIN:

5 Q. Okay. And now I'm going to pull up Exhibit 10.

6 This is my final exhibit and then I will be

7 done with questions for today after that.

8 Give me one moment, please.

9 MR. YOMBOR: I have not yet had a

10 chance to look at this email. We got them

11 just before the deposition.

12 Give me a second so I can look at it.

13 MR. BOTWIN: Yes. Yes. I'm pulling

14 it up now.

15 This is Exhibit 10 and this is

16 PGCA-70.

17 MR. YOMBOR: Give me one second.

18 MR. BOTWIN: Yes. Of course. Take

19 your time.

20 BY MR. BOTWIN:

21 Q. In the meantime, Marge--

22 **A. Yes, I'm reading it. Yes.**

23 Q. --if you want me to scroll down, tell me.

24 **A. Okay. What would you--okay.**

25 **[Scrolling.]**

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1 Q. Okay. So, your understanding of this situation

2 concerning cut wires and pipes is limited to this email?

3 **A. Yes.**

4 Q. Okay. And just one last thing here: Do you

5 understand what Mr. Thom is speaking about in this email?

6 **A. Yes. That it was--yes, I do understand.**

7 Q. Okay. Thank you.

8 All right. I think I have a few...

9 All right. I'll take this exhibit down and I

10 have just a few quick questions.

11 I first want to ask, Marge, did you ever ask

12 Rob Thom why he was being very accommodating to Lennar?

13 MR. YOMBOR: Objection to the form of

14 the question. Lack of predicate.

15 MR. BOTWIN: Well, actually, strike

16 that.

17 BY MR. BOTWIN:

18 Q. At any point did you ever believe that Rob Thom

19 was being very accommodating to Lennar?

20 **A. Not at all.**

21 Q. Okay. Then what was your belief about his

22 attitude toward Lennar?

23 **A. I think his attitude towards Lennar was a**

24 **business attitude.**

25 **I think he represented Condo 1 and Condo 2, our**

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1 whole community, and wanted to make sure things got done
2 in a right fashion and got done expediently and got done
3 the right way.

4 I think his whole attitude and his belief was
5 what was best for Palm Greens 1 and 2.

6 Q. Okay. Thank you.

7 One question here real quick: Do you recall if
8 Rob Thom ever called a PGCA meeting to discuss the
9 expenses of renovating community facilities due to
10 Lennar's delays?

11 A. No.

12 Q. Were there any discussions inside of the PGCA
13 regarding expenses incurred by delays on Lennar's end?

14 A. Repeat the question?

15 Q. Did PGCA itself, the members, did they ever
16 talk about expenses incurred by Lennar's delays?

17 A. No. Because there were no expenses incurred
18 yet.

19 Q. All right.

20 A. Everything was still the same. So how can
21 there be expenses when it's all still the same?

22 Q. Okay. Thank you.

23 MR. BOTWIN: Okay. That's all of my
24 questions for today.

25 Kevin, I presume that you have
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1 said that you had in front of you a subpoena as well as a
2 \$10 check.

3 Can you tell me who the payee or the payor of
4 the check was?

5 A. Who signed it?

6 Q. Yeah. Like who was the check issued from?
7 Is there a person's name, a law firm's name?

8 A. Western Union.

9 Q. All right. And then who's the signatory?

10 A. I can't even read his name.
11 It's called the subpoena witness fee.

12 Q. All right. And you can't tell?

13 There's no name somewhere written on it where
14 it says who it's from?

15 A. [Indicating].

16 Q. Gotcha.

17 There's no law firm name, no lawyer's name on
18 it?

19 A. No. It just says Subpoena Witness Fee - \$10.

20 Q. Okay.

21 A. I haven't cashed it. I don't want to cash it.
22 Bad luck. Unless I get lottery tickets but
23 that's about it.

24 MR. BOTWIN: And just for the record

25 I'm not aware of--I was not aware of this
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1 questions for Marge?

2 MR. YOMBOR: Yeah. If you don't mind
3 maybe we can take a five-minute break?

4 THE WITNESS: Yeah.

5 MR. BOTWIN: Yeah. Of course.

6 [Discussion off the record.]

7 THE WITNESS: It's 11:30. Do you want
8 to make it 11:35?

9 MR. YOMBOR: Yes. All right.

10 We'll do six minutes. We'll be back
11 at 11:35.

12 MR. BOTWIN: All right. See you then.

13 [Short recess taken.]

14 MR. YOMBOR: All right.

15 Marge, Elad, Madam Court Reporter, are
16 we good to go?

17 THE WITNESS: I'm good to go.

18 MR. BOTWIN: Yeah.

19 THE COURT REPORTER: Yes.

20 MR. YOMBOR: Okay. Cool. Awesome.

21 CROSS-EXAMINATION

22 BY MR. BOTWIN:

23 Q. Marge, thank you again for taking the time to
24 be here today. Obviously, they made you appear via

25 subpoena. But at the beginning of the deposition you
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1 check and, if anything, it might have to do
2 with the service that we arranged.

3 But, again, I'm not aware of it.

4 BY MR. YOMBOR:

5 Q. Marge, after the depo, if you don't mind, I'll
6 send you an email so you get my email and I'll also copy
7 Elad, I'd love just a photograph of the check, if you
8 don't mind?

9 A. No problem. I'm not going to cash it anyhow
10 because I don't believe in being paid to be subpoenaed,
11 but that's just me.

12 Q. Yeah. Death, taxes and now being paid to
13 attend the deposition here today.

14 A. Correct.

15 Q. All right. What did you do to prepare today
16 for your deposition?

17 A. Well, I cried a lot. I thought a lot. I got
18 all these emails together because I read through this
19 deposition and it said it wanted documents.

20 I got all that together. And I prayed a lot.
21 And that was it.

22 Q. Did you review the initial complaint filed by
23 the plaintiffs in this lawsuit?

24 A. Did I read through the deposition?

25 Q. No. Through the initial complaint filed by the
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<p>61</p> <p>1 plaintiffs?</p> <p>2 A. No.</p> <p>3 Q. Did you read through the amended complaint</p> <p>4 filed by the plaintiffs?</p> <p>5 A. The lawsuits, you mean?</p> <p>6 Q. Yes. That's correct.</p> <p>7 A. No. I have to be--about a month ago I've come</p> <p>8 down with a lot of--some medical problems.</p> <p>9 I have a husband who's 85 with major medical</p> <p>10 problems.</p> <p>11 And, to be honest with you, my concern is that.</p> <p>12 I hate to say this is secondary when it's so important to</p> <p>13 everybody else, but to me my husband and myself and my</p> <p>14 health is more important and that's where my--in fact,</p> <p>15 today I'm getting my results of many biopsies. So,</p> <p>16 that's where my priority is.</p> <p>17 I'm sorry, guys, but it's not with you guys.</p> <p>18 I'm very honest.</p> <p>19 MR. YOMBOR: Thank you very much for</p> <p>20 the honesty.</p> <p>21 BY MR. YOMBOR:</p> <p>22 Q. By way of background, are you a lawyer?</p> <p>23 A. Me? No. I sold school books to school</p> <p>24 teachers for 44 years.</p> <p>25 Why? Am I acting like a lawyer?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>63</p> <p>1 MR. BOTWIN: We have the numbers</p> <p>2 figured out now. So, we don't need your</p> <p>3 help on that.</p> <p>4 THE WITNESS: Okay.</p> <p>5 MR. BOTWIN: You've done wonderfully</p> <p>6 for us.</p> <p>7 THE WITNESS: My trusty little notes</p> <p>8 [indicating].</p> <p>9 MR. YOMBOR: Perfect. Thank you.</p> <p>10 MR. BOTWIN: It's coming up now and</p> <p>11 just tell me where you want me to look or</p> <p>12 highlight.</p> <p>13 MR. YOMBOR: Just that first</p> <p>14 paragraph.</p> <p>15 MR. BOTWIN: Sure.</p> <p>16 MR. YOMBOR: That first line.</p> <p>17 BY MR. YOMBOR:</p> <p>18 Q. So, Marge -- may I call you Marge?</p> <p>19 A. Yes. Please do.</p> <p>20 Q. Marge, we previously talked about this. It's</p> <p>21 marked as Exhibit 10. It's an October 26, 2023 email</p> <p>22 from Rob Thom to Claudio Costa. Do you see that?</p> <p>23 A. Yes, I do see it.</p> <p>24 Q. And you've seen this email before?</p> <p>25 A. Yes, I have.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>62</p> <p>1 Q. You're very quick and witty. So...</p> <p>2 Then it would be fair to say that you are not a</p> <p>3 condo law expert. Correct?</p> <p>4 A. No.</p> <p>5 Q. You don't have any expertise in land</p> <p>6 developments?</p> <p>7 A. Not anything.</p> <p>8 Q. Are you an--</p> <p>9 A. I'm an honest person.</p> <p>10 Q. Are you an expert in any type of construction</p> <p>11 work?</p> <p>12 A. No.</p> <p>13 Q. How about pulling permits for commercial</p> <p>14 construction projects in South Florida?</p> <p>15 A. None.</p> <p>16 Q. So you have no idea about the delays or process</p> <p>17 or anything related to construction?</p> <p>18 A. Not at all.</p> <p>19 MR. YOMBOR: I would like to real</p> <p>20 quick--Elad, would you mind sharing</p> <p>21 Exhibit 10 again?</p> <p>22 MR. BOTWIN: Yeah. Sure.</p> <p>23 THE WITNESS: And what number is--oh,</p> <p>24 you're going to put it up.</p> <p>25 MR. YOMBOR: Yeah.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>64</p> <p>1 Q. And I know we've looked through all of it.</p> <p>2 It's 15-page document. It's got some photographs.</p> <p>3 But this email is a true and accurate copy of</p> <p>4 an email sent that you received from Rob on October 26,</p> <p>5 2023?</p> <p>6 A. Yes.</p> <p>7 Q. And it appears that the subject matter of this</p> <p>8 email exchange is about Lennar inadvertently or</p> <p>9 advertently, who knows, but cutting or damaging</p> <p>10 irrigation pipes--</p> <p>11 A. Yes.</p> <p>12 Q. --that impacted the Palm Greens community.</p> <p>13 Right?</p> <p>14 A. Yes, it is. Yes, it did.</p> <p>15 Q. And this Claudio Costa, who is this person?</p> <p>16 A. Claudio is the land developer for Lennar.</p> <p>17 He's the manager. The developer--you know, the</p> <p>18 manager for Lennar.</p> <p>19 Q. And do you know this person?</p> <p>20 A. I have seen him. He is on our monthly meetings</p> <p>21 and I have met Claudio once, when we dealt with the</p> <p>22 tennis courts.</p> <p>23 Q. Okay. And I do want to talk to you about the</p> <p>24 tennis courts shortly, but right now I just want to focus</p> <p>25 on this email.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 Now, it appears that--not on the email section
2 that we're looking at, but earlier in the chain it
3 appears that there's some back and forth as to what
4 occurred and how did this irrigation system get damaged.

5 Do you recall that?

6 **A. Yes.**

7 **Q.** And Lennar tried reaching the conclusion that
8 it's not actually Lennar's fault for damaging the
9 irrigation pipes. It's actually Palm Greens' fault
10 because the Palm Greens irrigation is on Lennar's land.

11 Do you kind of recall that background?

12 **A. That is very — what's the word I want to use.**
13 **For me to remember that right now...**
14 **Bits and pieces. So vaguely I recall it.**

15 **Q.** Yeah. Well, all right.

16 So let's look, then, at not that top email.

17 Let's look at the October 26, 2023 email at
18 8:44 right below there. It looks like it's from Claudio.

19 And it says, Paul and Rob.

20 And I just want to make sure: Paul Franzese,
21 that's the Number 2 Association's property manager?

22 **A. I think it is. I'm not in Condo 2.**
23 **So I think his name is Paul.**

24 **Q.** Okay. All right.

25 So the email right below the email that's
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1 **that he is not happy and he is frustrated with what is**
2 **going on.**

3 **Q.** Does it appear that Rob is advocating for the
4 Palm Greens community?

5 **A. One hundred percent.**

6 **Q.** Is Rob acquiescing to Lennar's position in that
7 email?

8 **A. No.**

9 **Q.** So would it be your position, then, that in
10 this email Rob is pushing back on Lennar's comment and
11 standing up to protect Palm Greens community?

12 **A. One hundred percent.**

13 **Q.** Is this email from Rob and his tone, is that
14 representative of how you saw Rob interacting with
15 Lennar?

16 **A. Yes.**

17 **Q.** Rob was always an advocate for the Palm Greens
18 community?

19 **A. Absolutely.**

20 **Q.** Thank you.

21 MR. YOMBOR: Thank you, Elad. You can
22 pull that email down.

23 BY MR. YOMBOR:

24 **Q.** You mentioned--

25 MR. YOMBOR: Elad, you can pull that
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1 highlighted. So this is an email that is sent from
2 Claudio.

3 "Please see the attached photos. It appears
4 our work has been within Lennar's property and the damage
5 would be due to your irrigation being on Lennar's
6 property. Please relocate."

7 Did I read that right?

8 **A. Yes, you read it right.**

9 **Q.** So does that refresh your recollection that the
10 dispute--that this at least current irrigation dispute
11 concerned Lennar may be trying to displace blame from
12 themselves and put it on Palm Greens?

13 **A. I don't have the knowledge to answer that**
14 **correctly.**

15 **Q.** No. And I appreciate that candor.

16 So let's then go back and look at that top
17 email from Rob.

18 And looking at that email--

19 MR. YOMBOR: Elad, if you could
20 scroll.

21 [Scrolling.]

22 BY MR. YOMBOR:

23 **Q.** Reading that email, would you describe the tone
24 of Rob's email as maybe concise and curt, perhaps direct?

25 **A. It is very direct and it's to Lennar saying**
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1 exhibit down. I appreciate you doing that.

2 [Mr. Botwin complies.]

3 BY MR. YOMBOR:

4 **Q.** You talked about the tennis courts.

5 When you talk about the tennis courts are you
6 talking about a situation involving Lennar offering to
7 resurface or repair the Rec Association tennis courts
8 during the pendency of this construction due to the
9 delays?

10 **A. Yes. They did it in--sometime in October.**

11 **We all went over and looked at--in the back**
12 **where they did what they were having to do.**

13 **I'm not a tennis player so I don't know the ins**
14 **and outs of tennis — I golf — but I don't know the ins**
15 **and outs of the tennis, but they did some kind of**
16 **refurbishing and stuff like that.**

17 **Q.** So Lennar did do some refurbishments of the
18 current tennis courts?

19 **A. Absolutely.**

20 **Q.** And that was at the direction of who?

21 **A. That was at the request of Rob, I think, and it**
22 **could have been the Rec Board also. It needed to be done**
23 **before the tennis season started.**

24 **Q.** Do you know if Lennar was obligated to repair
25 those tennis courts?

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1 **A. I don't know if they were obligated to do it**
 2 **then or when everything is finished. I'm not sure.**
 3 **Q.** Okay. But, nevertheless, you believe or you
 4 saw Rob and possibly the Recreation Association stand up
 5 and advocate for the community and have Lennar spend
 6 money to repair recreational facilities?
 7 **A. Yes.**
 8 **Q.** Before the PGCA was dissolved administratively
 9 earlier this month, were you on the PGCA Board?
 10 **A. Yes.**
 11 **Q.** And who was on the PGCA Board when you were on
 12 it in 2024?
 13 **A. In 2024 Rob and myself.**
 14 **Q.** So you and Rob were the only two individuals on
 15 the PGCA Board?
 16 **A. Yes.**
 17 **Q.** I thought I saw a gentleman by the name of
 18 Thomas Aldridge on the PGCA Board.
 19 **A. Yes, but he resigned.**
 20 **Q.** When did he resign?
 21 **A. I don't know the exact date. I think it was**
 22 **sometime in December.**
 23 **Q.** You are aware that the PGCA has been dissolved?
 24 **A. Yes.**
 25 **Q.** Who authorized the dissolution of the PGCA?
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1 **A. Lisa from Condo 1 and Art Robins, I think, from**
 2 **the Rec Board. Condo 1 and the Rec Board did the two.**
 3 **Q.** Did Art Robins hold a position on the PGCA?
 4 **A. He did back in 2022, he was on the PGCA, but he**
 5 **wasn't during the year--he wasn't on it in 2024.**
 6 **In fact, when Thom got on it Thom replaced Art.**
 7 **So when Thom came on it he replaced Art.**
 8 **Q.** And do you know when Art left the board?
 9 **A. You know, I don't know the exact date he left**
 10 **the board. I don't know the exact date.**
 11 **It was sometime in 2023.**
 12 **If we can find an email that had Thom's name on**
 13 **it I can tell you. But right now is sometime in 2023 or**
 14 **late 2022.**
 15 **Q.** Okay. So, when the PGCA was dissolved is it
 16 fair to say that Arthur Robins was not a board member of
 17 the PGCA?
 18 **A. Correct.**
 19 **Q.** When the Rec Association was dissolved, did Art
 20 Robins have any authority to act on behalf of the PGCA?
 21 **A. Well, wait a minute. You asked when the Rec**
 22 **Association was dissolved?**
 23 **Q.** I'm sorry.
 24 **A. The Rec Association was never dissolved.**
 25 **Q.** I'm sorry. That was a poor question.
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1 Thank you for the correction.
 2 **A. Okay.**
 3 **Q.** When the PGCA was dissolved earlier this month
 4 did Arthur Robins have any authority to act on behalf of
 5 the PGCA?
 6 **A. Not to my knowledge, no.**
 7 **He acted on the authority of the Rec Board, I**
 8 **think.**
 9 **Q.** At any time since Arthur Robins left the PGCA
 10 Board, did the PGCA Board ever vote to provide Arthur
 11 Robins authority to act on behalf of PGCA?
 12 **A. No.**
 13 **Q.** So the PGCA Board never authorized any action
 14 by Arthur Robins to dissolve the PGCA?
 15 **A. Correct.**
 16 **Q.** When you say Art acted on authority of the Rec
 17 Board to dissolve the PGCA, can you please explain that?
 18 I don't really understand.
 19 **A. We all received an email, okay, and at our last**
 20 **board meeting with Condo 1 it was told to us that Condo 1**
 21 **and the Rec Board voted to dissolve PGCA.**
 22 **And as of that date, that night, it was**
 23 **dissolved.**
 24 **Q.** And you are a member of the Condo 1 Board?
 25 **A. I used to be. I was until the end of 2022. I**
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1 **was on the Condo 1 Board, yes. But that ended. I**
 2 **decided not to run again for the 2023 election.**
 3 **Q.** And even though you're not on the board are you
 4 still relatively involved in the Condo 1 community?
 5 **A. I am involved in the community but I am on--I**
 6 **do not go to any board--you know, I just go to the**
 7 **monthly meetings.**
 8 **Q.** So you don't go to the board meetings but you
 9 go to the monthly meetings public to all members?
 10 **A. The public meetings, yes.**
 11 **Q.** Do you receive notices of the meetings before
 12 those meetings occur?
 13 **A. The public meeting? Yes, we do receive a**
 14 **notice about, you know, 10, 12 days before, yes.**
 15 **Q.** And do you read those notices?
 16 **A. Yes.**
 17 **Q.** Do you receive notices before the board
 18 meetings?
 19 **A. The--the closed board meetings or the open**
 20 **board meetings?**
 21 **Q.** Open board meetings.
 22 **A. There's so many meetings. So...**
 23 **Q.** Can you tell me when a closed board meeting
 24 occurred versus when an open board meeting occurs?
 25 **A. Well, a closed board meeting occurs when they**
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1 **say we're having a closed board meeting.**
 2 **For instance, a month ago they had a closed**
 3 **board meeting to discuss the PGCA. That was a closed**
 4 **board meeting. They put the notice on the door.**
 5 **It was not open to the public.**
 6 Q. Do you know why that was?
 7 A. **I have no idea.**
 8 **Well, I'm assuming--I do not know why. I have**
 9 **assumptions, but that's not what you're looking for.**
 10 Q. Sure.
 11 Do you know who was present at that meeting?
 12 A. **I do not know who was present at that meeting,**
 13 **no.**
 14 Q. Do you know who the general counsel is for the
 15 Number 1 Condo Association?
 16 A. **No, I don't. Not anymore.**
 17 Q. Was it Eric Glazer at one point of Glazer &
 18 Zachs?
 19 A. **Yes. At one point.**
 20 Q. Do you know if Glazer & Zachs is still Condo
 21 1's general counsel?
 22 A. **I think so. I think he was at our board**
 23 **meeting, yes. He was at our board meeting. The open**
 24 **board meeting the last time we had it.**
 25 Q. And we have established that you at least look
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1 at the notices.
 2 Are you aware of any notice that notified the
 3 membership in its entirety that the Condo 1 Board was
 4 considering dissolving the PGCA?
 5 A. **The month before, okay, at the open board**
 6 **meeting, one of the board members brought it up and**
 7 **wanted to have me removed from the PGCA.**
 8 **At that time they never--the board took a vote**
 9 **and they voted--nobody would vote and they voted to have**
 10 **a discussion about it. Because I got up and I talked to**
 11 **the community. And I told the community that I'm here to**
 12 **represent them.**
 13 **And, so, then a lot of things happened, yelling**
 14 **and screaming, as usual, and then they voted and nobody**
 15 **would vote to get me off the meeting. So then it was**
 16 **decided that they would discuss it at a later time.**
 17 **That was the first time it was brought up to my**
 18 **attention that they wanted me off the PGCA.**
 19 Q. And who is this board member that wanted to
 20 have you off the PGCA?
 21 A. **Well, I don't want to name names because I**
 22 **don't want to get in trouble. I'm honest.**
 23 **I don't want retaliation and that's how--I**
 24 **don't want retaliation. But just it--it was a board**
 25 **member that brought it up.**
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1 Q. Why do you feel like you have been dragged here
 2 today via subpoena to testify?
 3 A. **Why do I--can I be honest?**
 4 Q. I absolutely want you to be honest.
 5 A. **I have no clue what you guys want from me.**
 6 **I'm honest.**
 7 **I have no clue what you thought I know and what**
 8 **I don't know which you found out I don't know a lot.**
 9 **But I don't know.**
 10 Q. Do you believe--
 11 A. **It was a super shock to get the subpoena.**
 12 **It was a shock because the only thing I could**
 13 **think about was because of the Palm Greens Condominium**
 14 **Association. Because, other than that, I don't know**
 15 **anything else.**
 16 Q. Do you believe that Mr. Robins is trying to
 17 intimidate you or harass you in any way?
 18 MR. BOTWIN: Objection.
 19 Argumentative.
 20 A. **Nobody has harassed me, no.**
 21 **I haven't been harassed.**
 22 BY MR. YOMBOR:
 23 Q. But do you believe that Mr. Robins is using the
 24 subpoena in an effort to try to harass you?
 25 A. **I'm scared to answer anything because I do not**
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1 **want to be named in a lawsuit.**
 2 Q. Are you scared to answer because you believe if
 3 you were to testify truthfully and honestly that Mr.
 4 Robins may actually sue you?
 5 A. **[No response.]**
 6 Q. You're not comfortable answering my question?
 7 A. **I'm not comfortable.**
 8 Q. That's okay.
 9 I think I understand exactly what you mean.
 10 A. **Thank you.**
 11 Q. I would like to get a better understanding.
 12 Now, you were asked a heck of a lot of
 13 questions today. Unfortunately, none of them actually
 14 concerned the merits of this lawsuit.
 15 So I'd like to make sure that you don't know
 16 anything. I believe you do.
 17 A. **You believe I know something or I don't know**
 18 **anything?**
 19 Q. I'm sorry. I believe you don't know anything
 20 about the actual merits of the case because I don't
 21 believe merits of the case, because I don't believe there
 22 are any merits to the case, but let's just see what you
 23 know and don't know.
 24 A. **Okay.**
 25 Q. There are general allegations that each of my
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1 clients, Sandy, Rob, Bob and Anthony, committed theft of
 2 moneys held by the Number 2 Association.
 3 So it's going to be a little bit--these
 4 questions are going to be a little bit repetitive, but do
 5 you have any knowledge that Sandy Klimas committed theft
 6 of money held for the benefit of Number 2 Condo
 7 Association?
 8 **A. No idea.**
 9 **Q.** What about Anthonoy DiGennaro?
 10 **A. No idea. I never met the man.**
 11 **Q.** What about Bob Stern?
 12 **A. Never met the man. No idea.**
 13 **Q.** What about Rob Thom?
 14 **A. I know Rob. I do not believe he would steal**
 15 **anything and I have no idea.**
 16 **Q.** There also appears to be general allegations
 17 that the four of these individuals may have stolen money
 18 held for the benefit of the Number 1 Community
 19 Association which was the community that you are a member
 20 of and on the board of.
 21 Do you have any knowledge that Sandy stole any
 22 money held by Number 1?
 23 **A. None whatsoever.**
 24 **Q.** Any knowledge about money stolen by Anthony
 25 held by Number 1?
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1 **A. Nope.**
 2 **Q.** What about Bob Stern?
 3 **A. None whatsoever.**
 4 **Q.** What about Rob Thom?
 5 **A. None whatsoever.**
 6 **Q.** To your knowledge, four of those individuals,
 7 they are all members of the Number 2 community. Correct?
 8 **A. Correct.**
 9 **Q.** Can members of the Number 2 community serve on
 10 the community of Number 1's board?
 11 **A. No. No member of Number 2 serves on Condo 1.**
 12 **No. They might serve on the Rec Board but not**
 13 **Condo 1 Board. They don't live in Condo 1.**
 14 **Q.** Now, when you were a board member on Number 1,
 15 was it your obligation to act as a fiduciary for the
 16 members of Number 1?
 17 **A. Yes.**
 18 **Q.** You did not act as a fiduciary and represent
 19 the interests of Number 2. Right?
 20 **A. No. We had nothing--Condo 1 had really nothing**
 21 **to do with Condo 2.**
 22 **Q.** The bank accounts are separate?
 23 **A. Everything is separate.**
 24 **Q.** The operating accounts are separate?
 25 **A. Everything is separate.**
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1 **Q.** The reserves are separate?
 2 **A. The what?**
 3 **Q.** The reserves are separate?
 4 **A. Reserves are separate.**
 5 **Q.** Even the property management companies are
 6 different. Correct?
 7 **A. We were self-managed up until a year ago and**
 8 **Condo 2 had a property management.**
 9 **Q.** Going back to some of my earlier questions.
 10 There are general allegations that Sandy, Rob
 11 Bob and Anthony stole money or engaged in the theft of
 12 money held for the benefit of the Rec Association.
 13 When I say the Rec Association I mean the Palm
 14 Greens Rec Association.
 15 Do you have any knowledge or facts supporting
 16 the allegation that Sandy stole money held for the
 17 benefit of the Rec Association?
 18 **A. None whatsoever.**
 19 **Q.** What about Bob?
 20 **A. None whatsoever.**
 21 **Q.** What about Anthony?
 22 **A. No. None whatsoever.**
 23 **Q.** What about Rob?
 24 **A. None whatsoever.**
 25 **Q.** There are also some allegations that some
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1 property held for the benefit of the Rec Association and
 2 all of its members may be converted or stolen or
 3 misappropriated.
 4 Do you have any knowledge that Sandy did a
 5 theft of property or maybe moved property held for the
 6 benefit of the Rec Association?
 7 **A. Nope. I'm sorry. No.**
 8 **Q.** What about Bob?
 9 **A. No.**
 10 **Q.** Anthony?
 11 **A. No.**
 12 **Q.** Rob?
 13 **A. No.**
 14 **Q.** There are some general allegations that Sandy,
 15 Rob, Bob and Anthony are currently or have been
 16 previously engaged in ongoing mismanagement and
 17 malfeasance that impacted the Condo 1, Condo 2 and Rec
 18 Association.
 19 Are you aware of anything that would indicate
 20 that Sandy has been currently or has been previously
 21 engaged in ongoing or previous mismanagement and
 22 malfeasance that impacted the Number 1 Association,
 23 Number 2 Association and the Rec Association?
 24 **A. None whatsoever.**
 25 **Q.** Same question as to Bob Stern?
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<p>81</p> <p>1 A. I'm going to say none whatsoever to all of 2 them.</p> <p>3 Q. And I appreciate that, but just for the 4 purposes of the record.</p> <p>5 A. All right.</p> <p>6 Q. The same question as to Anthony?</p> <p>7 A. Yes. I mean none whatsoever.</p> <p>8 Q. And same question as to Rob. Do you have any 9 evidence?</p> <p>10 A. None whatsoever.</p> <p>11 Q. There are also some general allegations that 12 the four of these individuals engaged in illegal or 13 unlawfully assessments that impacted the Number 2, Number 14 1 and the Rec Association.</p> <p>15 Are you aware of any illegal or unlawful 16 assessments imposed by any of the four defendants on the 17 Number 2 Association?</p> <p>18 A. No. None whatsoever.</p> <p>19 Q. What about the Number 1 Association?</p> <p>20 A. We--what about it? Are there assessments?</p> <p>21 Q. No. Are you aware of facts or evidence 22 supporting the general allegation that Sandy, Bob, Rob 23 and/or Anthony acted in an illegal or unlawful manner to 24 impose assessments to the Number 1 Association?</p> <p>25 A. None whatsoever. BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>83</p> <p>1 any malfeasance or illegal acts that may have harmed the 2 PGCA?</p> <p>3 A. Not at all.</p> <p>4 Q. There are general allegations that Sandy, Rob, 5 Bob and/or Anthony engaged in activities in which they 6 were appropriating millions of dollars of assets that 7 negatively impacted and harmed either the Number 2 8 Association, the Number 1 Association and/or the Rec 9 Association.</p> <p>10 Are you aware of any facts or evidence that 11 would support the notion that millions of dollars of 12 assets were misappropriated that negatively impacted the 13 Number 2 Association?</p> <p>14 A. None whatsoever.</p> <p>15 Q. What about the Number 1 Association?</p> <p>16 Are you aware of any facts or evidence that 17 Sandy, Rob, Bob or Anthony engaged in any type of action 18 that resulted in the misappropriation or the 19 re-appropriation of millions of dollars worth of assets 20 that were held by the Number 1 Association?</p> <p>21 A. Not to my knowledge. Not at all.</p> <p>22 Q. Same question as to the Rec Association. Are 23 you aware of any facts or evidence?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. There are general allegations that Sandy, Bob, BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>82</p> <p>1 Q. To your knowledge, are you aware of any 2 mechanism where the board of directors for the Number 2 3 Association could impose assessments on the Number 1 4 Association?</p> <p>5 A. Never heard of that.</p> <p>6 Q. Are you aware of any legal way in which that 7 could occur?</p> <p>8 A. No.</p> <p>9 Q. Are you aware of any way in which those board 10 of directors for the Number 2 Association could impose 11 assessments on the Recreation Association?</p> <p>12 A. None whatsoever.</p> <p>13 Q. And are you aware of any facts or evidence 14 supporting the general allegation that either Sandy, Bob, 15 Rob and/or Anthony illegally or unlawful imposed 16 assessments on the Recreation Association?</p> <p>17 A. Not at all. None whatsoever.</p> <p>18 Q. Are you aware of any evidence or facts that 19 support the general allegation that Sandy, Rob, Bob 20 and/or Anthony engaged in any type of malfeasance that 21 harmed the Palm Greens community including the Number 1 22 Association, the Number 2 Association and/or the Rec 23 Association?</p> <p>24 A. No.</p> <p>25 Q. What about the PGCA? Did any of them engage in BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>84</p> <p>1 Rob or Anthony engaged in threatening behavior towards 2 the named plaintiffs, Beth Shaffer and Arthur Robins.</p> <p>3 Are you aware of any threatening behavior 4 towards either Beth or Arthur by Sandy, Bob, Rob or 5 Anthony?</p> <p>6 A. None whatsoever.</p> <p>7 Q. And you've already testified that you don't 8 know Bob or Anthony. So I imagine if I asked you to 9 testify what is the temperament or personality of Bob and 10 Anthony you would probably say you don't know?</p> <p>11 A. I don't know.</p> <p>12 Q. And I believe you said you never really had 13 many interactions with Sandy. So would it be fair to say 14 that you do not know the temperament or personality of 15 Sandy?</p> <p>16 A. Correct.</p> <p>17 Q. But you do know the temperament and personality 18 of Rob?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Now, would you call Rob a malicious or 21 threatening individual in any way?</p> <p>22 A. Not at all.</p> <p>23 Q. Please provide me with--like how would you 24 describe Rob and his personality and his temperament?</p> <p>25 A. I think Rob is a man who says what he has to BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

<p>85</p> <p>1 say.</p> <p>2 I don't think he--he doesn't flower his words.</p> <p>3 He's to the point in a very nice manner.</p> <p>4 But when he needs to be strong with Lennar, I</p> <p>5 mean, that's the only interactions I've had with him is</p> <p>6 when he deals with Lennar, he is strong and always</p> <p>7 looking out for Palm Greens.</p> <p>8 Q. Thank you.</p> <p>9 There are general allegations that Sandy, Rob</p> <p>10 Bob and Anthony engaged in some type of activities that</p> <p>11 resulted in the Number 2 Association, Number 1</p> <p>12 Association and/or the Rec Association relinquishing</p> <p>13 their legal rights.</p> <p>14 Do you have any facts or knowledge concerning</p> <p>15 any actions or inactions taken by Sandy, Bob, Rob or</p> <p>16 Anthony in which they caused the Number 2 Association to</p> <p>17 relinquish their legal rights?</p> <p>18 A. None whatsoever.</p> <p>19 Q. Same question as to Number 1.</p> <p>20 Are you aware of any facts or evidence in which</p> <p>21 the four of those individuals either acted or failed to</p> <p>22 act as a result of the Number 1 Association relinquishing</p> <p>23 their legal rights?</p> <p>24 A. None whatsoever.</p> <p>25 Q. Same question concerning the Rec Association.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>87</p> <p>1 A. I have no clue about any of that.</p> <p>2 Q. There are general allegations that Sandy, Bob,</p> <p>3 Rob and/or Anthony has engaged in actions that have</p> <p>4 stifled and or prevented the Number 2 Association, the</p> <p>5 Number 1 Association and/or the Rec Association from</p> <p>6 initiating and pursuing a lawsuit against Lennar Homes.</p> <p>7 Are you aware of any actions taken by any of</p> <p>8 these four individuals that have prevented the Number 2</p> <p>9 Association from initiating a lawsuit against Lennar</p> <p>10 Homes?</p> <p>11 A. I am not aware of any of that.</p> <p>12 Q. Are you aware of any actions or inactions taken</p> <p>13 by these four individuals that have stifled or prevented</p> <p>14 the Number 1 Association from initiating a lawsuit</p> <p>15 against Lennar Homes?</p> <p>16 A. I am not aware of any of that.</p> <p>17 Q. Same question as to the Rec Association.</p> <p>18 A. I am not aware of anything Condo 2 or Condo 1</p> <p>19 is doing right now.</p> <p>20 Q. The Development Agreement. You're familiar</p> <p>21 with the Development Agreement?</p> <p>22 A. I have read it. The original one, yes.</p> <p>23 Q. And I don't have it in front of me right now</p> <p>24 but that was a contract executed by the PGCA and the 13th</p> <p>25 Floor. Correct?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>86</p> <p>1 Are you aware of any actions or inactions that</p> <p>2 occurred by either of the four individuals we're</p> <p>3 discussing that resulted in the Rec Association</p> <p>4 relinquishing their legal rights?</p> <p>5 A. None whatsoever.</p> <p>6 Q. What about the PGCA?</p> <p>7 A. No. I mean, there's no money involved with the</p> <p>8 PGCA except \$1,500 to pay for the insurance for lawyers.</p> <p>9 That's--that's about all the money that there</p> <p>10 ever was with PGCA and, so, what could they have taken?</p> <p>11 They didn't even get involved in any of that.</p> <p>12 Am I making any sense?</p> <p>13 Q. Yes.</p> <p>14 A. Okay.</p> <p>15 Q. Crystal. I appreciate the honesty.</p> <p>16 There are general allegations that the November</p> <p>17 16, 2023 budget meeting held by the Number 2 Association</p> <p>18 was done so in violation of the Number 2 Association's</p> <p>19 governing documents and Florida law.</p> <p>20 Are you aware of any facts or evidence that</p> <p>21 would establish or support that general allegation that</p> <p>22 the budget meeting for the Number 2 Association held on</p> <p>23 November 16, 2023 was held illegally in contravention of</p> <p>24 the Condo 2 Association's governing documents and/or</p> <p>25 Florida law?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>88</p> <p>1 A. And Palm Greens 1 and Palm Greens 2.</p> <p>2 Q. Palm Greens 1 and Palm Greens 2 were</p> <p>3 signatories to the Development Agreement?</p> <p>4 A. I don't know if they were signatories but</p> <p>5 I--I--- Yes, I think they were.</p> <p>6 It wasn't just the PGCA that did it.</p> <p>7 Q. There are general allegations that the property</p> <p>8 value in the Palm Greens community have been or are</p> <p>9 currently depreciating.</p> <p>10 Are you aware of any facts or evidence that</p> <p>11 would support the depreciation of the personal properties</p> <p>12 in the Palm Greens community?</p> <p>13 A. Not to my knowledge. Mine is still looking</p> <p>14 pretty good if I wanted to sell it. So...</p> <p>15 Q. Okay.</p> <p>16 A. I do not see that it's depreciated.</p> <p>17 They're still going in the high twos and</p> <p>18 threes.</p> <p>19 That's not depreciation to me when they were</p> <p>20 starting three years ago in the seventies and eighties.</p> <p>21 So...</p> <p>22 Q. There are also some general allegations that</p> <p>23 Anthony, Rob, Bob and/or Sandy have either engaged in</p> <p>24 actions or inactions that actually caused the property</p> <p>25 value of the Palm Greens community to depreciate.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 Are you aware of any facts or evidence to
2 support that general allegation?

3 **A. No, I'm not.**

4 **Q.** There's also general allegations that there's
5 currently ongoing a fire sale within the community as a
6 result of individuals not being able to afford their
7 houses any further.

8 Are you aware of a mass exodus of individuals
9 attempting to sell and leave the Palm Greens community?

10 **A. No, I'm not.**

11 **Q.** There are general allegations that invoices
12 have been fraudulently created that were improperly paid
13 by the Number 2 Association for the financial benefit of
14 either Anthony, Rob, Bob or Sandy.

15 Are you aware of any facts or allegations
16 concerning any fraudulent invoices created that were
17 submitted to the Number 2 Association who paid it?

18 **A. No, I am not.**

19 **Q.** Are you aware of any facts or evidence
20 supporting the general allegation that these fraudulent
21 invoices were created to then be paid so that either
22 Sandy, Rob, Bob and/or Anthony would personally profit?

23 **A. No, I am not.**

24 **Q.** What about Number 1? Are you aware of any
25 facts or evidence that fraudulent invoices were created
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1 support this general allegation relating to the potential
2 future assessments to be imposed on the Number 2
3 Association?

4 **A. No, I'm not aware of that.**

5 **Q.** There's a general allegation that Sandy, Rob,
6 Bob and/or Anthony is involved in a civil conspiracy to
7 defraud and damage the Number 2 Association, Number 1
8 Association and/or the Rec Association.

9 Are you aware of any facts or evidence
10 supporting the general allegation that the four of these
11 individuals are engaged in a civil conspiracy to commit
12 fraud against these three associations?

13 **A. I am not aware of any of that.**

14 **Q.** You have no facts or evidence to support that?

15 **A. No, I don't.**

16 **Q.** There is a general allegation that Sandy, Rob,
17 Bob and/or Anthony illegally asserting control of more
18 than \$500,000 in funds that were meant for the benefit of
19 Number 2 and/or Number 1 Community Association.

20 Are you aware of any facts or evidence
21 supporting that?

22 **A. No.**

23 **Q.** Now, I believe that at some point, this may
24 have been when you were on the board, at some point
25 Lennar made payments both to the Number 2 Association and
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1 and submitted to the Number 1 Association to be paid for
2 the personal benefit and profit of either Sandy, Rob, Bob
3 or Anthony?

4 **A. No, I am not aware of any of that.**

5 **Q.** What about same questions as to the Rec
6 Association?

7 **A. I am not aware of any of that.**

8 **Q.** There are general allegations that Lennar
9 and/or the 13th Floor are improperly and/or illegally
10 providing some type of monetary or some type of benefit
11 to Sandy, Rob, Bob or Anthony.

12 Are you aware of any facts or evidence to
13 support the allegation that Lennar and/or the 13th Floor
14 was providing any type of benefit, either financially
15 and/or otherwise, to either Sandy, Rob, Bob and/or
16 Anthony?

17 **A. No, I am not.**

18 **Q.** I appreciate you being patient while we confirm
19 that you know absolutely nothing about the actual merits
20 of the lawsuit here.

21 There is a general allegation that as a result
22 of the actions or inactions by Sandy, Rob, Bob and/or
23 Anthony that the Condo 2 Association doubled its annual
24 assessments sometime in the future.

25 Are you aware of any facts or evidence to
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1 to the Number 1 Association. Correct?

2 **A. Yes. Each condo association got two payments**
3 **of \$250,000 twice. Once when then signed the contract**
4 **and once I think it was when they broke ground.**

5 **So Condo 1 and Condo 2 each got \$500,000.**

6 **Q.** And what did the Condo 1 community do with that
7 half a million dollars?

8 **A. Well, part of what we did was we fixed the**
9 **irrigation system. That was going to be part of it.**

10 **And the other part of it went into some--went**
11 **into reserves and to fix the irrigation.**

12 **That's all I know with--with Condo 1.**

13 **I don't know anything that Condo 2 did.**

14 **Q.** Are you aware of any facts or evidence that
15 would support the notion that Sandy, Rob, Bob and/or
16 Anthony actively stole or sought to misappropriate or
17 sought to control that \$500,000 that Lennar paid to the
18 Number 1 community?

19 **A. I have no--you know, no idea about any of that.**
20 **I'm not aware of any of that.**

21 **Q.** Being a fairly active member of the community
22 that probably would have been something that may have
23 come up on your radar, perhaps?

24 **A. Through gossip, you mean?**

25 **Q.** Either that or within the budget meetings, in
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1 '21, '22, '23?

2 **A. I never went to a Condo 2 budget meeting. I**
3 **would have no reason to go to a Condo 2 budget meeting.**

4 **Q. What about Condo 1?**

5 **A. I went to all the Condo 1 budget meetings, yes,**
6 **to approve the--you know, when they approved the budget.**

7 **Q. And do you recall at these Condo 1 budget**
8 **meetings them discussing the receipt of these two**
9 **payments and how those moneys would be disbursed and**
10 **utilized?**

11 **A. Vaguely. Because it was back in--it was a few**
12 **years ago.**

13 **Q. If there was any discussion at that time that**
14 **Number 1 was going to somehow give that money to Rob,**
15 **Bob, Sandy or Anthony or that Sandy and [REDACTED] or**
16 **Bob was going to come on in and assert control of that,**
17 **do you think that's something that you would recall?**

18 **A. I sure would recall if somebody said that and**
19 **absolutely not.**

20 **Think about it.**

21 **Why would Condo 1 give Condo 2 their money and**
22 **approve it?**

23 **I mean, that doesn't even make sense.**

24 **I'm sorry.**

25 **Q. No problem.**

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1 **A. I'm sorry. That, to me, doesn't make any sense**
2 **at all. Why would somebody even discuss that?**

3 **Q. I think we're on the same page.**

4 There are also general allegations that Sandy,
5 Rob, Bob and/or Anthony has illegally asserted control of
6 parcels of real estate meant for the benefit of Number 1,
7 Number 2 and/or the Rec Association.

8 Are you aware of any facts or evidence
9 supporting the allegation that Sandy, Rob, Bob and/or
10 Anthony are illegally asserting control over parcels of
11 real estate held for the benefit of Number 1?

12 **A. I am not aware of any of that.**

13 **Q. Same question but as to Number 2?**

14 **A. I am not aware of any of that.**

15 **Q. Same question but as to the Rec Association?**

16 **A. Not aware of it.**

17 **Q. There's general allegations that Sandy, Rob,**
18 **Bob and/or Anthony owes or has owed a fiduciary**
19 **responsibility to the Number 1 Condominium Association.**

20 Are you aware of any fiduciary responsibility
21 that members of the Number 2 Association and board
22 members of the Number 2 Association have any fiduciary
23 responsibility to the members of the Number 1
24 Association?

25 **A. I am not aware of any of that.**

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1 **Q. There are also general allegations that Sandy,**
2 **Rob, Bob and/or Anthony owed a fiduciary responsibility**
3 **to the Rec Association.**

4 Are you aware of any facts or evidence that
5 would support the allegation that Sandy, Rob, Bob or
6 Anthony, members of the Number 2 Association and board
7 members of the Number 2 Association owed a fiduciary
8 responsibility to the Rec Association?

9 **A. Okay. I know that \$59 out of each one of our**
10 **assessments goes to the Rec Board from Condo 1 and Condo**
11 **2.**

12 **Every month \$59 from each homeowner goes to**
13 **that.**

14 **So if your question is, is that the fiduciary**
15 **that belongs to the Rec Board, \$59 goes to the Rec Board**
16 **every month. Not millions, not whatever, \$59.**

17 **Am I--am I--am I making things--I don't know.**

18 **Q. No. I mean, I understand what you're saying.**
19 **It doesn't directly answer my question and I think that's**
20 **fair, but let me take a step back, then.**

21 The Condo 2 has its own board of directors.

22 Right?

23 **A. Correct.**

24 **Q. And Condo 1 has its own board of directors?**

25 **A. Correct.**

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1 **Q. And the Rec Association has its own members?**

2 **A. Correct.**

3 **Q. And the Condo 1 Board, when they make**
4 **decisions, those decisions impact and are in furtherance**
5 **of protecting the interest of the Number 1 members?**

6 **A. Correct.**

7 **Q. Number 2 members are irrelevant to the board of**
8 **directors of the Number 1 Association?**

9 **A. Correct.**

10 **Q. For the Number 2 Board, when they make**
11 **decisions, they are doing that in the best interest of**
12 **the Number 2 members?**

13 **A. Correct.**

14 **Q. They are not even considering the interests of**
15 **the Number 1 members. Correct?**

16 **A. As far as my knowledge goes, correct.**

17 **Q. And the Rec Association, that is a hybrid**
18 **association made up of the Number 1 and Number 2**
19 **Association. Correct?**

20 **A. Correct.**

21 **Q. When the Rec Board acts they are doing so in**
22 **furtherance of protecting the interest of both Number 1**
23 **and Number 2. Right?**

24 **A. Correct.**

25 **Q. When the Number 1 board of directors is acting,**
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1 because they are not acting in the interest of Number 2,
 2 would it be fair to say that they are also not acting in
 3 the interest of the Rec Association?
 4 **A. Sometimes. Yes.**
 5 **Q.** And then the same question, obviously, as to
 6 Number 2. Because Number 2 has the obligation to the
 7 Number 2 members and not to the Number 1, because the Rec
 8 Association is comprised of both one and two, not all of
 9 their decisions are for the benefit or for the protection
 10 of the Rec Association. Correct?

11 **A. Correct.**

12 **Q.** There are general allegations that Sandy, Rob,
 13 Bob and/or Anthony are engaging in a current policy or
 14 practice to squeeze elderly citizens out of their house.

15 Are you aware of any facts or evidence
 16 supporting the notion that Sandy, Rob, Bob and/or Anthony
 17 are currently engaging in any actions designed to squeeze
 18 elderly individuals out of their house?

19 **A. Not at all. And I'm an elderly citizen. So...**

20 **Q.** There are general allegations that Sandy, Rob,
 21 Bob and/or Anthony are secretly forcing votes and
 22 compliance from entities in which he does not control to
 23 the detriment of the Number 2 Association, Number 1
 24 Association and Rec Association.

25 Are you aware of any facts or evidence that
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1 from the plaintiffs and all the members of the Palm
 2 Greens Community Association concerning this Lennar
 3 development and as a result there's ongoing and continued
 4 damages.

5 Are you aware of any facts that would support
 6 the notion that Sandy, Rob, Bob and/or Anthony are
 7 intentionally concealing facts from the Palm Greens
 8 community?

9 **A. Not at all.**

10 **Q.** There are general allegations that Sandy, Rob,
 11 Bob and/or Anthony stripped title to more than \$1 million
 12 worth of property held for the benefit of all of the
 13 members of the Palm Greens community.

14 Are you aware of any facts or evidence that
 15 Sandy, Rob, Bob and/or Anthony engaged in any overt
 16 action or engaged in inaction, or failed to act, that
 17 resulted in title being stripped to more than \$1 million
 18 worth of property held for the benefit of the Number 2
 19 Association, Number 1 Association and/or the Rec
 20 Association?

21 **A. Not at all.**

22 **Q.** Are you aware of any title held by the Rec
 23 Association, the Number 2 Association and/or the Number 1
 24 Association which title has been stripped from in the
 25 last, let's say, five years?

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1 would support that Sandy, Rob, Bob and/or Anthony are
 2 engaging in overt actions to secretly force votes and
 3 compliance from entities they do not control to harm the
 4 Condo 2 Association?

5 **A. Not at all.**

6 **Q.** What about the Condo 1 Association?

7 **A. Not at all.**

8 **Q.** What about the Rec Association?

9 **A. Not at all.**

10 **Q.** There are general allegations that Sandy, Rob,
 11 Bob and/or Anthony have been unjustly enriched and
 12 profited from their tenure while board members of the
 13 Number 2 Association.

14 Are you aware of any facts or evidence which
 15 support that Sandy, Rob, Bob and/or Anthony were unjustly
 16 enriched and/or received any type of benefits,
 17 financially and/or otherwise, during their tenure as
 18 board members of the Number 2 Association?

19 **A. Not at all.**

20 **Q.** Did the Number 1 Association unjustly enrich or
 21 pay or provide benefits to Sandy, Rob, Bob and/or Anthony
 22 at any time that you are aware of?

23 **A. Not at all.**

24 **Q.** There are general allegations that Sandy, Rob,
 25 Bob and/or Anthony intentionally concealed material facts
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1 **A. None.**

2 **Q.** The golf course that is currently--or the now
 3 defunct golf course that Lennar is building the Delray
 4 Trails community on, was that ever owned by the Number 2
 5 Association?

6 **A. Never. That's privately owned.**

7 **Q.** Was that ever owned by the Number 1
 8 Association?

9 **A. Never.**

10 **Q.** Was that ever owned by the Rec Association?

11 **A. No.**

12 **Q.** You said it was privately owned?

13 **A. Privately.**

14 **Q.** Who privately owned it?

15 **A. Peter--I forget Peter's last name. He was the
 16 last one to own it. He lives in Condo 2.**

17 **I forget Peter's last name.**

18 **Q.** So having not ever owned it, could Sandy, Rob,
 19 Bob and/or Anthony have stripped Palm Greens--any entity
 20 within Palm Greens community of title of the golf course
 21 which they never owned?

22 **A. No, they could not have.**

23 MR. YOMBOR: I'm looking through my
 24 notes. I appreciate your answering all
 25 these questions.

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<p style="text-align: right;">101</p> <p>1 THE WITNESS: You're welcome.</p> <p>2 BY MR. YOMBOR:</p> <p>3 Q. I know that you said earlier that the Condo 1</p> <p>4 board met privately to discuss the PGCA.</p> <p>5 Have you seen anything concerning Condo 1</p> <p>6 approving and/or authorizing the dissolution of the PGCA?</p> <p>7 A. Have I seen anything?</p> <p>8 Q. Yes. Minutes?</p> <p>9 A. No minutes or anything, no.</p> <p>10 Q. What about the Rec Association?</p> <p>11 Are you aware of any meetings that occurred in</p> <p>12 where the Rec Association voted to dissolve the PGCA?</p> <p>13 A. I'm not aware of any meetings that the Rec</p> <p>14 Association had, no.</p> <p>15 Q. Are you aware of what Art Robins did when he</p> <p>16 dissolved the PGCA?</p> <p>17 Do you know if that was permissible under the</p> <p>18 PGCA governing documents?</p> <p>19 A. I was not aware that it was permissible.</p> <p>20 Q. Do you know what the purpose of the PGCA was</p> <p>21 when it was created?</p> <p>22 A. The purpose of the--okay. Now, I was not on</p> <p>23 when it was first created. But, in my mind, it was to</p> <p>24 deal with the purchasing--to deal with the building and</p> <p>25 to making the agreement agreeable to everyone for the</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">103</p> <p>1 A. One hundred percent. And everybody got to</p> <p>2 vote.</p> <p>3 Q. Everybody got to vote in the Development</p> <p>4 Agreement?</p> <p>5 A. All the homeowners got to vote whether they</p> <p>6 wanted it or didn't want it. And it wasn't with Lennar.</p> <p>7 It was with 13th Floor at that time.</p> <p>8 Q. And the vote passed, obviously. Right?</p> <p>9 A. One--unanimous--yes.</p> <p>10 Q. When Mr. Robins was on the PGCA was he involved</p> <p>11 with the project then with Lennar?</p> <p>12 A. Yes, he was.</p> <p>13 Q. How would you describe his role at the time?</p> <p>14 Like how was his personality and temperament</p> <p>15 when he dealt with Lennar?</p> <p>16 A. He was--he walked around a lot and asked a lot</p> <p>17 of questions and... That was Art.</p> <p>18 Q. At any time during Mr. Robin's tenure in the</p> <p>19 PGCA did he ever advocate or attempt to initiate a</p> <p>20 lawsuit against Lennar?</p> <p>21 A. Not that I know of.</p> <p>22 Q. Are you aware of any evidence in which the PGCA</p> <p>23 ever received any illegal kickbacks from Lennar</p> <p>24 concerning this property development project?</p> <p>25 A. Nope.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p style="text-align: right;">102</p> <p>1 people of Palm Greens. To make sure that it wasn't going</p> <p>2 to be five stories high; and it wasn't going to be</p> <p>3 rentals; and it wasn't doing to be, you know, stuff like</p> <p>4 that.</p> <p>5 To make sure the amenities were still going to</p> <p>6 be built for Palm Greens 1 and Palm Greens 2 along with</p> <p>7 Delray Trails.</p> <p>8 Q. Would it be fair to say that the PGCA was</p> <p>9 created to be a singular voice to advocate for the Palm</p> <p>10 Greens community?</p> <p>11 A. Yes.</p> <p>12 Q. And, so, the PGCA then was involved in the</p> <p>13 negotiations with the 13th Floor relating to the</p> <p>14 Development Agreement?</p> <p>15 A. Absolutely. Because originally it was the</p> <p>16 president of Palm Greens 1, the president of Palm Greens</p> <p>17 2, and the president of the Rec Board which was Marilyn,</p> <p>18 which was Susan and David Levine.</p> <p>19 Those were the three that was the original ones</p> <p>20 and they were the ones that were our advocates that</p> <p>21 started the whole--that the whole thing started.</p> <p>22 Q. And before the Development Agreement was</p> <p>23 actually executed, was it submitted to the community at</p> <p>24 large, both the Condo 1 Association and Condo 2</p> <p>25 Association?</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">104</p> <p>1 Q. What about the Rec Association?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Other than the contractually-agreed upon, you</p> <p>4 know, million dollar payments, half a million to each</p> <p>5 condo association, are you aware of any other payments or</p> <p>6 benefits conferred by Lennar outside of the Number 1</p> <p>7 Association and Number 2 Association?</p> <p>8 A. No.</p> <p>9 Q. Are you aware of any kickbacks and benefits,</p> <p>10 money transfers, anything, conveyed by Lennar to any</p> <p>11 member of the Condo 1 Board, Condo 2 Board and/or the Rec</p> <p>12 Association Board including but not limited to Anthony,</p> <p>13 Sandy, Bob or Rob that led to this property development</p> <p>14 project?</p> <p>15 A. No, I am not.</p> <p>16 THE WITNESS: You must like me. It's</p> <p>17 12:30.</p> <p>18 MR. YOMBOR: I'm sorry. I think I'm</p> <p>19 almost done.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MR. YOMBOR: The problem is the</p> <p>22 lawsuit is kind of extreme.</p> <p>23 THE WITNESS: No, I understand.</p> <p>24 And I'd rather do it this way than be</p> <p>25 called again.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 MR. YOMBOR: Yeah.
2 THE WITNESS: I like to bust chops
3 sometimes just to break the tension.
4 MR. YOMBOR: That's fair.
5 BY MR. YOMBOR:
6 Q. Susan Herman, could you please tell me who she
7 is?
8 A. **She was a homeowner in Condo 2.**
9 **She was president of the board in Condo 2.**
10 **And she was very instrumental in helping with**
11 **the agreement with 13th Floor.**
12 Q. With the Development Agreement?
13 A. **Yes.**
14 Q. How about David Levine? What did David do?
15 A. **David Levine is a homeowner. I can't remember**
16 **if he's one or two. I really don't know.**
17 **He was president of the Rec Association and he,**
18 **too, was instrumental in the development with the 13th**
19 **Floor and the--what do you call it? Just went right out**
20 **of my mind. The agreement.**
21 Q. The Development Agreement?
22 A. **Yes. Thank you.**
23 Q. You're welcome. Irene Slovin. Who is she?
24 A. **I have no clue.**
25 Q. I just saw her in a couple of the minutes.
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1 A. **She's probably a very concerned homeowner who**
2 **has written to Rob a lot from all of these 72 emails that**
3 **I have gotten from people, you know. So...**
4 **But I--again, I have no idea who she is.**
5 Q. During your tenure on the PGCA did you ever
6 find any valid reason to initiate a lawsuit against
7 Lennar Homes related to the Development Agreement and/or
8 the property development project that's currently
9 ongoing?
10 A. **No.**
11 Q. And why did you never feel like a lawsuit was
12 necessary?
13 A. **I didn't feel a lawsuit was necessary.**
14 Q. I know. I said why did you not feel like that?
15 A. **Why did I not?**
16 **Because--okay. Lennar is the third largest**
17 **builder in the United States. Okay?**
18 **And building--I've been the--in my previous**
19 **homes and all--in my homes in New Jersey and all of that**
20 **-- can I be honest -- shit happens and things get delayed**
21 **and permits get delayed. And permits get stuck on**
22 **people's desks. And all this stuff happens and they're a**
23 **few months behind.**
24 **And, yeah, that's what it--that's what happens.**
25 **So that's why I don't believe, you know ---**
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1 **And I read the agreement and it said that, you**
2 **know, once they get the permits and once they start to**
3 **build they can build the homes in conjunction--together.**
4 **They can build the homes as well as work on the**
5 **clubhouse and all of that.**
6 **And they had to knock down the old golf course**
7 **clubhouse before they can even put the other. And that's**
8 **a permit. And something else is a permit.**
9 **So all this stuff happens and people have to**
10 **be--they have to calm down and they have to realize that**
11 **we're all going to get a beautiful community. We just**
12 **have to give it time.**
13 **That's my speech for the day.**
14 Q. I appreciate it. I've got a four-year-old
15 right now and we're teaching her a bunch of different
16 things and one of the things we'd like to teach her is
17 about patience.
18 A. **Yeah.**
19 Q. And I ask her is it easy or hard to be
20 patient---
21 A. **It's very hard to be patient. Yes, it's very,**
22 **very hard. And I believe, also, and I am older than all**
23 **of you, but the older we get the less patience people**
24 **have. And that's just human nature.**
25 **And I believe that--and I believe that we have**
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1 **to learn to calm down. That's all.**
2 **And, you know, I know that doesn't help**
3 **lawsuits at all, but that's just it, in my mind.**
4 **And, so, that's why I didn't agree--not that I**
5 **didn't agree, but that's why I'm sitting here, I guess.**
6 Q. Well, I appreciate your candor and honesty.
7 A couple of more questions.
8 There's been some uproar about this Joint
9 Resolution.
10 Are you familiar with the Joint Resolution
11 entered into between the Condo 1, Condo 2 and the Rec
12 Association?
13 A. **I am a little familiar with it, yes.**
14 Q. And can you kind of tell me what is your
15 familiarity with it?
16 A. **Okay. From what I learned the Joint Resolution**
17 **was to be that there's extra money in the Rec Board's**
18 **coffer. Okay? If that's the right word I'm using. All**
19 **right?**
20 **And, so, Delray Trails doesn't get that extra**
21 **money when Lennar has to give up the--you know, the**
22 **ownership and everything; that the money--some money**
23 **should be put into some kind of an account to hold for**
24 **the Rec Board so the Delray Trails doesn't get access to**
25 **it.**
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<p style="text-align: right;">109</p> <p>1 That's what I know.</p> <p>2 And when the Rec Board needed the money they</p> <p>3 can get the money. They just have to ask Condo 1 and</p> <p>4 Condo 2 and say, hey, this broke. I need this.</p> <p>5 But that's what the resolution was about so the</p> <p>6 Delray Trails doesn't get all the money.</p> <p>7 That's all--that's all I know about it.</p> <p>8 Q. Okay. And I think I understand it the same</p> <p>9 way. So just to kind of confirm. Your understanding of</p> <p>10 the Joint Resolution was that the Rec Association, Condo</p> <p>11 1 and Condo 2 wanted to create a situation in which when</p> <p>12 the Rec Association reconstituted to include</p> <p>13 Delray Trails that there would not be an extensive amount</p> <p>14 of money in the operating budget held by the Rec</p> <p>15 Association so that the Delray Trails would not have a</p> <p>16 windfall of money that was contributed to by the Condo 1</p> <p>17 and Condo 2. Right?</p> <p>18 A. You say it much better than I do, but correct.</p> <p>19 Q. And to facilitate that they needed to act to</p> <p>20 kind of draw down the funds and by drawing down the funds</p> <p>21 they ceased contributing money into the operating account</p> <p>22 of the Rec Association. So Condo 1 and--</p> <p>23 A. Yes. However they came to the agreement to do</p> <p>24 it that way, yes.</p> <p>25 Q. Okay. And that even Condo 1 and Condo 2</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">111</p> <p>1 Q. So do you know if Mr. Robins signed the Joint</p> <p>2 Resolution?</p> <p>3 A. I do not know. I never saw a copy of it.</p> <p>4 I was not on the Condo 1 Board at the time and</p> <p>5 PGCA had nothing to do with it.</p> <p>6 So, I mean, we were not part of that where we</p> <p>7 would see papers or anything like that.</p> <p>8 Q. Are you aware that Mr. Robins is currently</p> <p>9 upset and arguing that the Joint Resolution was</p> <p>10 constituted improperly?</p> <p>11 A. From his many emails to the community, yes.</p> <p>12 Q. Okay. And, so, I'm going to share this with</p> <p>13 you. I don't know. I think you said you've never seen</p> <p>14 it. Perhaps you're not able to access it.</p> <p>15 This was previously marked as Exhibit 4 to Miss</p> <p>16 Fattori's deposition.</p> <p>17 I guess we'll make it Exhibit 12 here.</p> <p>18 MR. BOTWIN: Sure.</p> <p>19 MR. YOMBOR: Okay.</p> <p>20 [The Joint Resolution referred to was</p> <p>21 marked for identification as Exhibit No.</p> <p>22 12.]</p> <p>23 BY MR. YOMBOR:</p> <p>24 Q. So, I'm going to show you, Marge, it's a</p> <p>25 four-page document titled Joint Resolution at the top and</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p style="text-align: right;">110</p> <p>1 committed and agreed to cease putting money in the</p> <p>2 operating account of the Rec Association's operating</p> <p>3 account, it's your understanding that Condo 1 and Condo 2</p> <p>4 did not cease their obligation to continue funding to</p> <p>5 take care of the Rec Association. Right?</p> <p>6 A. Right. They're still giving money into it.</p> <p>7 Yes.</p> <p>8 Q. Meaning, that instead of giving the money to</p> <p>9 the Rec Association Condo 1 and Condo 2 would</p> <p>10 respectively hold that money back and if the Rec</p> <p>11 Association needed it, it would just pay it later.</p> <p>12 Right?</p> <p>13 A. Correct. That's my understanding.</p> <p>14 Q. Do you know who actually signed the Joint</p> <p>15 Resolution?</p> <p>16 A. It was my understanding that the presidents of</p> <p>17 all three boards signed those resolutions.</p> <p>18 Q. Do you know when that resolution was signed?</p> <p>19 A. I honestly don't know, but I do know it was</p> <p>20 sometime in 2023.</p> <p>21 Q. Who was the president of the Rec Association at</p> <p>22 the time?</p> <p>23 A. Of the Rec Association?</p> <p>24 Q. Yes.</p> <p>25 A. Art Robins.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">112</p> <p>1 I'm just going to kind of go through it.</p> <p>2 And I'm going to represent to you that this is</p> <p>3 the Joint Resolution executed by the three organizations,</p> <p>4 Condo 1, Condo 2 and the Rec Association in May of 2023.</p> <p>5 A. Okay.</p> <p>6 Q. Have you had a chance to look at this?</p> <p>7 And I understand that you testified you've</p> <p>8 never seen the Joint Resolution before, but do you</p> <p>9 recognize this document at all?</p> <p>10 A. I do not.</p> <p>11 Q. Okay. At the time in May of 2023 who was the</p> <p>12 president of the Condo 1?</p> <p>13 A. Paul Milowe.</p> <p>14 Q. I'm showing you the fourth page right now of</p> <p>15 what was previously marked Exhibit 4 to Ms. Fattori's</p> <p>16 deposition and Exhibit 12 to this deposition, but it's</p> <p>17 already been identified as the Joint Resolution.</p> <p>18 Is that Paul Milowe's signature that you see</p> <p>19 right there in the middle of the page?</p> <p>20 A. I'm assuming it is, yes.</p> <p>21 Q. Do you know in May of 2023 who the president of</p> <p>22 the Condo 2 Association was?</p> <p>23 A. Sandra.</p> <p>24 Q. All right. And I'm going to show you--I'm</p> <p>25 looking through this page.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 Do you know if that signature right there below
2 Paul Milowe, is that Sandra Klimas?
3 **A. As far as I know. I've never seen her--you**
4 **know, if she signed it, I guess she signed it.**
5 **Q.** Have you ever seen Arthur Robins' signature?
6 **A. I honestly don't recall, no. I don't recall.**
7 **Q.** Okay. So if I asked you right there right
8 above Paul Milowe's signature, what has already been
9 confirmed as being Arthur Robins' signature, are you able
10 to identify or confirm that's Mr. Robins' signature?
11 **A. I've never seen his signature. So I don't**
12 **know, you know. I would assume it is if it's there and**
13 **dated.**
14 **Q.** Okay. Does it surprise you that Mr. Robins is
15 complaining about the Joint Resolution that he signed,
16 executed and entered into on behalf of the Rec
17 Association?
18 **A. Does it surprise me that he--that he's not**
19 **happy with it? Is that what you asked?**
20 **Q.** Yes. About the agreement that he entered into?
21 **A. Does it surprise me? Not really.**
22 **Q.** Why not?
23 **A. Because look what we're going through now.**
24 **Q.** And I think we're almost done.
25 I'm going to show you one more document real
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1 quick.
2 THE WITNESS: Oh, I think I lost your
3 sound.
4 MR. YOMBOR: Nope, nope.
5 Are you there?
6 THE WITNESS: Okay. Okay.
7 Yes, I'm here.
8 MR. YOMBOR: Okay. I'm just going to
9 pull up--this has not been marked as an
10 exhibit. I think everyone here, though,
11 has seen it.
12 Madam Court Reporter, we're on Exhibit
13 13?
14 THE COURT REPORTER: Yes.
15 MR. YOMBOR: What I'll also do, I'll
16 share this in the chat, as well.
17 MR. BOTWIN: Thank you.
18 [The Articles of Dissolution referred
19 to was marked for identification as Exhibit
20 No. 13.]
21 BY MR. YOMBOR:
22 **Q.** Marge, take a moment to look at this.
23 This was filed on January 10, 2024 titled
24 Articles of Dissolution. Take a brief moment to look at
25 it, please, and let us know once you've had a chance to
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1 read it.
2 **A. I'm reading it. Yes.**
3 **Q.** Have you seen this document before?
4 **A. The other day I saw it.**
5 **Q.** What is this document?
6 **A. It's the article to get rid of the Palm Greens**
7 **Community Association that was filed in the--to the**
8 **State.**
9 **Q.** And I believe you previously testified, but to
10 your knowledge, the Palm Greens Community Association did
11 not take any affirmative action and give Arthur Robins
12 the authority to execute this Articles of Dissolution.
13 Correct?
14 **A. That is definitely correct.**
15 MR. YOMBOR: All right. Let me look
16 through--I apologize.
17 Let me look through my notes real
18 quick.
19 My hopes is that we don't have to have
20 you come back here again, but because there
21 are additional named defendants that are
22 not here we may unfortunately have to.
23 But I just want to make sure that we
24 get all of my questions.
25 BY MR. YOMBOR:
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1 **Q.** There have been assertions by Arthur Robins, as
2 well as Elad Botwin, who is present here in the
3 deposition, have email blasted to the community that
4 members of the Palm Greens Number 1 and Number 2
5 Association have been provided documentation and evidence
6 to support the allegations in their complaint which we
7 generally discussed here today and you said you know of
8 absolutely no facts or evidence in support of those
9 allegations.
10 Have you seen any documents provided by either
11 Elad Botwin, Arthur Robins or Beth Saffer supporting any
12 of the allegations that we've discussed here today?
13 **A. No, I have not.**
14 **Q.** Are you aware of anybody ever asking the board
15 for these documents?
16 **A. I have heard people say show me the proof.**
17 **That's all I know.**
18 **I've heard people say show me the proof.**
19 **Q.** Okay. So you've heard people say that to
20 either Arthur or Elad?
21 **A. No. To each other.**
22 **Q.** Okay.
23 **A. I don't think Art or Elad goes to the pool.**
24 **Q.** Well, maybe not that pool.
25 **A. Maybe not that pool.**
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<p>117</p> <p>1 Q. Probably to a pool.</p> <p>2 Okay. So is the general feeling or consensus</p> <p>3 that you've heard that there are a lot of allegations and</p> <p>4 that everyone is looking for proof but no one's really</p> <p>5 seen the proof yet?</p> <p>6 A. That is correct to assume, yes.</p> <p>7 Q. I think in the west they say it's all hat and</p> <p>8 no cattle kind of thing.</p> <p>9 A. Yeah. I'm a New Yorker, New Jersey person. So</p> <p>10 it's like show me the proof.</p> <p>11 Q. Where's the beef?</p> <p>12 A. Yeap.</p> <p>13 MR. YOMBOR: Okay. Well, I appreciate</p> <p>14 that. I think we're done.</p> <p>15 The only thing--like I said, I'm going</p> <p>16 to shoot you an email. I'll copy Elad.</p> <p>17 The only thing I'd ask for is just a copy</p> <p>18 of the photograph of the Western Union</p> <p>19 check and then--</p> <p>20 THE WITNESS: Oh, the check, yes.</p> <p>21 MR. YOMBOR: Yes.</p> <p>22 THE WITNESS: I have it right here.</p> <p>23 Okay.</p> <p>24 MR. YOMBOR: We'll just make that</p> <p>25 exhibit, whatever exhibit we're at, Exhibit</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>119</p> <p>1 Okay. Perfect. I'll do that, then.</p> <p>2 Thank you, Elad.</p> <p>3 MR. BOTWIN: No problem.</p> <p>4 THE WITNESS: Is your email</p> <p>5 k-y-o-m-b-o-r at Kaufman, k-a-u-f-m-a-n-</p> <p>6 d-o-l-o-w-i-c-h dot com.</p> <p>7 MR. YOMBOR: Kaufman Dolowich dot com,</p> <p>8 yes.</p> <p>9 THE WITNESS: I have it right here on</p> <p>10 the back of the sheet. So...</p> <p>11 MR. YOMBOR: Oh, the service list.</p> <p>12 THE WITNESS: I can send it to you.</p> <p>13 MR. BOTWIN: I appreciate that.</p> <p>14 Thank you.</p> <p>15 MR. YOMBOR: All right. Well, at this</p> <p>16 point I have no further questions.</p> <p>17 We really appreciate your time.</p> <p>18 Elad, do you want to tell the witness</p> <p>19 about her rights?</p> <p>20 MR. BOTWIN: Oh, yes.</p> <p>21 You have the option to read or waive</p> <p>22 reading the transcript.</p> <p>23 Reading means that you can review the</p> <p>24 transcript and if there are any errors in</p> <p>25 the transcript, like a word in your</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>118</p> <p>1 15.</p> <p>2 THE COURT REPORTER: Fourteen.</p> <p>3 MR. YOMBOR: Fourteen. Thank you.</p> <p>4 Was that Articles of Dissolution, that</p> <p>5 was marked as an exhibit. Correct?</p> <p>6 THE COURT REPORTER: Thirteen, yes.</p> <p>7 MR. YOMBOR: Okay. So then we'll make</p> <p>8 that Exhibit 14.</p> <p>9 [The Western Union Check referred to</p> <p>10 was marked for identification as Exhibit</p> <p>11 No. 14.]</p> <p>12 MR. YOMBOR: Madam Court Reporter, if</p> <p>13 you wouldn't mind shooting me an email with</p> <p>14 your information and I'll make sure that</p> <p>15 you get a copy of that, as well, because I</p> <p>16 won't have it.</p> <p>17 And I think---</p> <p>18 MR. BOTWIN: Kevin, Brumm, Vega is</p> <p>19 cc'd on that email where I shared the</p> <p>20 exhibits.</p> <p>21 MR. YOMBOR: Ah, okay. Thank you.</p> <p>22 Is that--okay. I did not know if that</p> <p>23 was the name of the court reporting company</p> <p>24 or is that--I can send the exhibits at</p> <p>25 Brumm, Vega?</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>120</p> <p>1 testimony was recorded wrong, you have the</p> <p>2 opportunity to correct it.</p> <p>3 THE WITNESS: Am I supposed to do</p> <p>4 this?</p> <p>5 MR. BOTWIN: You have the choice.</p> <p>6 MR. YOMBOR: You have the right to</p> <p>7 read your transcript and finalize and</p> <p>8 affirm that everything was taken down</p> <p>9 truthfully and accurately.</p> <p>10 You don't have the obligation, but you</p> <p>11 do have to provide the court reporter with</p> <p>12 a yes or no answer.</p> <p>13 I can tell you that most individuals</p> <p>14 waive their right.</p> <p>15 If I represent somebody I tell them to</p> <p>16 go ahead and read it.</p> <p>17 I can tell you that the last deponent</p> <p>18 in this case did read their transcript.</p> <p>19 You do have the right to say, yes, I'd</p> <p>20 like to read it or, no, court reporter, I</p> <p>21 trust the court reporter and what she took</p> <p>22 down.</p> <p>23 THE WITNESS: I trust the court</p> <p>24 reporter that she wrote it.</p> <p>25 We had a nice--she looks very nice.</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

THE COURT REPORTER: Thank you.

MR. YOMBOR: So, just to be clear, you
waive your right?

THE WITNESS: I waive my rights.

THE COURT REPORTER: Thank you so
much.

MR. YOMBOR: All right.

Anything further that you need from
us, Madam Court Reporter?

THE COURT REPORTER: No. That's it.

Thank you so much everyone.

MR. BOTWIN: All right.

MR. YOMBOR: All right.

[Discussion off the record.]

THE COURT REPORTER: Almost forgot,
are you ordering, Elad?

MR. BOTWIN: Yes. I will order.

Same thing, rough draft.

THE COURT REPORTER: Okay.

Do you need a copy, Mr. Yombor?

MR. YOMBOR: Yes. Just the PDF and
we'll take a rough draft also.

THE COURT REPORTER: Okay.

Thank you all.

MR. YOMBOR: Thank you.

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[Whereupon, formalities having been
waived, the deposition was concluded at
12:55 p.m.]

[Intentionally left blank.]

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C E R T I F I C A T E

THE STATE OF FLORIDA)
COUNTY OF MIAMI-DADE)

I, MIREYA VEGA, Court Reporter and Notary
Public in and for the State of Florida at Large, do
hereby certify that, pursuant to a Subpoena Duces Tecum
for Deposition in the above-entitled cause, **MARJORIE
KURINSKY** was by me first duly cautioned and sworn to
testify the whole truth, and upon being carefully
examined testified as is hereinabove shown, and the
testimony of said witness was reduced to written word
under my personal supervision and that the said
deposition constitutes a true record of the testimony
given by the witness.

I further certify that the said deposition was
taken via Zoom Teleconference and that I am neither of
counsel nor solicitor to either of the parties in said
suit nor interested in the event of the cause.

The foregoing certification of this transcript
does not apply to any reproduction of the same by any
means unless under the direct control and/or direction of
the certifying reporter.

WITNESS my hand and official seal in the City
of Miami, County of Dade, State of Florida, this 2nd day
of February, 2024.

MIREYA VEGA, Court Reporter
Notary Public - State of Florida
My Commission # HH 278429
Expires: June 24, 2026

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IN THE CIRCUIT COURT OF THE
15TH JUDICIAL CIRCUIT IN AND
FOR PALM BEACH COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION: "AF"

CASE NO. 502023CA015733XXXAMB

BETH SAFFER and ARTHUR
ROBINS, individually and on
behalf of others similarly
situated,

Plaintiffs,

-vs-

SANDRA KLIMAS, an individual;
ROBERT THOM aka ROB THOM, an
individual, ANTHONY
DIGENNARO, an individual; and
ROBERT STERN aka BOB STERN,
an individual,

Defendants.

Zoom Videoconference,
Palm Beach, Florida,
Wednesday, 1:10 p.m.,
February 2, 2024.

DEPOSITION

of

SUSAN R. HERMAN
taken on behalf of the Plaintiffs
pursuant to a Subpoena Duces Tecum for Deposition

[VIA ZOOM]

BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

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BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

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ALSO PRESENT:

SANDRA KLIMAS
ROBERT THOM
ANTHONY DIGENNARO
ROBERT STERN

INDEX OF EXAMINATION

WITNESS DIRECT CROSS REDIRECT RECROSS

SUSAN R. HERMAN

[BY MR. BOTWIN]

5

[BY MR. CHOUDHRY]

66

BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

[Thereupon, all parties hereunder
appeared remotely pursuant to Florida
Supreme Court Order AOSC20-23 and the
following proceedings were had prior to
commencement of the deposition:]

THE COURT REPORTER: Susan, may I see
your I.D. before we get started, please?

[Whereupon, the witness presented a
valid Florida Driver's License and identity
was verified.]

THE COURT REPORTER: Raise your right
hand, please.

[Witness complies.]

THE COURT REPORTER: Do you solemnly
swear or affirm that the testimony you
shall give in this cause will be the truth,
the whole truth, and nothing but the truth
so help you God?

THE WITNESS: I do.

THE COURT REPORTER: Okay. Thank you.

MR. BOTWIN: All right. We can begin.

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<p style="text-align: right;">5</p> <p>1 Thereupon:</p> <p>2 SUSAN R. HERMAN</p> <p>3 was called as a witness and, having been duly sworn, was</p> <p>4 examined and testified as follows:</p> <p>5 DIRECT EXAMINATION</p> <p>6 BY MR. BOTWIN:</p> <p>7 Q. And just to start off, could you please state</p> <p>8 and spell your name for the record?</p> <p>9 A. Susan--</p> <p>10 MR. CHOUDHRY: Well, wait. Before we</p> <p>11 start, I would like to make an objection on</p> <p>12 the record as we have made at the prior two</p> <p>13 depositions of Marjorie Kurinsky and</p> <p>14 Marjorie Fattori that pursuant to the</p> <p>15 relevant case law and the authority that's</p> <p>16 cited at the prior depositions we object to</p> <p>17 this deposition going forward because all</p> <p>18 the defendants have yet to be served and</p> <p>19 under the general rules concerning</p> <p>20 discovery, depositions cannot be scheduled</p> <p>21 within 30 days of a pleading.</p> <p>22 And in this case the amended pleading</p> <p>23 was just filed and has not even been</p> <p>24 served. And I believe that alias summons</p> <p>25 were perhaps just issued today.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">7</p> <p>1 MR. BOTWIN: Sounds good.</p> <p>2 BY MR. BOTWIN:</p> <p>3 Q. So, Miss Herman, just to start, could you</p> <p>4 please state and spell your name for the record?</p> <p>5 A. My name is Susan Renee Herman.</p> <p>6 S-u-s-a-n R-e-e-n-e-e H-e-r-m-a-n.</p> <p>7 Q. And shall I call you Miss Herman or is Susan</p> <p>8 okay with you for today?</p> <p>9 A. You can call me Susan.</p> <p>10 Q. All right, Susan.</p> <p>11 So you're here pursuant to a subpoena served on</p> <p>12 you. Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. And the oath that you were just given by the</p> <p>15 court reporter is the same kind of oath you receive in a</p> <p>16 courtroom with a judge present.</p> <p>17 Do you understand what I'm saying?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever had your deposition taken before?</p> <p>20 A. Yes.</p> <p>21 Q. When was that? How long ago?</p> <p>22 A. Oh, a long time ago.</p> <p>23 Maybe 25, 30 years. Definitely not on Zoom.</p> <p>24 Q. Sounds good.</p> <p>25 Then I'll just--then I'll definitely just go</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p style="text-align: right;">6</p> <p>1 So, there are various defendants that</p> <p>2 have not been served in this case and if</p> <p>3 they seek to take the depositions of these</p> <p>4 witnesses again we will be seeking our</p> <p>5 costs and attorney's fees as appropriate.</p> <p>6 So, just making that objection for the</p> <p>7 record, but we can proceed.</p> <p>8 THE COURT REPORTER: Hold on a second.</p> <p>9 MR. BOTWIN: Okay.</p> <p>10 THE COURT REPORTER: Hold on a second,</p> <p>11 please. Mr. Stern is coming in.</p> <p>12 MR. CHOUDHRY: Mr. Stern is here?</p> <p>13 THE COURT REPORTER: Yes.</p> <p>14 MR. BOTWIN: Then we'll wait a moment</p> <p>15 for everyone to get situated and then we</p> <p>16 will get started.</p> <p>17 [Whereupon, Robert Stern enters the</p> <p>18 Zoom deposition in progress.]</p> <p>19 [Discussion off the record.]</p> <p>20 MR. BOTWIN: And, Labeed, you can just</p> <p>21 say whenever you're ready to proceed and</p> <p>22 your clients are all situated.</p> <p>23 MR. CHOUDHRY: Rob's here, Bob's here,</p> <p>24 Sandra's here, Anthony's here.</p> <p>25 So, yes. We can get started.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">8</p> <p>1 over some things about a deposition before I go into</p> <p>2 questions.</p> <p>3 One thing you should know, Susan, is that the</p> <p>4 court reporter cannot transcribe nods of the head and</p> <p>5 though we're doing this on Zoom the transcript is still</p> <p>6 important.</p> <p>7 So, whenever you give an answer or a response</p> <p>8 please make sure it's audible and avoid nodding your head</p> <p>9 or some other nonverbal response.</p> <p>10 Would that be okay?</p> <p>11 A. Yes.</p> <p>12 Q. And in terms of answers to the questions,</p> <p>13 please answer it to the best of your knowledge and if you</p> <p>14 do not understand a question you may say so.</p> <p>15 Do you understand that?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Great.</p> <p>18 Let me ask: Did you do anything to prepare for</p> <p>19 this deposition today?</p> <p>20 A. Not really. I browsed at the lawsuit and I</p> <p>21 reread the subpoena.</p> <p>22 Q. Okay. Did you look at any other documents?</p> <p>23 A. No.</p> <p>24</p> <p>25</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 [The Subpoena Duces Tecum referred to
2 was marked for identification as Exhibit
3 No. 1.]
4 BY MR. BOTWIN:
5 Q. And, speaking of the subpoena, I do want to
6 refer to that real quick.
7 I'm going to attach it real quick as Exhibit 1
8 to this deposition and I will put it up on the screen.
9 And this will be a good way to test if you're able to see
10 documents on the screen because if there are any issues
11 we can rectify them now.
12 And this is the copy of the subpoena.
13 Let me know if it's legible to you.
14 A. **It's legible. A little small.**
15 Q. Okay. Then I'll zoom it in further.
16 A. **Thank you.**
17 Q. Okay. So that will make things easier.
18 I'm going to just quickly scroll down to the
19 requests just so it's here.
20 And you did say that you looked at the subpoena
21 before this deposition.
22 Did you also review the document requests?
23 A. **Yes.**
24 Q. Okay. And I will stop sharing the screen.
25 At this point our offices have only received a
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1 handful of text messages. Is that correct?
2 A. **Yes.**
3 Q. You have not produced or turned over any emails
4 at this time. Is that correct?
5 A. **Correct. Yes.**
6 Q. And why is it that you haven't produced any
7 emails in response to the subpoena?
8 A. **Because I don't have any.**
9 Q. And why is it that you don't have any emails?
10 A. **Because I regularly erase my emails.**
11 **I am a private citizen currently. I'm no**
12 **longer on any board or committee and I did not feel the**
13 **need to keep any emails.**
14 Q. Okay. And, for regularly deleting emails, is
15 that something you normally do or is this more special
16 with respect to the board matters?
17 MR. CHOUDHRY: Objection. Form.
18 BY MR. BOTWIN:
19 Q. Do you understand?
20 MR. CHOUDHRY: Go ahead. You can
21 answer it.
22 THE WITNESS: Oh, oh. Okay.
23 MR. CHOUDHRY: Once in a while I might
24 say I might say objection object to the
25 form, but you can answer.
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1 A. **I regularly delete emails and texts.**
2 BY MR. BOTWIN:
3 Q. Okay. How long have you been doing that
4 practice?
5 A. **Well, I've always had that practice, but when I**
6 **was on the board or when I was on the PGCA I kept the**
7 **texts and the emails.**
8 Q. Okay. Very well.
9 Now, other than emails and texts are you in
10 possession of any physical documents that would be
11 responsive to the subpoena?
12 A. **Yes. I have a copy of the lawsuit and the**
13 **subpoena.**
14 Q. Oh, let me clarify. I'm saying that other than
15 emails and texts do you have any physical documents that
16 would be responsive to the document requests that were
17 set forth in the subpoena?
18 A. **No, I do not.**
19 Q. Did you ever have possession of any documents
20 in the past before the subpoena?
21 A. **Yes, I did. And when I got off the PGCA Board**
22 **I left the box with the Recreation Association. The box**
23 **of my documents and a flash drive.**
24 Q. Okay. Thank you.
25 And now I just want to ask real quick about
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1 folks that you may or may not have contacted by email.
2 And first is, Susan, have you ever emailed Rob
3 Thom?
4 A. **Yes.**
5 Q. And has he ever emailed you?
6 A. **Yes.**
7 Q. Same for Anthony DiGennaro. Have you ever
8 emailed him?
9 A. **To the best of my recollection, when I was on**
10 **the board I probably had emails with him.**
11 Q. Okay.
12 A. **He was not on the board at that time.**
13 Q. Understood. And this is the PGCA or Condo?
14 A. **To the best of my recollection, when I was on**
15 **the condo board.**
16 Q. Okay. And can you clarify which condo?
17 A. **Condo 2.**
18 Q. Thank you.
19 A. **Palm Greens Condo 2.**
20 Q. Same question as to Sandra Klimas. Have you
21 ever emailed her?
22 A. **Yes.**
23 Q. And has she ever emailed you?
24 A. **Yes.**
25 Q. Robert Stern. Have you ever emailed him?
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13

1 **A. To the best of my recollection, no.**
2 **Q.** Okay. And, to your recollection, did he ever
3 email you?
4 **A. No.**
5 **Q.** Okay. Have you ever emailed someone by the
6 name of--I think it's Rochelle Cohen also known as
7 Tirtzah Israel?
8 **A. Yes. While I was on the condo board.**
9 **Q.** And did she email you at any time?
10 **A. To the best of my recollection, yes.**
11 **Q.** Have you ever emailed Charles Cohn?
12 **A. No.**
13 **Q.** And do you recall if he ever emailed you?
14 **A. To the best of my recollection, he's never**
15 **emailed me.**
16 **Q.** Okay. Have you ever emailed a Thomas Aldrich?
17 **A. Yes.**
18 **Q.** And has he ever emailed you?
19 **A. Yes.**
20 **Q.** Okay. And then I just would like to lastly ask
21 if you've ever emailed the attorney, the other attorney
22 sitting here today?
23 So have you ever exchanged emails with Labeed
24 here?
25 **A. To the best of my recollection, no.**
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14

1 **Q.** Okay. And same as to Mr. Yombor.
2 He is another attorney representing defendants
3 in this matter?
4 **A. To the best of my recollection, I never sent**
5 **him an email.**
6 **Q.** Okay. And I know I've asked this question
7 previously at the other depositions, but I need to do so
8 just so it's on the record.
9 And I understand that you said you don't have
10 these emails because you deleted them long ago.
11 **A. Right.**
12 **Q.** But, in light of that, would you consent to
13 Google turning over information about such emails to us,
14 the emails that--or, to clarify, to turn over information
15 about any emails that still may be in existence?
16 MR. CHOUDHRY: Just for the record,
17 any third-party subpoena would require the
18 notice and approval of the other defendants
19 in this case and the other defendants are
20 not providing their consent at this time.
21 MR. BOTWIN: All right. Thank you.
22 MR. CHOUDHRY: Miss Herman, you can
23 answer that question, though, on your own
24 accord.
25 I don't speak for you.
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15

1 THE WITNESS: Okay. Thank you.
2 **A. Could you clarify your question?**
3 BY MR. BOTWIN:
4 **Q.** Yes. Are you willing to consent to a subpoena
5 to your email service provider to retrieve information
6 about any emails predating the subpoena that you
7 received?
8 MR. CHOUDHRY: Form.
9 **A. No.**
10 BY MR. BOTWIN:
11 **Q.** And what would be your reason for refusing to
12 consent?
13 **A. I use my email account for my personal**
14 **business. I use it for my father's personal business.**
15 **And it's--I'm a private citizen and I don't think I**
16 **should give access to my email account.**
17 **Q.** Okay. Thank you.
18 Now, I just want to walk through some history
19 here.
20 So just to start, I should have asked earlier,
21 but could you tell me about your background before you
22 moved to the Palm Greens community?
23 Just, for instance, your job, or anything else
24 you would like to share?
25 **A. For the first part of my working years I was in**
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16

1 **the Corrections field, the criminal justice field; and**
2 **for the second part of my professional career I was in**
3 **the Jewish professional field.**
4 **I was director of the Michigan Jewish**
5 **Conference.**
6 **I retired and I moved down to Florida.**
7 **Q.** What year did you move down to Florida?
8 **A. To the best of my recollection, 2012, '13. Not**
9 **a hundred percent sure.**
10 **Q.** Okay. Did you move straight into Palm Greens
11 or were you somewhere else before that?
12 **A. I moved straight into Palm Greens. I had been**
13 **coming to Palm Greens for about 30, 35 years since my**
14 **parents were residents here.**
15 **Q.** Okay. Got it.
16 And then could you just tell me a little bit
17 about your time here in Palm Greens as in board work or,
18 I guess, the time you've been here, whatever you'd like
19 to speak about on that matter?
20 **A. I apologize that I'm bad with dates. But since**
21 **I've been in Palm Greens I was on the Condo 2 Board of**
22 **Directors. I served the majority of my time as**
23 **president.**
24 **I was also on the Palm Greens Community**
25 **Association. In fact, I was on the Ad-Hoc Golf Committee**
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<p style="text-align: right;">17</p> <p>1 that was the predecessor to the Palm Greens Community</p> <p>2 Association.</p> <p>3 Around the time Covid started I moved up to</p> <p>4 Michigan. I'm still a Florida resident, but I</p> <p>5 temporarily moved to Michigan to take care of my parents.</p> <p>6 My mother has since passed and I'm with my</p> <p>7 95-year-old, soon to be 96-year-old father, and I no</p> <p>8 longer have time for anything else other than caring for</p> <p>9 my father.</p> <p>10 Q. I understand. And my condolences to you</p> <p>11 regarding your mother and I hope that your father has</p> <p>12 some excellent years ahead.</p> <p>13 A. Thank you very much.</p> <p>14 Q. So, you said that you were--I didn't catch the</p> <p>15 name of it, but you said there was a predecessor</p> <p>16 committee to the PGCA.</p> <p>17 Could you tell me a little bit about what you</p> <p>18 know about that organization in terms of what it did,</p> <p>19 maybe how long it existed?</p> <p>20 A. To the best of my recollection, we started--it</p> <p>21 was called the Ad-Hoc Golf Committee loosely defined.</p> <p>22 It started in approximately 2016.</p> <p>23 We knew that the golf course was going to be up</p> <p>24 for sale and we — and when I say "we," I mean Condo 1,</p> <p>25 the Rec Association and Condo 2 — wanted to get out ahead</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">19</p> <p>1 Q. Okay. I understand.</p> <p>2 Well, I guess the cemetery one does sound like</p> <p>3 a very haunting option, if I dare say so myself.</p> <p>4 A. All right. I have nothing. No comment.</p> <p>5 Q. I would go on a tangent about a case in which a</p> <p>6 house was declared legally haunted, but I'll stay on</p> <p>7 track for today.</p> <p>8 So, in terms of the options that were explored,</p> <p>9 did the committee settle on any particular options?</p> <p>10 A. The committee really didn't have the authority</p> <p>11 to settle on options. We just explored options.</p> <p>12 And within that period of time I think we</p> <p>13 realized that it was inevitable that the golf course</p> <p>14 owner would probably be selling to a developer.</p> <p>15 Q. Okay. And did the owner end up selling it to a</p> <p>16 developer?</p> <p>17 A. Yes, he did.</p> <p>18 Q. And, to your best recollection, do you remember</p> <p>19 when that was?</p> <p>20 A. To my best recollection, the sale was</p> <p>21 contingent on a positive vote of the Palm Greens</p> <p>22 community of support of a Development Agreement.</p> <p>23 And I'm so bad with dates, I apologize.</p> <p>24 Q. If you want to just give an estimate of range,</p> <p>25 that's fine. You don't have to be precise.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p style="text-align: right;">18</p> <p>1 of the game and we wanted to look at all possible</p> <p>2 alternatives for use of the golf course which we did not</p> <p>3 own. I think that's very important to add. We did not</p> <p>4 own the golf course. Because we knew that, you know, our</p> <p>5 options were somewhat limited.</p> <p>6 Q. Got it.</p> <p>7 And what was your role on that committee?</p> <p>8 A. It was somewhat informal, but I was probably</p> <p>9 close to what you would call the president.</p> <p>10 Q. Okay. And, so, this committee, they were</p> <p>11 exploring possibilities on who to sell the golf course</p> <p>12 to. Is that correct?</p> <p>13 A. No. Let me clarify.</p> <p>14 Q. Yes, please.</p> <p>15 A. Yeah. This committee was not looking at who to</p> <p>16 sell the golf course to. We did not own the golf course.</p> <p>17 We were looking at whatever possible options</p> <p>18 there may be for use of the golf course.</p> <p>19 For example, a nature preserve.</p> <p>20 Someone suggested a cemetery.</p> <p>21 We were trying to see if there were</p> <p>22 alternatives, things that could be explored to get a</p> <p>23 party or the government interested in the property.</p> <p>24 But we were not looking for anyone to buy since</p> <p>25 we did not own the golf course.</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p style="text-align: right;">20</p> <p>1 A. Yeah. I think it started around 2017, to the</p> <p>2 best of my recollection.</p> <p>3 Q. Okay. And you just referenced the Development</p> <p>4 Agreement. Was that something in general or was there a</p> <p>5 particular Development Agreement that was worked out?</p> <p>6 A. At the time when you--okay.</p> <p>7 Is this a separate question? Can you clarify?</p> <p>8 Q. Just to clarify, I heard that you were</p> <p>9 referencing a Development Agreement.</p> <p>10 A. Right.</p> <p>11 Q. I just want to check what you were referring</p> <p>12 to.</p> <p>13 A. Yeah. We did not have any kind of Development</p> <p>14 Agreement at the time in 2017.</p> <p>15 2017 probably was around the time the PGCA was</p> <p>16 established, maybe 2017/2018.</p> <p>17 I could be off on my years. I apologize.</p> <p>18 Q. And that's okay.</p> <p>19 A. Yeah. That's...</p> <p>20 And the PGCA was established and then we met</p> <p>21 with--once the PGCA was established which</p> <p>22 represented--had representatives from all three condo</p> <p>23 associations.</p> <p>24 At the time it was myself from Condo 2, Tom</p> <p>25 Aldrich from the Rec Association, and she wasn't the</p> <p style="text-align: right;">BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 initial representative, but eventually it was Marilyn
2 Dickmann from Condo 1.
3 And we met with 13th Floor and we negotiated a
4 Development Agreement which was ultimately voted on by
5 the entire Palm Greens community and overwhelmingly
6 approved.

7 Q. Got it.
8 And just to keep the record clear, PGCA you're
9 referring to the Palm Greens Community Association.
10 Right?

11 A. Right. Correct.

12 Q. Okay. And just to backtrack real quick on
13 that. So there was the Ad-Hoc Community and then did you
14 immediately go into the PGCA or was there some in-
15 between time?

16 A. It was the Ad-Hoc Committee. I think you said
17 Ad-Hoc Community. It was the Ad-Hoc Committee and I
18 believe it flowed--kind of transitioned into the Palm
19 Greens Community Association.

20 Q. Okay. I got it.
21 And did you serve on any of the Condo 1 or
22 Condo 2 Boards during that time or later?

23 I just want to get back to the timeline.

24 A. I was on the Condo 2 Board during that time
25 line.

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1 negotiations were quite intense.

2 We talked almost daily, it seemed like, for.

3 We had approximately 15 different redlines that
4 went back and forth.

5 Can you ask me more specific questions?

6 Q. Yeah; or you can also just keep sharing, if
7 you'd like.

8 I'm not looking to poke and prod too hard here.

9 I guess more specifically what did come to my
10 mind is like did the Development Agreement concern
11 renovations or reconstructions of certain properties.

12 Is that correct?

13 A. Correct.

14 Q. And was any of the renovation or construction
15 issues part of those hotly-debated negotiations for the
16 Development Agreement?

17 A. [No response.]

18 Q. If you want me to clarify it, I can.

19 A. Yes. Please clarify.

20 Q. So, do you remember if there was a lot of
21 emphasis or focus on renovations of the facilities with
22 respect to that Development Agreement?

23 MR. CHOUDHRY: Objection. Form.

24 A. Are you speaking of the amenities?

25

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1 Q. And when did you start on the Condo 2 Board, to
2 your recollection?

3 A. To the best of my recollection, 2017.

4 Q. Okay. And how long were you on the Condo 2
5 Board?

6 A. Again, to the best of my recollection, till
7 2020.

8 Q. Okay. Got it.
9 Were you ever on the Condo 1 Board?

10 A. No. I lived in Palm Greens Condo 2.

11 Q. Were you ever on the Recreation Association's
12 Board?

13 A. No.

14 Q. So let's go back to the Development Agreement
15 with 13th Floor.

16 I'd just like to ask about how that process
17 went.

18 So, I guess to start, when did you first make
19 contact with 13th Floor?

20 A. To the best of my recollection, they contacted
21 the Palm Greens Community Association in late 2016/2017.

22 Q. Okay. And do you have any recollection of how
23 the negotiations or discussions with 13th Floor played
24 out?

25 A. To the best of my recollection, the

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1 BY MR. BOTWIN:

2 Q. Yeah.

3 A. 'Cause there was not any discussions about
4 renovations or anything to the existing clubhouse.

5 Q. Okay. And what about the amenities?

6 A. We had discussions about refurbishing tennis
7 courts, adding additional tennis courts.

8 There were going to be pickleball courts; new
9 pools; a maintenance building.

10 There's additional, I just--you know, they're
11 not jumping into my head right now.

12 Q. Okay. Was there anything regarding
13 construction of the new clubhouse?

14 A. Yes. We discussed construction of the new
15 clubhouse. That was one of the agreements that there
16 would be a new clubhouse.

17 Q. Okay. And let's jump ahead to when that
18 agreement was put in stone and all the redlines were
19 through and the Development Agreement was put into
20 action.

21 So I'd like to ask first about the timing of
22 certain things in the Development Agreement.

23 So the first one is: What's your recollection
24 or understanding of the agreement as to when work on the
25 amenities was to begin or start?

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MR. CHOUDHRY: Objection. Form.

A. The--prior to any vertical construction of the residential units, the 13th Floor--I'm paraphrasing, but I think it says 13th Floor, at their own expense, would begin construction of the amenity area.

BY MR. BOTWIN:

Q. Okay. And if you'd like I can pull up that agreement if you'd like to refer to it.

A. Okay.

[The Development Agreement referred to below was marked for identification as Exhibit No. 2.]

BY MR. BOTWIN:

Q. All right. Then I will introduce this as Exhibit Number 2.

This is the complaint and there's another matter.

MR. BOTWIN: Labeed, I'm sure you're aware of it.

BY MR. BOTWIN:

Q. It's not the case that you're here today in relation to the subpoena. It's another one that some of my clients are carrying out against 13th Floor and some other defendants.

But I'm pulling it up since it has a copy of
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the Development Agreement attached as an exhibit.

MR. CHOUDHRY: And that's the case in Miami-Dade County?

MR. BOTWIN: Sorry. Can you say that again?

MR. CHOUDHRY: That's the Miami-Dade County case?

MR. BOTWIN: Yes, sir.

BY MR. BOTWIN:

Q. So here's the--this is the other case.

If you'd like to take a quick look at the front of it, you may, and then I'll scroll down to the Development Agreement.

Okay. I'm going to arrow down to the Development Agreement.

So I recall that you were referring to an instance about vertical construction.

So let me pull up this part of the agreement so you can look at it to refresh your recollection if you would like to do so.

And I believe it's this paragraph [indicating].

If you need me to zoom in, please let me know.

A. Could you zoom in a little bit, please?

Q. Oh, there we go.

A. Thank you.

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Are you waiting for my response?

Q. No. I just wanted you to take a quick look at it--

A. Ah, okay.

Q. --and when you're done you can let me know.

A. Okay.

Q. And if you'd like me to scroll down, I can do that, too.

A. Okay.

Q. I'll take this down for now and I'll pull it up if you'd like to refresh your recollection later.

So I think I was asking about timing of work on the amenities and you did respond to that.

And then I'd also like to ask about your understanding of the timing on 13th Floor work on the clubhouse.

To your understanding and recollection, when do you think that was supposed to start?

A. To my recollection, I gave--when I say "I," I think I wrote the article, but the PGCA, the three of us, gave several different tentative schedules which kept changing.

Things were happening.

We had Covid. I mean, it was a strange world we were living in.

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And, so, I can't remember specifically, but I know I kept giving different tentative dates on when things were going to start and I believe, to the best of my recollection, I finally said I'm not going to even try to give you any more dates to the community.

Q. Okay. And I am interested just to hear a little bit more about your role with the PGCA and the negotiations with 13th Floor just about I'd like to know what aspects did you handle, how involved you were, and anything else you'd like to share about that whole experience during what you said was a crazy time?

MR. CHOUDHRY: Objection. Form.

MR. BOTWIN: You can answer if you understand.

A. I was very involved in the process.

I was the liaison with the land use attorney's office and I was the liaison with 13th Floor.

BY MR. BOTWIN:

Q. Who was the attorney's office?

A. It was Sachs Sax & Caplan.

Q. Thanks.

And did you work with anybody else on the PGCA?

A. Yes. I worked with--at the time it was Marilyn Dickmann from Condominium 1 and Tom Aldrich from the Rec Association.

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1 **I'm not exactly sure when David Levine replaced**

2 **Tom Aldrich.**

3 **Q.** But you worked with Mr. Levine, as well. Is
4 that correct?

5 **A. Correct. Correct.**

6 **Q.** In your role at the PGCA did you ever work with
7 Condo 1 or Condo 2 with respect to getting this
8 Development Agreement worked out?

9 **A. Constantly. I worked with the entire**
10 **community. We had regular meetings with the community.**

11 **Q.** And I'm assuming these were in-person meetings?

12 **A. Correct.**

13 **Q.** Were there like emails circulated, as well,
14 concerning updates on your progress?

15 **A. Yes. The PGCA sent out regular emails to the**
16 **community.**

17 **Q.** Okay. So we talked about your interactions
18 with 13th Floor.

19 Actually, I do want to ask: Did you have any
20 interactions with 13th Floor after the Development
21 Agreement was entered or executed?

22 **A. Absolutely. Constantly.**

23 **Q.** And can you give me an idea of what those
24 interactions concerned?

25 **A. The implementation of the Development**
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1 **Agreement.**

2 **Q.** And for how long were you, you know,
3 interacting with 13th Floor after the agreement was
4 executed?

5 **A. To the best of my recollection, I stayed on the**
6 **PGCA until early 2022.**

7 **Q.** So, if I understand you correctly, you were
8 interacting with 13th Floor as long as you were on the
9 PGCA. Is that correct?

10 **A. That was the purpose of the PGCA.**

11 **Q.** Okay. And could you tell me more about were
12 there any issues that you ran into 13th Floor with
13 respect to implementation of the agreement in those
14 years?

15 **A. Constantly.**

16 **I mean, we had an ongoing dialogue in terms of**
17 **status; what was happening.**

18 **Constant communication.**

19 **Q.** Was there any I guess particularly egregious
20 issue say like were there any issues with delays, for
21 instance?

22 **A. Nothing that I would classify as egregious.**

23 **In my opinion, most of the delays were caused**
24 **by the county.**

25 **Q.** And could you elaborate on what kind of delays
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1 the county, you thought, was causing?

2 **A. I'm not exactly sure when this happened. I**
3 **believe it happened after the--**

4 **Q.** Take your time.

5 **A. There was a period of time where the county**
6 **wanted to put a fire station on the property. And we had**
7 **that sort of slow things down while we dealt with the**
8 **county.**

9 **And I don't remember the specific law or**
10 **ordinance, but the county is entitled to a percentage of**
11 **land that a developer--again, I can't remember the**
12 **details, but they wanted to put a fire station on the**
13 **property on the--it would have been behind Condo 1.**

14 **Q.** Huh.

15 **A. Yes. And we went--we went to the county.**

16 **We talked to our board of commissioners and we**
17 **met with the fire department and eventually 13th Floor**
18 **either bought or gave the county money to find another**
19 **location for the fire station.**

20 **This community was pretty adamant that they did**
21 **not want to have the fire station located within the**
22 **development.**

23 **So that was one thing.**

24 **I'm not sure the timing on that.**

25 **And then we had issues, I know, at the county**
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1 **with environmental issues where the county kept coming**
2 **back with more concerns. Because it had been--it was**
3 **explained to me that because it had been a golf course**
4 **that there were a lot of issues on the property.**

5 **And they kept coming--the county kept coming**
6 **back with more questions and more concerns that had to be**
7 **addressed.**

8 **Those are just some examples.**

9 **There was also a period of time I know, may**
10 **have been around Covid, where like all the county staff**
11 **changed and they had to start over with new staff who had**
12 **to be educated and brought up to speed.**

13 **So there were several issues with the county**
14 **that slowed down progress.**

15 **Q.** Okay. And do you think--and I will ask about
16 if you had issues with other parties, but from what I'm
17 hearing here, would it be correct for me to say that most
18 of the delays that were caused in 13th Floor's work were
19 due to issues with the county?

20 **A. That's my opinion. Yes, correct.**

21 **Q.** Were there any other significant issues that
22 were unrelated to the county's — how should I say it. I
23 don't want to say shenanigans, but its affairs, I should
24 say?

25 **A. There's nothing that I recall.**
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1 **Nothing I recall.**

2 Q. Okay. So there weren't any kinds of disputes
3 directly between PGCA and 13th Floor regarding
4 implementation of the agreement?

5 A. **No. We worked very well together.**

6 Q. Okay. And I was about to ask how you would
7 describe the working relationship with 13th Floor?

8 A. **Excellent.**

9 Q. Excellent. Okay. Thank you.

10 Did you ever have any contact or interaction
11 with Lennar Homes?

12 A. **Yes, I did.**

13 Q. And when did that begin?

14 A. **To the best of my recollection, Michael**
15 **Nunziata, with 13th Floor, introduced me to Jeff**
16 **Alexander who was the, I believe, vice president of land**
17 **development for Lennar.**

18 **Sometime early 2022 I think--to the best of my**
19 **recollection our first meeting with Lennar and 13th Floor**
20 **was in February 2022.**

21 Q. So that's about two years ago now?

22 A. **Correct.**

23 Q. All right. And did you have like direct
24 interactions with Lennar or was a lot of it facilitated
25 through 13th Floor?

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1 A. **The initial transition interactions were with**
2 **13th Floor and then we had meetings with Lennar.**

3 **We had to go back to the drawing board on the**
4 **clubhouse design.**

5 **Lennar had submitted a clubhouse design to us**
6 **before they ever met with us and when we reviewed the**
7 **design, while it was in compliance with the Development**
8 **Agreement, it did not meet all the needs of the**
9 **community.**

10 **I'll give you an example.**

11 Q. Yes. Please do.

12 A. **Yeah. The Development Agreement said that**
13 **there would be four office areas in the clubhouse.**

14 **Then that--13th Floor knew that we had four**
15 **different associations that were going need offices.**

16 **Lennar's interpretation was that was four**
17 **offices.**

18 **So the initial clubhouse design that they**
19 **presented to us had only four offices; one office for**
20 **each association.**

21 **So, obviously, that needed to be rectified.**

22 **Another example is the library.**

23 **Our library is, basically, a little hallway**
24 **currently that has books.**

25 **People don't sit down and read.**

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1 **Lennar's design had a larger area for a library**
2 **which had tables and chairs and we did not feel that that**
3 **was necessary in this community and that it was a good**
4 **use of clubhouse space.**

5 Q. And how did those discussions and negotiations
6 play out? How did it end up was the outcome, if you
7 will?

8 A. **I believe the outcome went well.**

9 **They were--they understood.**

10 **They listened to us.**

11 **One of the reasons that 13th Floor agreed to be**
12 **involved in these discussions was so that they could help**
13 **clarify what some of the needs of the community were as**
14 **they saw them.**

15 **And everything, I thought, went well.**

16 **We were able to change the clubhouse design.**

17 **We added--there was additional space, added**

18 **shade.**

19 **For the pool area, a kiln was added.**

20 **There's just several items that Lennar had**
21 **neglected in their original design.**

22 Q. I see. And, well, I'm just trying to get a
23 feel for--because it sounds like--well, actually, let me
24 ask this.

25 The Development Agreement, the one that goes
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1 back to, I think, about 2016, did contemplate the
2 construction of a new clubhouse. Is that right?

3 A. **Yes.**

4 Q. And, so, it sounds like once you, and I presume
5 the other PGCA folks — and you can correct me if I'm
6 wrong — were talking with Lennar that that did delay the
7 beginning of clubhouse construction?

8 A. **Yes. Yes, it did delay beginning of**
9 **construction because we had to make changes in the**
10 **design.**

11 **When I say "we," they had to make changes in**
12 **the design. We needed to express to them what our**
13 **concerns were.**

14 **Another example is the maintenance area.**

15 **The Recreation Association needed maintenance**
16 **in the clubhouse building.**

17 **In Lennar's initial design, the maintenance for**
18 **all three associations was in a separate building which**
19 **was not the intent.**

20 **The intent was the separate building would be**
21 **for Condominiums 1 and 2, and that the Recreation**
22 **Association would have their maintenance needs closer to**
23 **the clubhouse.**

24 Q. Okay. And, just to clarify, the maintenance
25 area that you're talking about, was that as part of the
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1 clubhouse design or is that a separate amenity?

2 **A. There is a separate maintenance building.**

3 **Q.** So that would be one of the amenities--

4 **A. One of the amenities.**

5 **Q.** --contemplated by the agreement?

6 **A. Right.**

7 **Q.** Were there any kind of similar like delays or
8 design concerns with other amenities?

9 **A. You know, I think we went through everything.**

10 **I mean, we went through everything again,**
11 **because we--you know, we were just meeting Lennar and we**
12 **wanted to make sure that they understood our needs and**
13 **that everything was clear.**

14 **But it was very--the meetings were pleasant and**
15 **we, basically, reached agreement.**

16 **I'm trying to think of any--you know, one of**
17 **the things we asked for was the drive up to the**
18 **clubhouse. The way it was drafted, people would have to**
19 **back up to get out of there and we didn't think that was**
20 **a good idea for our senior community.**

21 **Q.** Agreed.

22 **A. So, I mean, there were just--there were a lot**
23 **of little things, right, you know, in the design that**
24 **needed to be addressed.**

25 **And at that time it was myself and David**
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1 **Levine.**

2 **For most of those discussions Condo 1 did not**
3 **have a representative. But I always saw myself as**
4 **representing the needs of all the Palm Greens community.**

5 **I wasn't just representing Condo 2.**

6 **Q.** I see.

7 **A. Yeah.**

8 **Q.** And I'll comment that having the backout I
9 think is a concern, even if you don't have senior
10 citizens, even young people.

11 **I don't trust most people with driving.**

12 **A. Exactly. It was definitely a disaster waiting**
13 **to happen.**

14 **Q.** And with all of these issues that were ironed
15 out, was this over the course of 2022?

16 **I just want to have an idea of when did you**
17 **think this was all finished, completed?**

18 **A. I stayed on the PGCA as the representative**
19 **until we reached closure on this. And I can't remember**
20 **the exact month, but it was only a couple of months.**

21 **Q.** Okay. Would you feel like confident in saying
22 that closure was sometime in 2022?

23 **MR. CHOUDHRY:** Objection to form.

24 **A. Yes.**

25
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1 **BY MR. BOTWIN:**

2 **Q.** And you don't recall or believe that this
3 carried on into 2023. Is that correct?

4 **A. It did not.**

5 **Q.** Okay. Let me see if I have anything else to
6 ask here.

7 **I think you kind of alluded to it earlier, but**
8 **how would you describe the candor of your interactions**
9 **with Lennar?**

10 **A. I dealt primarily with Jeff Alexander and I**
11 **found him to be very open and honest.**

12 **Q.** Okay. Thank you.

13 **Were there any other folks with Lennar that you**
14 **interacted with, like, if you recall names?**

15 **Obviously, if you don't, that's okay.**

16 **A. To the best of my recollection, I don't think**
17 **I--I may have, I'm not sure.**

18 **But Jeff was the primary liaison.**

19 **Q.** Okay. I got it.

20 **In the course of your work with the PGCA and**
21 **interacting with 13th Floor and Lennar, do you recall any**
22 **discussions or negotiations regarding the home**
23 **developments which is known as Delray Trails?**

24 **A. Yes. We--from the very beginning.**

25 **I mean, part of the agreement was that there**
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1 **would only be, and this is to the best of my**
2 **recollection, that there would only be 436 units; that it**
3 **would be low density; that it would be two stories, the**
4 **units would be two stories; that it would be senior**
5 **citizen; that it would be in the designated three pods.**

6 **So, yes, we discussed those issues pertaining**
7 **to the residential units.**

8 **Q.** Got it.

9 **Were there any discussions with respect to**
10 **easements which is, to clarify, like Lennar's access to**
11 **certain parts of Palm Greens' property to do construction**
12 **work?**

13 **A. Yes. As part of the agreement**
14 **the--technically, I believe it's the Recreation**
15 **Association who had to grant the easement, but that we**
16 **would cooperate with granting the easements.**

17 **Q.** Got it.

18 **And the agreement, just to be clear for the**
19 **record, that's the Development Agreement you're referring**
20 **to?**

21 **A. The Development Agreement.**

22 **Q.** Okay. And, so, the Recreation Association
23 granted the easement.

24 **So was your role in the PGCA just to advise**
25 **them or give them recommendations or something else?**

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1 **A. To advise them and give them recommendations.**

2 **Correct.**

3 **Q. Okay. Thanks.**

4 Were there any kind of like construction-
5 related issues that you encountered when working with
6 13th Floor and Lennar such as like unexpected issues, let
7 me say, like damage to property or to the natural
8 environment?

9 **A. My recollection, prior to me leaving, there was**
10 **pipes that had--there was some damage to pipes.**

11 **Well, let me clarify.**

12 **Q. Yeah. Sure.**

13 **A. Condo 2's pipes were on the golf course**
14 **property. And when they did some of the land clearing**
15 **there was some pipe breakage.**

16 **And he just arranged for our property manager**
17 **to meet with and discuss the concerns with Lennar.**

18 **Q. And who was the property manager?**

19 **A. The property manager was at the time is the**
20 **current property manager. I--well, to the best of my**
21 **recollection.**

22 **I believe he was--you know, I can't remember**
23 **exactly when First Service started, but I believe that it**
24 **was Paul Franzese.**

25 **I'm not sure I'm pronouncing it right.**

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1 **Q. Okay. And from what I've heard I understand**
2 **that you had no further interactions with 13th Floor or**
3 **Lennar or anything regarding the implementation of the**
4 **Development Agreement. Is that correct?**

5 **A. Correct.**

6 **Q. So, I just want to ask briefly about what you**
7 **have done since you left the board, if anything, in terms**
8 **of work with the community or other similar things?**

9 **A. I've been very busy taking care of my parents.**
10 **I have not done any kind of work with the community.**

11 **Q. Okay. So your focus for the last almost two**
12 **years has been on your parents. Is that right?**

13 **A. Three years. Correct.**

14 **Q. Okay. I see.**

15 Let me see if I have anything else I want to
16 ask about the whole agreement implementation and then I
17 have a few--several more questions real quick.

18 **A. Can I interject something?**

19 **Q. Yes. Of course.**

20 **A. I just want to mention that I worked 24/7 for**
21 **this community and these issues. I just want to make**
22 **that part of the record, that I really worked very hard**
23 **and put my heart into doing everything I could for the**
24 **best interest of Palm Greens.**

25 **Q. And I appreciate you saying that and if you'd**
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1 **Q. I know who you're referring to.**

2 **A. Okay.**

3 **Q. But I cannot help you with confirming whether**
4 **or not that pronunciation is correct.**

5 **A. Okay.**

6 **Q. But to clarify, for the record, First Service**
7 **is the management company that Paul Franzese works for?**

8 **A. [No response.]**

9 **Q. I'm sorry. Did you answer?**

10 **A. Oh, no. And then I was out--shortly thereafter**
11 **I was off the PGCA and had no further interactions.**

12 **Q. Okay. Sorry. I want to make sure I get the**
13 **record straight before I go further.**

14 So Paul Franzese, to your knowledge, worked for
15 First Service which is a property management company?

16 **A. Correct.**

17 **Q. And are they responsible for the whole**
18 **community or certain parts of the community, to your**
19 **knowledge?**

20 **A. To my knowledge, they're the property manager**
21 **for Condominium 2.**

22 **Q. Okay. And, to your recollection, when did you**
23 **step down from the PGCA Board?**

24 **A. To the best of my recollection, it was**
25 **approximately April 2022.**

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1 like to even say how much--if you had a guess of how much
2 time you spent or how much energy you put into all these
3 efforts, I'd be happy to hear it.

4 **A. I was working night and day, literally working**
5 **night and day. I actually wore out the keys on the**
6 **computer from so much typing.**

7 **Yes. I mean, I was literally working night and**
8 **day.**

9 **I actually gave up a lot of my personal life**
10 **for this community.**

11 **Q. And that, I think, is a very commendable**
12 **effort, I think, like any kind of project like that or**
13 **commitment is a massive undertaking and I'm sure you can**
14 **agree.**

15 **A. Yeap. Absolutely.**

16 **Q. Actually, I'll just ask real quick on that**
17 **note: Were there any other folks in the community that**
18 **were working on such a dedicated basis, as well, to your**
19 **knowledge?**

20 **A. Working like I worked?**

21 **Q. Yeah.**

22 **A. Well, yeah. I was on--like I said, I was on**
23 **from the very beginning. But the other PGCA members**
24 **worked very diligently during their tenures.**

25 **Q. Okay. Thanks.**

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1 I think I did ask this already, but I just want
2 to go back to it and that's just, again, the timing with
3 all of the developments.

4 So, I think you were saying with respect to the
5 agreement that work on the clubhouse should have been
6 started around the same time as vertical construction of
7 the Delray Trails homes. Is that right?

8 And if I'm wrong, please correct me.

9 **A. No, that's not what I said.**

10 **Q.** Please correct me.

11 **A. Yeah. According to the Development Agreement,**
12 **as far as I recall and I just read, it said construction**
13 **and the Amenity Campus. It didn't say the clubhouse. It**
14 **said the Amenity Campus would begin prior to vertical**
15 **construction, the residential units.**

16 **Q.** And, to your recollection, has that happened?

17 **A. I really don't know. I was gone.**

18 **I was not here when the construction started.**

19 **Q.** Okay. And with the clubhouse, to your
20 understanding, was there a time that the clubhouse was
21 supposed to being--the construction, that is?

22 **A. As I told you earlier, I believe I mentioned to**
23 **the best of my recollection I did give several tentative**
24 **dates in email blasts that I sent out to the community**
25 **and they kept changing.**

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1 This is a Joint Resolution document. I did
2 send it to you before the deposition.

3 And I'll pull this up now.

4 Excuse me. One moment.

5 Okay. Here is the--this is the document.

6 And as you look through it I just want to
7 quickly ask---

8 So this is a copy of something called Joint
9 Resolution and while you look through this I want to ask,
10 Susan, is this a draft document or something similar that
11 you've seen before or have you seen this kind of document
12 before if not this exact document?

13 **A. My involvement with the Joint Resolution was we**
14 **discussed it in concept with the PGCA during the**
15 **negotiations that it was something that the boards would**
16 **have to work on later.**

17 **And our attorney actually gave a draft. I'm**
18 **not sure if this--I sent the draft on to the three condo**
19 **boards. It wasn't something I was involved in.**

20 **Q.** Okay. So, to clarify, you were not involved in
21 drafting or coming up with ideas for the verbiage of this
22 resolution?

23 **A. No. The PGCA--the three PGCA board members**
24 **agreed that we would need a mechanism to spend down the**
25 **Rec Association's reserves before the Delray Trails**

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1 **And then I eventually, and the PGCA agreed,**
2 **that we should stop giving tentative dates because we**
3 **were being proven wrong.**

4 **Q.** Okay. Thanks.

5 If you'd like to take a quick break you may.
6 Otherwise, I will continue here.

7 **A. Continue.**

8 **Q.** Okay.

9 **A. It's Friday.**

10 **Q.** It sounds good. We'll try to push on ahead.
11 I'm going to pull up what I'm going to mark as

12 Exhibit 2.

13 **A. Okay.**

14 **Q.** And this here---

15 MR. CHOUDHRY: I think we're on
16 Exhibit 3.

17 Exhibit 1 was the subpoena.

18 MR. BOTWIN: Oh. Sorry.

19 MR. CHOUDHRY: Two was the complaint.

20 MR. BOTWIN: Yes. Thank you, Labeed.

21 [The Joint Resolution referred to
22 below was marked for identification as
23 Exhibit No. 3.]

24 BY MR. BOTWIN:

25 **Q.** This will be Exhibit 3.

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1 **joined the Rec Association and they were the**
2 **reconstituted Rec Association, but I did not work on the**
3 **actual details of any resolution.**

4 **Q.** Okay. Let me check--hold on one moment.

5 I'll just have you take a quick look at this
6 document since I would like to ask you about the whole
7 reserves matters and I just want you to take a look at
8 this language real quick and look through the whole
9 document.

10 And you can tell me when you're ready for me to
11 scroll down.

12 **A. I'm ready.**

13 **Q.** Okay.

14 [Scrolling.]

15 **A. I'm ready.**

16 **I don't understand really what you want me to**
17 **do since I have really nothing to do with this document.**

18 **Q.** Okay. I'll take it down for now.

19 **A. Okay.**

20 **Q.** So you were not involved in creating the
21 agreement, but it sounds like you were involved in
22 discussions that led up to the agreement.

23 Is that correct?

24 **A. Early on during the negotiation process the**
25 **three PGCA board members discussed the need to have a**

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1 mechanism.
2 We discussed it with our land use attorney to
3 have a mechanism that would spend down the reserves prior
4 to Delray Trails joining the Rec Association.

5 I received a copy of a draft from our land use
6 attorneys and, to be very honest, I said--I didn't even
7 read it. I said this is something for the three condo
8 boards, not for the PGCA. And I forwarded it on to the
9 presidents of the three boards.

10 Q. Okay. And I want to ask: Well, one, you said
11 that Lennar Trails was supposed to join the Recreation
12 Association?

13 A. The Del--

14 MR. CHOUDHRY: The Delray Trails.

15 A. The Delray Trails.

16 BY MR. BOTWIN:

17 Q. Delray Trails. Sorry.

18 A. That's okay. It's a long day.

19 Delray Trails, according to the Development
20 Agreement, when there's 90 percent units sold Delray
21 Trails will become a member of the newly-reconstituted, I
22 think was the language, Rec Association.

23 Q. Okay. And what was the concern or issue with
24 the reserves to the point that there seemed to be a
25 necessity among folks for this Joint Resolution?

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1 I just want to get an idea.

2 To clarify, what was the matter of the
3 reserves?

4 MR. CHOUDHRY: Objection. Form.

5 A. At this time I do not recall how much reserves
6 there were. However, the concerns was that the reserves
7 were created by moneys from Condominium 1 and Condominium
8 2 and that we did not want that money to go--we wanted
9 the money to be back to the condo--if there was left over
10 money that it would go back to the condos; that it would
11 not--you know what, I'm just speaking because I'm talking
12 too fast.

13 Because we--

14 Q. Take your time.

15 A. Yeah.

16 We did not want Delray Trails to take advantage
17 of the moneys that were contributed by Condo 1 and Condo
18 2.

19 Q. And what was your position about the Joint
20 Resolution at that time?

21 Did you feel that it was important or necessary
22 or unnecessary?

23 What was--I want to get a feel for your
24 reaction or opinion of it at the time?

25 MR. CHOUDHRY: Object to the form.

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1 A. I thought it was very important to create a
2 mechanism, but I have no opinion on to what that
3 mechanism is or how it would work.

4 BY MR. BOTWIN:

5 Q. Okay.

6 A. To draw down the reserves.

7 Q. Yes. And, so, in your mind the purpose was to
8 protect Condo 1 and Condo 2's moneys?

9 A. Absolutely.

10 Q. Okay. And do you have any understanding of the
11 mechanism, as you described it, within the Joint
12 Resolution?

13 A. As I stated before, I did not read it and I did
14 not get involved in it.

15 Q. Okay. Do you have any opinions or thoughts of
16 the Joint Resolution as it stands today?

17 MR. CHOUDHRY: Objection. Form.

18 A. No.

19 [The email referred to below was
20 marked for identification as Exhibit No.
21 4.]

22 BY MR. BOTWIN:

23 Q. Okay. Now, I want--give me a moment. I want
24 to bring up an exhibit.

25 And what I'm going to bring up, this will be

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1 Exhibit Number 4.

2 It's email correspondence between you, I
3 presume David Levine, and also Art Robins.

4 A. Okay.

5 Q. And this is discussing about--I believe this is
6 discussing about doing the Joint Resolution in some
7 respects.

8 So I'm going to pull this up and you can take a
9 quick look at it and then I'll ask you a few quick
10 questions.

11 A. Okay.

12 Q. And now let me scroll down and show you the
13 whole thing so you have it here.

14 A. Is that the end?

15 Q. Yes. Yes, it is.

16 And what I'd like to ask is: As you can see
17 here, you are expressing some thoughts about the Joint
18 Resolution with respect to the reserves.

19 Is that correct?

20 And if you'd like to clarify, you may.

21 A. I'd like to point out where I say in this,

22 "David, you and I made a decision months ago that the
23 PGCA would stay out of this.

24 "This being the case, I recommend that you just
25 talk to Art and answer his question or email him instead

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1 of a meeting with the full board."

2 Q. Okay. So, I understand you said earlier you
3 were--you know, you were onboard with a Joint Resolution
4 to protect reserves.

5 And, so, what I'd like to ask here is if--and,
6 again, you can correct me or clarify me--clarify or
7 elaborate.

8 A. Mm-hmm.

9 Q. In this correspondence here are you indicating
10 opposition to the Joint Resolution?

11 MR. CHOUDHRY: Objection. Form.

12 A. **Not at all. The only thing I'm saying that it
13 is not an issue for the PGCA.**

14 **I think I also mention that it's not an issue
15 for Lennar.**

16 **It's an issue for the three condominium boards.**

17 Q. Okay. So, based on what I'm hearing your
18 position through all of this was: You were in favor of
19 the Joint Resolution but believed it was a matter for the
20 Rec Board and the Condo Associations?

21 MR. CHOUDHRY: Objection. Form.

22 A. Yeah.

23 **You know, I want to make clear that the
24 attorney recommended a Joint Resolution.**

25 **I'm not an attorney. I'm not sure that that**
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1 and that anything that Delray Trails shared they should
2 contribute to also.

3 Q. Okay. I understand. Thank you. I appreciate
4 the clarifications.

5 Okay. Let me see if I want to...

6 I'm just checking if I want to share another
7 exhibit. I think you've addressed any exhibits and I'm
8 just checking--actually, I do want to put another
9 exhibit.

10 A. Okay.

11 [The 3/31/22 email from Susan Herman
12 referred to was marked for identification
13 as Exhibit No. 5.]

14 BY MR. BOTWIN:

15 Q. This I will attach as Exhibit Number 5.

16 And this is an email that appears to be sent by
17 you, and I think my one question is just to ask if you
18 sent this email if you have any recollection of it?

19 Well, actually, first: Did you send this email
20 and then I'll ask.

21 A. **It appears as if I sent it. It's my email
22 address.**

23 Q. Okay. Do you have any recollection of sending
24 this email or any of the issues covered in it?

25 A. **I don't have a recollection of the specific**
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1 was the correct mechanism. I'm assuming that that was
2 the correct way to go.

3 **What I was in favor of was protecting the
4 community, Condo 1 and Condo 2's resources, and figuring
5 out a way before Delray Trails joined the Rec Association
6 that the reserves would be spent down.**

7 BY MR. BOTWIN:

8 Q. Okay. I understand.

9 And let me take this down.

10 And, so, the idea of having the reserves
11 protected was that to keep Delray Trails from whenever it
12 joins from taking from the reserves or otherwise--

13 A. **Sorry to interrupt you. I shouldn't have
14 interrupted you. I apologize.**

15 Q. Okay. I'll rephrase.

16 But your whole understanding about protecting
17 the reserves of the existing condo boards is to prevent
18 Delray Trails from, when it joins, taking or misusing
19 reserves?

20 MR. CHOUDHRY: Objection. Form.

21 A. **Absolutely not. I did not say that.**

22 BY MR. BOTWIN:

23 Q. Please clarify.

24 A. **Yeah. Absolutely not. No.**

25 **It was that it was Condo 1 and Condo 2's money**
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1 email because I probably sent out so many but the issues
2 in it I can address.

3 Q. Okay.

4 A. **The first issue is I'm explaining to people who
5 may be new in the community what the new community is
6 going to be comprised of.**

7 **I also make it clear, because I think there's a
8 misconception, that we did not, never did own the golf
9 course.**

10 **And then I talk about 13th Floor being willing
11 to work with the PGCA to develop a plan which ultimately
12 was voted on and approved overwhelmingly by the
13 community.**

14 **Then I mention that--oh, it was December.**

15 **Okay. So it was December---**

16 Q. This is--the email is dated March 31st.

17 A. **Okay. So it was December of '21 when the sale
18 to Lennar Homes. At that time it was only two pods, I
19 believe A and B, not C.**

20 **And then the next paragraph is just explaining
21 how that PGCA met with Lennar several times and I mention
22 that the projects will be pushed because due to the
23 change in ownership because, again, we had to re-discuss
24 the clubhouse design.**

25 **Then I tell--mention that the demolition of the**
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1 old golf course building will happen shortly and I--and
2 that's basically what's in there.

3 Q. Okay. And I'd just like to ask on the last
4 part, and I do appreciate you explaining everything here,
5 when do you recall the old golf course building was
6 demolished?

7 A. To be honest, I have no recollection. I was up
8 in Michigan. I have no recollection.

9 Q. Okay. I understand.

10 Let me just bounce back real quick so I
11 remember: When did you move up to Michigan?

12 That was about three years ago. Right?

13 A. About three years ago. I came back down
14 intermittently, but basically since the beginning of
15 Covid I predominantly stayed in Michigan with my parents.

16 Q. Okay. Let me see if I had anything else to ask
17 with respect to this document.

18 Okay. Now I'm done with this exhibit and I
19 will take it down.

20 I'd like to ask -- I think you've kind of
21 answered this already, but was there ever any threat by
22 Lennar or 13th Floor to steal or misuse the Recreation
23 Association's reserves, to the best of your knowledge?

24 A. Absolutely not.

25 Q. And was there any concern as opposed to a
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1 the new amenities.

2 Are there any other elements of the Development
3 Agreement you have understanding of just off the top of
4 your head?

5 A. No. The Development Agreement speaks for
6 itself.

7 [The Delray Trails Tentative Schedule
8 referred to below was marked for
9 identification as Exhibit No. 6.]

10 BY MR. BOTWIN:

11 Q. I'm going to show you what I'm going to mark as
12 Exhibit Number 6.

13 Give me a moment.

14 And this is a development or construction
15 schedule from 13th Floor.

16 It's a preliminary one and not apparently
17 binding.

18 I'll first ask you if you've ever seen this
19 document before?

20 A. To the best of my knowledge, I have seen it and
21 it does say it provides a tentative schedule.

22 It says that right up front and it's
23 underlined.

24 Q. Yes.

25 A. So it's not binding. It's very clear that it's
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1 credible threat?

2 A. Absolutely not. To my knowledge.

3 Q. Do you--oops. Sorry.

4 A. To my knowledge.

5 Q. Do you recall if anybody had any concerns about
6 such a thing happening?

7 A. To the best of my knowledge, no.

8 You know, I just want to reiterate that we had
9 no animosity with 13th Floor or Lennar.

10 We had very good working relationships.

11 Q. I see. I see.

12 If someone did say that Lennar might attempt to
13 take the Recreation Association's reserve moneys, you'd
14 find that to be a ridiculous or unfounded concern?

15 MR. CHOUDHRY: Objection. Form.

16 A. Correct.

17 You asked my opinion. Right? If somebody--

18 BY MR. BOTWIN:

19 Q. Yes. Or at least if you did interact with
20 anybody who raised such concerns, your reaction to them?

21 A. Yeah. I would probably explain that I did not
22 believe that was a problem.

23 Q. Okay. I think we kind of went over the 13th
24 Floor agreement and we talked about your understanding
25 with respect to the development of the new clubhouse and
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1 tentative. Correct.

2 Q. Were these--I recall you said earlier you were
3 giving 13th Floor tentative dates at one point.

4 Are these some of the dates or is this
5 something different?

6 MR. CHOUDHRY: Objection. Form.

7 A. To the best of my--

8 MR. CHOUDHRY: Go ahead.

9 A. No. To the best of my recollection, these are
10 the dates.

11 BY MR. BOTWIN:

12 Q. Oh, so these--

13 A. Some of the dates.

14 Q. --are the dates that you proposed?

15 A. Some of the dates. It changed.

16 Q. Okay.

17 A. Yeah.

18 Q. But it would be safe to say that you had a hand
19 or you proposed dates similar or the same as these?

20 MR. CHOUDHRY: Objection to form.

21 A. I had absolutely nothing to do with the dates.
22 That was the developer.

23 I don't propose or come up with dates.

24 BY MR. BOTWIN:

25 Q. Okay. But with respect to the clubhouse you
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1 had ideas for dates on when that should be done.
 2 Was that---
 3 **A. No.**
 4 **Q.** Or please clarify.
 5 **A. Yeah. No, no. I would have nothing to do with**
 6 **the dates. That's purely up to the developer. You know,**
 7 **I don't have any construction skills or expertise.**
 8 **I wouldn't be projecting dates.**
 9 **Q.** Now, you said you did see this document before.
 10 Right?
 11 **A. That's my recollection.**
 12 **Q.** Did you know that 13th Floor made these
 13 representations on tentative dates?
 14 **A. To the best of my recollection, yes, I knew**
 15 **that.**
 16 **Q.** And how do you feel about these tentative
 17 dates? Did you feel that they were reasonable or
 18 something else?
 19 **A. I have to reemphasize, I have no expertise in**
 20 **construction.**
 21 **They were the experts providing the dates.**
 22 **I did not have an opinion regarding the**
 23 **reasonableness other than taking them at their word.**
 24 **We had a good relationship.**
 25 **Q.** Okay. So you pretty much just trusted that
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1 these are good dates?
 2 **A. Yes.**
 3 **Q.** Okay. I think I just have a few--several more
 4 questions and then I will be done here with questions for
 5 today.
 6 Afterwards, I believe Labeed will be asking you
 7 a number of questions.
 8 But, anyways, I'd like to ask, Susan, to the
 9 best of your knowledge, at this point has Lennar
 10 completed construction of any of the homes at Delray
 11 Trails?
 12 **A. To the best of my knowledge, yes.**
 13 **Q.** And, also, to the best of your knowledge, do
 14 you know how many homes that Lennar has completed there?
 15 **A. I have no idea.**
 16 **Q.** Can you give a guess?
 17 **A. I'm bad at guessing. I can probably go over**
 18 **and count, but--I may be able to see out the window.**
 19 **I have no idea.**
 20 **Q.** All right. Well, would you say, would you
 21 guess, and again I'm not looking to take this as your
 22 absolute knowledge, but...
 23 **A. I can't even answer that. I really have no**
 24 **idea.**
 25 **Q.** Okay.
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1 **A. And I don't even know on the other side of the**
 2 **road on Condo 1. I looked out at Condo 2. I don't even**
 3 **know if anything's built there.**
 4 **Q.** I understand.
 5 Would you be able to guess if there's at least
 6 a dozen houses that have been built so far?
 7 **A. Maybe. I don't mean to laugh at you, but I**
 8 **really--I can't answer. I mean, it looks to me -- but,**
 9 **again, I have impaired vision -- it looks to me that it's**
 10 **probably about a dozen or more than that. I--you know...**
 11 **Q.** Okay. Then I'll give you a more realistic
 12 question: How many did you see out there?
 13 **A. I'd have to go look right now.**
 14 **Q.** Oh, no.
 15 **A. I really--this is really a difficult question.**
 16 **I just--you know, I don't look at it that**
 17 **closely when I go back. I go out the other way often. I**
 18 **don't look at it that closely. I have no clue.**
 19 **Q.** Okay. I understand.
 20 But it does look like to you that some houses
 21 have been completed at least?
 22 **A. Absolutely.**
 23 **Q.** Okay.
 24 **A. It looks to me like people are living in some**
 25 **of the houses.**
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1 **Q.** Okay. Thank you. That's--I feel like that's a
 2 good indication that a house is complete.
 3 I also would like to ask, Susan, have you
 4 noticed that the new clubhouse is now under construction?
 5 **A. I have not been in that area. I have no idea.**
 6 **Q.** Okay. Then--
 7 **A. We have been told--I have been told that it is**
 8 **under construction.**
 9 **Q.** Okay. Then, obviously, you may not be able to
 10 have knowledge to answer this question, but I would like
 11 to ask: Is it fair to say that the construction of this
 12 new clubhouse on the Palm Greens grounds is being done
 13 concurrently by Lennar along with the construction of the
 14 new homes?
 15 MR. CHOUDHRY: Objection. Form.
 16 BY MR. BOTWIN:
 17 **Q.** Like, to clarify, do you feel that--is it fair
 18 to say that the new clubhouse and the new homes are being
 19 built concurrently or at the same time?
 20 MR. CHOUDHRY: Objection. Form.
 21 **A. If what I was told was correct, that the**
 22 **clubhouse has been started, then it is being built**
 23 **concurrent with the new homes.**
 24 BY MR. BOTWIN:
 25 **Q.** Okay. Thank you.
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1 I just have one last question here and it's
2 kind of a reference to why I chose Exhibit 2, which was
3 the complaint in the other case that had the Development
4 Agreement attached.

5 So, that lawsuit--or, actually, I'll ask: Are
6 you aware of that lawsuit before today?

7 **A. Yes.**

8 **Q.** And are you aware that they were filed as a
9 result of the state of the clubhouse and renovation
10 aspects of the Development Agreement?

11 MR. CHOUDHRY: Objection to form.

12 **A. I have no idea why they were filed or when.**
13 **I can't read other people's minds.**

14 BY MR. BOTWIN:

15 **Q.** Okay. That's fine.

16 And do you believe, as you sit here today, that
17 13th Floor or Lennar have breached their obligations on
18 the Development Agreement?

19 MR. CHOUDHRY: Objection. Form.

20 **A. In my opinion, no. But that's not for me to**
21 **decide.**

22 BY MR. BOTWIN:

23 **Q.** Of course. But I just wanted---

24 **A. My opinion, no.**

25 **Q.** And in your time when you were working with
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1 MR. CHOUDHRY: Can we pull up--well,
2 let me see if I can do it on my end on the
3 share screen.

4 The subpoena that you were served in
5 this case. So let's start with that.

6 I believe that was Exhibit 1.
7 Correct?

8 MR. BOTWIN: Yes.

9 THE COURT REPORTER: Yes.

10 BY MR. CHOUDHRY:

11 **Q.** All right. So I have the subpoena here.

12 And it's in the lawsuit that's filed in Palm
13 Beach County. Beth Saffer and Arthur Robins versus
14 Sandra Klimas, Robert Thom, Anthony DiGennaro and Robert
15 Stern.

16 Do you see that?

17 **A. Yes.**

18 **Q.** The Development Agreement that we were just
19 talking about at length and the negotiations and the
20 compliance with it, that's filed in a different lawsuit.
21 Correct?

22 And I'll pull that up here. Let's see if it
23 works. I'll try that. This one.

24 **A. Are you asking me the question?**

25 **Q.** Well, hold on. Let me pull it up and then...
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1 them on PGCA did you feel like that they were complying
2 with the Development Agreement?

3 MR. CHOUDHRY: Objection. Form.

4 **A. Yes.**

5 **Q.** Okay, then. That is all the questions I have
6 here for today, Susan. If you'd like to mention or
7 clarify anything real quick, you may.

8 Otherwise, I will be turning it over to Labeed
9 since I assume that he has questions for you.

10 **A. Okay. No. Thank you.**

11 MR. BOTWIN: You're welcome.

12 Do you want to take a quick break?

13 THE WITNESS: Yes, please.

14 MR. CHOUDHRY: Yeah, yeah. Let's take
15 a quick break. We'll be back at 2:45, just
16 so everyone has even time to come back in.

17 MR. BOTWIN: Okay. Two-forty-five it
18 is.

19 [Short recess taken.]

20 CROSS-EXAMINATION

21 BY MR. CHOUDHRY:

22 **Q.** Good afternoon, Miss Herman.

23 My name is Labeed Choudhry. I represent the
24 defendants in this lawsuit. And before I begin I need to
25 clarify something.

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1 Yes.

2 **A. Oh, okay. I'm sorry. I didn't know. I**
3 **thought maybe...**

4 **Q.** No, no. No worries.

5 I'm just trying to confirm that the Development
6 Agreement is an attachment to a completely different
7 lawsuit than the one that you were subpoenaed on?

8 **A. That's my understanding. Correct.**

9 **Q.** All right. So I have that complaint up.

10 And the plaintiffs in that case are Palm Greens
11 at Villa del Ray Recreation Condominium Association and
12 Number 1 Condominium Association — Palm Greens at Villa
13 del Ray, versus 13th Floor Investments, LLC, 13FH Palm
14 Beach, LP, Sandra Klimas and Robert Thom. Correct?

15 **A. Correct. I was not subpoenaed in that suit.**

16 MR. CHOUDHRY: Oh, okay. So, well,
17 I'd just like to put that on the record, as
18 well.

19 To the extent that the questions asked
20 today by Mr. Botwin are related to the
21 lawsuit that's pending in the Eleventh
22 Judicial Circuit in and for Miami-Dade
23 County, they're not relevant to the
24 litigation at present.

25 And to the extent that Miss Herman's
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testimony may be used in that lawsuit we would object because the subpoena was in the Palm Beach County lawsuit and not the Miami-Dade lawsuit.

We'll deal with that issue, I guess, more off the record, but we wanted to make sure that we were noting that.

And we're not acquiescing to Miss Herman's testimony being used in the Miami-Dade lawsuit. Especially, because it doesn't look like 13 FH Palm Beach, LP and 13th Floor were aware of the subpoena.

BY MR. CHOUDHRY:

Q. So, I apologize, Miss Herman. I don't know if 13th Floor Homes will want to subpoena you, as well, or you'll have to sit for another deposition, but that's, unfortunately, not in my control or in my hands.

A. I was a little confused, but I have nothing to hide. So, I figured I would just answer the questions honestly.

Q. That's always the best policy. Always, absolutely the best policy.

A. Right. Right.

Q. Now, when you were speaking earlier, right in the beginning of your deposition, I recall you mentioned BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

And if I refer to them as "the defendants," is that okay with you?

A. Yes.

Q. Okay. Now, there have been lots of allegations against the defendants in the Palm Beach County lawsuit. So I just have to go through a few of them.

There's general allegations that the defendants committed theft of money held for the benefit of the Number 2 Condominium Association.

Do you have any knowledge, or evidence, or facts to support any of the defendants have committed theft of any money held for the benefit of Number 2 Condominium Association?

A. Absolutely not.

Q. And there have been general allegations made that the defendants have committed theft of money held for the Number 1 Condominium Association.

Do you have any evidence, facts, documents, anything to support such an allegation?

A. Absolutely not.

Q. And there have been general allegations made that the defendants committed theft of money held for the benefit of the Palm Greens at Villa del Ray Recreation Association.

Do you have any evidence, knowledge, facts to BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

that you reviewed the complaint in this case. Correct?

A. Correct.

Q. Was that the original complaint or the amended complaint? Do you recall?

A. I've reviewed both.

Q. So you've reviewed both. You've had a chance to review the allegations in those complaints?

A. Correct.

Q. I'm going to ask a pretty broad question, but bear with me: Are any of the questions that were asked by Mr. Botwin today related to the allegations in the complaint or the amended complaint?

A. Not my recollection of the complaints, no.

Q. Do you know why you've been subpoenaed here today in this Palm Beach case?

A. No.

Q. Well, unfortunately, I have to go through a few questions on my end. I know it's late on Friday, but we'll try to get through them as quickly as possible.

A. Okay.

Q. So, in the Palm Beach lawsuit general allegations have been made--well, let me back up one moment.

In the Palm Beach case my office represents Sandra Klimas, Rob Thom, Anthony DiGennaro and Bob Stern. BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

support that allegation?

A. Absolutely not.

Q. And just so that we can make the next few questions a little bit easier on the tongue and go a bit faster, is it okay if I refer to the Number 2 Condominium Association — Palm Beach at Villa del Ray as just the Number 2 Association?

A. Yes.

Q. And the Number 1 Condominium Association — Palm Greens at Villa del Ray, Inc. as just the Number 1 Association?

A. Yes.

Q. And the Palm Greens at Villa del Ray Recreation Condominium Association, okay if I just refer to that as the Rec Association?

A. Yes.

Q. Thank you.

MR. BOTWIN: Labeed, can I interject a suggestion?

MR. CHOUDHRY: Sure thing.

MR. BOTWIN: Do you think it would be easier to show that complaint as an exhibit?

MR. CHOUDHRY: Oh, absolutely. I'm happy to show both of those complaints as BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

1 exhibits.

2 Madam Court Reporter, I believe Number
3 7 would be the original complaint.

4 And I can pull that up so that Miss
5 Herman can confirm it.

6 And Number 8 would be the amended
7 complaint.

8 THE COURT REPORTER: Okay.

9 MR. BOTWIN: Yeah. And, just so you
10 know, I'm suggesting because it sounds like
11 Susan has read the complaints so it'll
12 probably be faster for you to go through
13 your questions that way.

14 MR. CHOUDHRY: Well, no, but my
15 questions will be a little bit different.

16 But, just so the record is clear, we
17 can include them as part of the exhibits.

18 MR. BOTWIN: Sounds good.

19 Thank you.

20 BY MR. CHOUDHRY:

21 Q. All right. Miss Herman, I am sharing my
22 screen. And I pulled up what's titled a Class Action
23 Complaint And Demand For Jury Trial.

24 I can scroll up through the pages, but does
25 this generally appear to be the original complaint that
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1 BY MR. CHOUDHRY:

2 Q. So, there are general allegations in those
3 pleadings that the defendants misused funds held for the
4 benefit of the Number 1 Association.

5 Now, are you aware of any facts that would
6 support such a general allegation?

7 A. No.

8 Q. And then there are general allegations in the
9 complaints in this matter that the defendants misused
10 funds held for the benefit of the Number 2 Association.

11 Are you aware of any such facts?

12 A. No.

13 Q. And there are general allegations in the
14 complaints that the defendants misused funds held for the
15 benefit of the Recreation Association, the Rec
16 Association.

17 Are you aware of any facts that would support
18 the allegation that the defendants misused funds held for
19 the benefit of the Rec Association?

20 A. No.

21 Q. And there are general allegations in the
22 pleadings that the defendants have hid or are currently
23 hiding prior or ongoing mismanagement and malfeasance
24 that impacted the Number 2 Condominium Association.

25 Are you aware of any facts that support such an
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1 you reviewed for this matter?

2 A. Yes.

3 MR. CHOUDHRY: All right.

4 And, Madam Court Reporter, that will
5 be Number 7.

6 [The Complaint referred to was marked
7 for identification as Exhibit No. 7.]

8 BY MR. CHOUDHRY:

9 Q. I will pull up the amended complaint, as well.
10 Just give me a second.

11 And, Miss Herman, I have pulled up what's
12 titled Verified First Amended Class Action Complaint And
13 Demand For Jury Trial.

14 I can go through the pages, but does this
15 generally seem to be the amended complaint that you
16 reviewed in this matter?

17 A. Yes, it does.

18 MR. CHOUDHRY: Okay. Thank you very
19 much.

20 All right. I will continue with my
21 questioning.

22 [The Amended Complaint referred to was
23 marked for identification as Exhibit No.
24 8.]

25 BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

1 allegation?

2 A. No.

3 Q. And there are general allegations that the
4 defendants have hid or are currently hiding prior,
5 current or ongoing mismanagement or malfeasance in the
6 Number 1 Association or that impacted the Number 1
7 Association.

8 Are you aware of any facts that support such an
9 allegation?

10 A. No.

11 Q. There are general allegations made by the
12 plaintiffs that the defendants are hiding or have hid
13 current or past or prior mismanagement or malfeasance
14 that impacted the Rec Association.

15 Are you aware of any facts that support such an
16 allegation?

17 A. No.

18 Q. There are general allegations made by the
19 plaintiffs that the defendants have imposed illegal or
20 unlawful assessments that impacted the Number 2
21 Condominium Association.

22 Are you aware of any facts that support such an
23 allegation?

24 A. No.

25 Q. There are general allegations that the
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<p>77</p> <p>1 defendants have imposed illegal or unlawful assessments</p> <p>2 that impacted the Number 1 Association.</p> <p>3 Are you aware of any facts that support such an</p> <p>4 allegation?</p> <p>5 A. No.</p> <p>6 Q. There are general allegations that the</p> <p>7 defendants have imposed illegal or unlawful assessments</p> <p>8 that impacted the Rec Association.</p> <p>9 Are you aware of any facts that would support</p> <p>10 such an allegation?</p> <p>11 A. No. I have no knowledge.</p> <p>12 Q. Thank you. Bear with me. I just have to keep</p> <p>13 going through some more of these.</p> <p>14 A. Okay.</p> <p>15 Q. There are general allegations that the</p> <p>16 defendants are attempting to liquidate or--no.</p> <p>17 There are general allegations that individuals</p> <p>18 in the Palm Greens community are having to liquidate</p> <p>19 their homes.</p> <p>20 Are you aware of any facts that would support</p> <p>21 such an allegation?</p> <p>22 A. No.</p> <p>23 Q. There are general allegations that the</p> <p>24 defendants have engaged in malfeasance.</p> <p>25 Are you aware of any facts that support such a</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>79</p> <p>1 the plaintiffs.</p> <p>2 Are you aware of any facts that support such an</p> <p>3 allegation?</p> <p>4 A. Absolutely not.</p> <p>5 Q. There are general allegations that the</p> <p>6 defendants have acted maliciously towards the plaintiffs.</p> <p>7 Are you aware of any facts that would support</p> <p>8 such an allegation?</p> <p>9 A. Absolutely not.</p> <p>10 Q. There are general allegations that the</p> <p>11 defendants have stifled and/or prevented the Number 2</p> <p>12 Condominium Association from initiating lawsuits against</p> <p>13 Lennar Homes.</p> <p>14 Are you aware of any evidence or facts that</p> <p>15 support such an allegation?</p> <p>16 A. Absolutely not.</p> <p>17 Q. There are general allegations that the</p> <p>18 defendants have prevented or stifled the Number 1</p> <p>19 Condominium Association from bringing a lawsuit against</p> <p>20 Lennar Homes.</p> <p>21 Are you aware of any facts that support such</p> <p>22 and allegation?</p> <p>23 A. Absolutely not.</p> <p>24 Q. There are general allegations in the complaint</p> <p>25 that the property values in the Palm Greens community</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>
<p>78</p> <p>1 general allegation?</p> <p>2 A. No. Absolutely not.</p> <p>3 Q. There are general allegations by the plaintiffs</p> <p>4 the defendants have or are in the process of</p> <p>5 appropriating millions of dollars of assets that impact</p> <p>6 the Number 2 Association.</p> <p>7 Are you aware of any facts that support such an</p> <p>8 allegation?</p> <p>9 A. Absolutely not.</p> <p>10 Q. There are general allegations made by the</p> <p>11 plaintiffs the defendants have or are in the process of</p> <p>12 appropriating millions of dollars of assets that impact</p> <p>13 the Number 1 Condominium Association.</p> <p>14 Are you aware of any facts that support such an</p> <p>15 allegation?</p> <p>16 A. Absolutely not.</p> <p>17 Q. And there are general allegations made by the</p> <p>18 plaintiffs against the defendants the defendants have or</p> <p>19 are in the process of appropriating millions of dollars</p> <p>20 of assets that impact the Palm Greens Rec Association.</p> <p>21 Are you aware of any facts that support such an</p> <p>22 allegation?</p> <p>23 A. Absolutely not.</p> <p>24 Q. There are general allegation that the</p> <p>25 defendants have engaged in threatening behavior towards</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>	<p>80</p> <p>1 have plummeted.</p> <p>2 Are you aware of any facts that support such an</p> <p>3 allegation?</p> <p>4 A. No.</p> <p>5 Q. There are general allegations that</p> <p>6 fraudulently-created invoices have been paid by the</p> <p>7 Number 2 Condominium Association.</p> <p>8 Are you aware or have any facts that support</p> <p>9 this allegation?</p> <p>10 A. No.</p> <p>11 Q. And there are general allegations that</p> <p>12 fraudulently-created invoices have been paid by the</p> <p>13 Number 1 Condominium Association.</p> <p>14 Are you aware of any fraudulent invoices or are</p> <p>15 you aware of any facts that would support such an</p> <p>16 allegation?</p> <p>17 A. No.</p> <p>18 Q. There are general allegations that there are</p> <p>19 fraudulent invoices paid by the Rec Association.</p> <p>20 Are you aware of any facts that would support</p> <p>21 such an allegation?</p> <p>22 A. No.</p> <p>23 Q. And there are general allegations that the</p> <p>24 defendants prepared these fraudulent invoices.</p> <p>25 Are you aware of any facts or do you have any</p> <p>BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340</p>

1 evidence that support the general allegations that the
2 defendants prepared any fraudulent invoices?

3 **A. No.**

4 **Q.** There are general allegations the defendants
5 are illegally asserting control of more than \$500,000 in
6 funds that are meant for the Number 2 Association.

7 Are you aware of any facts that support such a
8 general allegation?

9 **A. No.**

10 **Q.** And there are general allegations that the
11 defendants are illegally asserting control of more than
12 \$500,000 in funds meant for the benefit of the Number 1
13 Association.

14 Are you aware of any such facts?

15 **A. No.**

16 **Q.** And there are general allegations that the
17 defendants are misappropriating or illegally controlling
18 funds more than \$500,000 and sometimes \$700,000 that are
19 meant for the benefit of the Rec Association.

20 Are you aware of any facts that support such an
21 allegation?

22 **A. No.**

23 **Q.** Are you aware of any facts that would support
24 any allegation that the defendants are illegally
25 asserting control of any funds meant for any of the three
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1 At the beginning of my questioning you talked
2 about how you reviewed the complaint and the amended
3 complaint and you have no idea why you were being
4 subpoenaed. Correct?

5 **A. Correct.**

6 **Q.** And we've gone through a large number of
7 allegations that are generally made in the pleadings
8 filed against my clients and you've confirmed that you
9 had no knowledge regarding these facts or allegations.
10 Correct?

11 **A. Right.**

12 **Q.** And you have no idea why you are being
13 subpoenaed here today, do you?

14 **A. No.**

15 **Q.** If you'll give me a moment, let me just go
16 through my notes again, but I should have no further
17 questions for you. All right?

18 **A. Thank you.**

19 MR. CHOUDHRY: Can we take a
20 five-minute break?

21 MR. BOTWIN: Sure.

22 [Short recess taken.]

23 BY MR. CHOUDHRY:

24 **Q.** Miss Herman, I think I asked you about this
25 before, but I just want to make sure.

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1 associations?

2 **A. No.**

3 **Q.** There are general allegations that the
4 defendants are illegally asserting control over real
5 estate that is meant for the benefit of the Number 1
6 Association.

7 Are you aware of any facts that would support
8 the allegation that the defendants are asserting illegal
9 control over parcels meant for the Number 1 Association?

10 **A. No.**

11 **Q.** Same thing for Number 2 Association and the Rec
12 Association?

13 **A. No. No.**

14 **Q.** I'm trying to speed things up a little bit.

15 **A. Thank you. Thank you.**

16 **Q.** There are general allegations that the
17 defendants have secretly forced votes and compliance from
18 entities the defendants do not control.

19 And I'm assuming this allegation is related to
20 the condominium association, but are you aware of any
21 facts that would support the general allegation the
22 defendants have secretly forced votes or compliance from
23 various entities?

24 **A. No.**

25 **Q.** And, so, just to circle back around.

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1 There are general allegations made by the
2 plaintiffs against my clients that my clients behaved in
3 threatening or harassing manner towards the plaintiffs or
4 other members of the Palm Greens community.

5 Do you have any facts or knowledge to support
6 that allegation?

7 **A. No.**

8 **Q.** You've generally worked with some of these
9 defendants in the past. Correct?

10 **A. Correct.**

11 **Q.** Would you have any reason to believe that any
12 of the defendants would behave in a threatening or
13 harassing manner to the plaintiffs or any members of the
14 Palm Greens community?

15 **A. Absolutely not.**

16 **I happen to know some of the defendants fairly
17 well and when I started to read the amended complaint and
18 I saw the words, I'm paraphrasing, but torturous,
19 fraudulent, stealing, I--you know, I mean, I know Sandy
20 Klimas. I know Rob Thom pretty well and they are
21 straight shooters. They're honest. They're of the
22 highest integrity.**

23 **I find the allegations shocking and, in my
24 opinion, I don't believe they're true. And, you know, if
25 they prove otherwise, fine, but I--I do not believe it to**

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1 be true at all. So...

2 MR. CHOUDHRY: Thank you, Miss Herman.

3 I have no further questions for you.

4 At this point I think--well, Mr.

5 Botwin can make the statement because it's
6 his deposition regarding the reading or
7 waiving.

8 MR. BOTWIN: Yes. You have the right
9 to read your deposition transcript to check
10 it for any errors or discrepancies and make
11 corrections as needed.

12 It's not to change your the testimony,
13 but it's to just make sure everything is
14 correct.

15 And if you trust the transcript will
16 be correct and there won't be any typos or
17 issues you can waive the right to read it.

18 THE WITNESS: I'd like to look at it.

19 MR. BOTWIN: Okay.

20 THE WITNESS: I'd like to read it.

21 THE COURT REPORTER: Can I get your
22 email, Susan?

23 THE WITNESS: Sure. It's Susan Renee,
24 R-e-n-e-e, Herman at Gmail dot com.

25 THE COURT REPORTER: Okay. Thank you.
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C E R T I F I C A T E

2 THE STATE OF FLORIDA)

3 COUNTY OF MIAMI-DADE)

4 I, MIREYA VEGA, Court Reporter and Notary
5 Public in and for the State of Florida at Large, do
6 hereby certify that, pursuant to a Subpoena Duces Tecum
7 for Deposition in the above-entitled cause, **SUSAN R.**
8 **HERMAN** was by me first duly cautioned and sworn to
9 testify the whole truth, and upon being carefully
10 examined testified as is hereinabove shown, and the
11 testimony of said witness was reduced to written word
12 under my personal supervision and that the said
13 deposition constitutes a true record of the testimony
14 given by the witness.

15 I further certify that the said deposition was
16 taken at the time and place specified hereinabove and
17 that I am neither of counsel nor solicitor to either of
18 the parties in said suit nor interested in the event of
19 the cause.

20 The foregoing certification of this transcript
21 does not apply to any reproduction of the same by any
22 means unless under the direct control and/or direction of
23 the certifying reporter.

24 WITNESS my hand and official seal in the City
25 of Miami, County of Miami-Dade, State of Florida, this
4th day of February, 2024.

MIREYA VEGA, Court Reporter
Notary Public - State of Florida
My Commission # HH 278429
Expires: June 24, 2026

BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

1 [Discussion off the record.]

2 THE COURT REPORTER: Elad, are you
3 ordering?

4 MR. BOTWIN: Yeah. We'll do a rough
5 and the transcript.

6 Thank you.

7 THE COURT REPORTER: Okay. Thank you.

8 MR. YOMBOR: Madam Court Reporter, I
9 don't know if Labeed said it, but we will
10 also order it and take a rough.

11 THE COURT REPORTER: Thank you, Kevin.

12 [Whereupon, the deposition was
13 concluded at 3:25 p.m.]

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22 - - -

23 - - -

24 - - -

25 - - -

Sworn to and subscribed

before me this _____ day

of March, 2024.

Notary Public, State of

Florida at Large.

BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

BRUMM, VEGA & ASSOCIATES, INC.
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No. 438
North Miami, Florida 33181

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Email: Brummvega@bellsouth.net

[READ LETTER SENT VIA EMAIL ONLY.]

February 5, 2024

Miss Susan Herman
5630 Spindle Palm Court
Unit C
Delray Beach, Florida 33484
Email: Susanreneeherman@Gmail.com

In Re: Saffer v. Klimas
Case No.: 502023CA015733XXXAMB

Dear Miss Herman:

Your deposition taken on February 2, 2024, is
available for reading, the making of changes to form or
substance, and signing until March 5, 2024, **or the time
of trial**, whichever comes first.

Please make arrangements with my office to read
and sign your deposition and furnish our office and
counsel of record with a notarized list of changes by
you, noting page and line numbers, and the reason for the
change.

Thank you for your cooperation.

Sincerely,

MIREYA VEGA, Court Reporter

cc: Original Transcript
Elad Botwin, Esq.
Labeed Choudhry, Esq.

BRUMM, VEGA & ASSOCIATES, INC. (305) 374-3340

CASE NO.: _____

DO NOT WRITE ON TRANSCRIPT - ENTER CHANGES HERE
[Use additional copies of errata sheet if needed.]

This image shows a single sheet of white paper with horizontal blue or grey ruling lines, typical of notebook paper. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

DATE: _____ **SIGNATURE OF DEPONENT:** _____
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