



JUDICIAL MERIT SELECTION COMMISSION)

In the Matter of:)
Christian Giresi Spradley)

RALPH S. KENNEDY JR.

Candidate for Seat 2, Circuit Court Judge)
Eleventh Judicial Circuit)

WITNESS AFFIDAVIT
FORM

I, Ralph S. Kennedy Jr., will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement and all supporting documentation, if any, must be completed and the hard copies of all such documents shall be returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is 12:00 Noon, Monday, October 28, 2024. I understand I must be available to testify at the Public Hearing, and failure to appear will result in a dismissal of my complaint.

In regard to my intended testimony, I will offer information as to the following:

- (1) Set forth your full name, age, address, and both home and work telephone numbers.

I am Ralph S. Kennedy Jr., South Carolina Bar License No. 7916. I have been a member of the South Carolina Bar since 1986. I am the senior attorney at Kennedy Law Firm, LLC, located in Batesburg-Leesville, SC 29070. I am a former member of the South Carolina House of Representatives for Lexington-Saluda Counties, House District 39, a seat I held from 2012 until 2016. My contact information is the following:

Office number: 803.532.4100.

Home address: Redacted

Home phone number: Redacted

Email address: ralphkennedy@kennedylawsc.com.

- (2) Set forth the names, addresses, and telephone numbers (if known) of other persons who have knowledge of the facts concerning your testimony.

(a) Carlisle E. Kennedy, Esquire, SC Bar: Redacted Kennedy Law Firm LLC, Phone number: 803.532.4100. Email: carlislekennedy@kennedylawsc.com.

(b) Redacted

(c) Redacted

(d) Ava Kimberly Hook, paralegal at Kennedy Law Firm during Matter 1.
Phone number: 803,429,7712.

- (3) State the nature of your testimony regarding the qualifications of the above-named judicial candidate, including:
- (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate;
 - (b) specific dates, places, and times at which or during which such allegations took place;
 - (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions; and
 - (d) how this information relates to the qualifications of the judicial candidate.

Summary: From my experience and based upon information and belief, it is my opinion that Christian "Chris" Spradley lacks the fitness to serve as a circuit court judge for the State of South Carolina. I am familiar with the JMSC Judicial Qualifications Checklist (last updated June 9, 2021), and I believe Chris Spradley is unqualified under Terms 2, 3, 4, 5, 7, and 8.

Matter One: I have personal experience regarding the lack of candor, honesty, and integrity of applicant Christian "Chris" Spradley that is relevant to his fitness to serve on the circuit court of South Carolina. As a result, I feel compelled to provide this information to the Judicial Merit Screening Committee, and to testify in opposition to Chris's candidacy for circuit court.

In a civil matter that was litigated in Saluda County¹ my firm represented an injured party, Curtis Graham, in recovering the at-fault driver's liability insurance coverage, which we settled for policy limits. We then pursued underinsured (UIM) benefits from our client's own auto insurance carrier. The week prior to trial, counsel for the carrier subpoenaed the deceased defendant's daughter, Teresa Grigsby, to appear at trial of the UIM matter. On Friday, 11/10/2023, Ms. Grigsby, who we believed was unrepresented at that time, contacted me directly after receiving a subpoena from the UIM carrier's attorney. During her call, she mentioned that she had been subpoenaed to trial by the UIM carrier's lawyer, and then asked me if she had to appear at trial. I told her I could not advise her because I did not represent her, but did provide her proof that my client had previously settled with her father (the named, deceased defendant) and his liability insurance carrier under terms of a

¹ Curtis Graham v. Theresa Grigsby et al., Case No. 2019-CP-41-00166 (Saluda County, Court of Common Pleas).

Covenant Not to Execute. I also explained that as a result, the upcoming trial was only about coverage under our client's own UIM bodily injury insurance policy.

On that following Monday, 11/13/2023 (the day of trial), just prior to jury selection (with Ms. Grigsby present in the courtroom), I along with UIM carrier's defense counsel went into chambers to discuss preliminary matters with the trial judge. While in chambers, the UIM carrier's counsel accused me of talking to "his" client, referring to Ms. Grigsby, who was clearly not his client under the facts or law of South Carolina.² She was not a named party to the lawsuit, nor did she have any legal standing or interest in the matter. We had previously resolved all claims against the deceased defendant, and by extension his daughter, via the covenant, and thus were simply litigating a claim for bodily injury against our own client's underinsured motorist coverage. Opposing insurance defense counsel then also accused me of "directing" Ms. Grigsby to ignore the trial subpoena sent by the UIM insurance carrier's lawyer, when in fact, I had given no such advice or direction.

The trial ended up being delayed for procedural reasons, specifically my Batson motion after defense counsel for the UIM carrier (it was his first trial) struck 5 of 6 jurors of non-white racial makeup (4 African American and 1 Hispanic) whose names appeared on the jury list and that were drawn from the jury panel for this trial. Since the trial was delayed, we subpoenaed Ms. Grigsby for a deposition, serving Ms. Grigsby a subpoena and notice of deposition as a fact witness, intending to inquire into her knowledge of the collision, her late-father's state of mind, and anything else she might know concerning the collision. We also had to inquire about the false allegations made previously in chambers by the UIM attorney, and if Ms. Grigsby was actually involved in those statements.

On the date of the Batson hearing (11/15/2023), I removed myself from the case because of the allegations previously and erroneously asserted by the UIM defense attorney in Chambers. My son, Carlisle Kennedy, became the attorney of record, and he argued the Batson motion, resulting in a "new jury & trial" being ordered by Judge McLeod.

Ms. Grigsby was served with our subpoena for deposition on 11/20/23. Ten days later, on 11/30/23, Chris Spradley contacted Carlisle Kennedy requesting that this deposition be rescheduled. Spradley informed Attorney C. Kennedy that he (Spradley) had just been contacted by Ms. Grigsby and that he needed additional time to prepare. After some discussion, Chris Spradley then changed his request from merely rescheduling the deposition to canceling the deposition altogether. Spradley informed Attorney C. Kennedy that he (Spradley) did not want to get involved in this matter, that he didn't know Ms. Grigsby well, and that he (Spradley) had not spoken with Ms. Grigsby for a number of

² Crawford v. Henderson, 356 S.C. 389, 589 S.E.2d 204 (Ct.App.2003) ("Clearly, once the named defendant has settled for his liability policy limits, he no longer has a stake in the outcome of the litigation. The UIM carrier, on the other hand, still has a viable, financial interest in the case. As a result, the attorney for the UIM carrier represents the carrier and not the named defendant. Even though the UIM carrier 'steps into the shoes' of the named defendant, the procedure is not in totality but merely to the point of coverage. Thus, there is no direct relationship between the UIM carrier's attorney and the named defendant.")

years since he last represented her in some other matter. The date of these conversations were 11/30/2023.

The next day, December 1, 2023, Chris Spradley filed as the attorney of record for non-party Ms. Grigsby, and then filed a Motion to Quash the deposition subpoena, accompanied by an affidavit from Ms. Grigsby that contained falsehoods. Chris Spradley's Motion to Quash contained inaccurate and misleading information. Item 4 states that Grigsby "...does not know the Plaintiff" although Grigsby would subsequently testify that she went to school with the Plaintiff. The motion also states, misleadingly, that "Plaintiff's attorney has rejected all offers and has now allowed more time to pass which would make it impossible to properly notice the deposition for a new day." In fact, only one day had passed since counsel for Plaintiff was made aware of Chris Spradley's involvement in this matter. Attorney C. Kennedy had offered numerous accommodations to Chris Spradley, all of which had been rejected.

During the subsequent hearing before Judge McLeod, it is my recollection that Spradley informed the Court, Attorney C. Kennedy, and UIM defense attorney that he had only spoken with Ms. Grigsby after she was served with the subpoena for deposition (thus sometime after 11/20/2023) and that he was hired to represent her solely to get her out of the deposition. Spradley also again claimed that Ms. Grigsby did not know the plaintiff Mr. Graham, which we learned to be inaccurate from Grigsby's eventual deposition. Chris Spradley's motion to quash was denied by Circuit Court Judge Walton J. McLeod IV and the deposition subsequently went forward. It was at that deposition that we learned more fully of Chris Spradley's lack of candor to both us and the Court.

It is worth noting again that the underlying claim was against my client's own UIM insurance bodily injury coverage, and the at-fault driver was Ms. Grigsby's deceased father. Ms. Grigsby was at most a collateral witness and was not an interested party to the case with any potential liability. It was unclear to myself as to why Ms. Grigsby would be so strongly motivated to quash the subpoena for her own deposition.

When Ms. Grigsby was subsequently deposed on December 6, 2023, while represented by Mr. Spradley, Ms. Grigsby told additional falsehoods. But she and Mr. Spradley then claimed that Mr. Spradley had represented Ms. Grigsby for "several years." That was, of course, obviously and significantly at odds with what Mr. Spradley had told Attorney C. Kennedy previously, when Spradley asked to reschedule the deposition, at which time Spradley claimed to have just spoken to Ms. Grigsby for the first time.

At the deposition, Ms. Grigsby also asserted that the package of documents served upon her did not contain a subpoena at all. As mentioned above, we learned in the deposition that Ms. Grigsby had actually gone to school with our client, Curtis Graham, who was African American. (Mr. Graham advised us that Ms. Grigsby had been unkind to him when they knew each other in school, with him insinuating her hostility towards him may have been racially motivated).

I am confident that the testimony provided by Ms. Grigsby in her deposition about her allegedly not being home when the subpoena was served was false. Our investigation verified that she was in fact present at the time the subpoena was served. Our investigator (a retired SLED agent who had also worked for Spradley's law firm) created a report of all vehicles registered to her home address (for both her and others living in the home). All those vehicles were parked in the driveway at the house at the time our investigator served the subpoena and notice of deposition, and provided photos of the cars present at the time of service. Our investigator confirmed both Ms. Grigsby and her husband Lee Grigsby were home when he served the subpoena and other documents that evening. Our investigator also related that he handed the documents to Lee Grigsby. This experienced investigator knew the difference between valid substitute service (service on an adult of sufficient age and discretion residing in the same household) and personal service. Being a meticulous retired SLED agent, he was confident that all documents were served, including the subpoena, and documented the same prior to any questions being raised about sufficiency of service.

Our investigator's photos of the Grigsby vehicles were taken before Ms. Grigsby had made known her false claim that she was not at home, so the existence of the photos was routine. That picture was included in his email notifying us of the completion of successful service on the evening of 11/20/23 around 5:40 pm that same day. Neither Spradley nor Ms. Grigsby were aware of the existence of the photo evidence during the deposition and could not have known her testimony could be refuted.

As can be read and watched in her deposition, Ms. Grigsby stated that she was not home when the subpoena was served and that she arrived home some 20 minutes after service was completed. She then goes on to testify that she took the entire paperclipped pack of papers to her attorney Chris Spradley.

What may be most concerning is that when asked in the deposition how long she (Ms. Grigsby) had been in contact with Attorney Spradley, Grigsby stated that they had a long ongoing relationship, and that she had been in continuing contact with him (Spradley) since 11/10/23, after speaking with the UIM defense attorney and with myself on that date. Ms. Grigsby testified that she sought Chris Spradley's legal counsel after each conversation she had with the UIM defense attorney and with me. That testimony is in direct contradiction to Chris Spradley's statements to both Carlisle Kennedy and Judge McLeod during the hearing that took place two days prior to this deposition. It is unclear why Chris Spradley would tell the attorneys and the Judge something different than what his own client, Ms. Grigsby, testified to, or why would he not want the nature and timing of his involvement to be disclosed to or known by the Court and other parties. It is also unclear why Ms. Grigsby's false testimonies, as proven by the already-existing physical evidence, would correspond with the timeline of conversations she testifies to have had with Spradley.

For reasons I don't understand, Chris Spradley appears to have suborned perjury by Teresa Grigsby

in an effort to avoid the deposition and then furthered that subornation during the eventual deposition. Also during the deposition, Spradley asserted numerous invalid objections, and gave an appearance to have coached Ms. Grigsby to testify that I had told her not to appear at the jury trial which had convened previously but was subsequently delayed by the Batson motion.

Based on my experience with the entire situation, it remains my conclusion that Ms. Grigsby recognized my client (and certainly realized he was African American) at the first aborted UIM trial, and thereafter apparently resolved to take steps to thwart my client's recovery of funds from his own insurance carrier despite the debilitating injuries he sustained in the wreck involving her now-deceased (and at-fault) father. But worse, it appears Chris Spradley assisted her in fabricating a story about alleged improper service, and by having her testify falsely that I told her not to come to trial.

I have no idea why Chris Spradley would seek to implicate me in any wrongdoing, but at a gathering some years earlier, Spradley made a comment to my son, Carlisle, that may provide some insight. Mr. Spradley told Carlisle that he was alright with him (referring to Carlisle) but that he (Mr. Spradley) "defested" me. I have no idea why that would be so. I am certain, however, that he assisted Ms. Grigsby in manufacturing false accusations about me, fabricating testimony and attempting to cripple Mr. Graham's ability to recover from his own underinsured carrier. I do not hold him in high regard for those reasons, among many others.

Matter Two:

Redacted and Dismissed

Matter Three:

Redacted and Dismissed

Redacted

(4) Set forth a list of and provide a copy of any and all documents to be produced at the hearing which relate to your testimony regarding the qualifications of the judicial candidate³.

(a)

(b)

(c)

(d)

Redacted

(e) Motion to Quash dated December 1, 2023.

(f) Affidavit of Teresa Grigsby filed December 4, 2023 in Case No. 2019-CP-41-0166.

(g) Affidavit of Service on Teresa Grigsby dated November 20, 2023

(h) Deposition of Teresa Grigsby taken December 6, 2023 and any other facts

³ I have many more documents related to the Graham matter that can be provided if needed.

you feel are pertinent to the screening of this judicial candidate.

①

Redacted

I Ralph S. Kennedy Jr., understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.


WAIVER

I Ralph S. Kennedy Jr. further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the Commission,

I Ralph S. Kennedy Jr. hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.


Signature

Sworn to me this 28th day of October, 2024


Notary Public of South Carolina

L.S.

My commission expires: July 21, 2033

Exhibit A

Exhibit B

Exhibit C

Exhibit D

Exhibit I



Redacted

1. [unclear]
2. [unclear]
3. [unclear]
4. [unclear]

Exhibit E

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)

CURTIS GRAHAM,)
)
PLAINTIFF,)
)
VS.)
)
THERESA GRIGSBY AS)
PERSONAL REPRESENTATIVE)
OF THE ESTATE OF)
LISTON DAVID RAWLS,)
)
DEFENDANT.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

MOTION TO QUASH

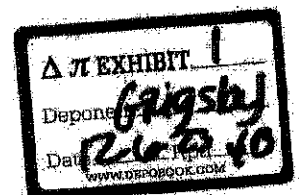
2019-CP-41-00166

TO: CARLISLE E. KENNEDY, ESQUIRE, COUNSEL FOR THE DEFENDANT.

YOU WILL PLEASE TAKE NOTICE that the undersigned, as counsel for the Witness, Theresa Grigsby, will move to quash the notice of deposition and any alleged subpoena which may have been served November 21, 2023. Copies of the entire package of documents served upon the witness' husband is attached. See Affidavit of Witness to be filed Monday.

Counsel for the Witness Theresa Grigsby has requested a signed proof of service of the alleged subpoena. As of the time of the filing of this Motion none has been received from Mr. Kennedy's office. The basis for the Motion is that any subpoena that may have been served and the Notice of Deposition attached hereto to not compliance with the South Carolina Rules of Civil Procedure. The rule violations are as follows:

1. Rule 30(a)(1) of the South Carolina Rules of Civil Procedure states that a witness may be compelled to attend in the county in which they reside, are employed or transacts business. Further it can be taken in the county in which the action is pending. The Witness lives and works in Greenwood County. She has no business



relationships within Lexington County. The case is pending in Saluda County. The letter insinuates that the deposition will be taken at 125 East Church Street Leesville SC. This address is in Lexington County. See Affidavit of Witness to be filed Monday.

2. Rule 30(b)(1) of the South Carolina Rules of Civil Procedure states that everyone shall be given notice of the deposition and that the notice shall state the time and place of the taking of the deposition. The Notice the Witness received does not state where the deposition will be taken. It gives a time but no place.
3. Rule 30(b) of the Rules of Civil Procedure states that a video deposition may only be taken in a case in which the prayer for relief involves an amount of \$100,000 or more. The prayer in the complaint only says in "an amount to be determined by a jury."
4. Further, there is nothing relevant to the case before the Court which the Witness has knowledge of which could reasonably lead to any admissible evidence. She was not a witness to the alleged incident, she did not treat or care for Plaintiff, she does not know the Plaintiff and has no knowledge of the incident before the Court.

Attorney for the Witness has offered other days for the deposition to take place with proper compliance with the rules, has offered his office as it is in Saluda County, and has offered to have the Witness sign an affidavit in which the witness would answer questions submitted by Plaintiff's attorney. Plaintiff's attorney has rejected all offers and has now allowed more time to pass which would make it impossible to properly notice the deposition for a new day.

Based on the foregoing, the undersigned moves that the alleged subpoena and Notice of Deposition be quashed and for the Court to impose sanctions and award attorney's fees due to the

Witness having to hire an attorney to enforce the South Carolina Rules of Civil Procedure.

MOORE BRADLEY MYERS LAW FIRM, P.A.

BY: s/Christian G. Spradley

Christian G. Spradley

State Bar #13755

110 S. Main Street

Saluda, SC 29138

(864) 445-4544

Attorney for Teresa R. Grigsby

Saluda, South Carolina

December 1, 2023

KENNEDY LAW FIRM, LLC

Attorneys and Counselors at Law

125 EAST CHURCH STREET
BATESBURG-LEESVILLE, SOUTH CAROLINA 29070

MAILING ADDRESS:
POST OFFICE BOX 2559
BATESBURG-LEESVILLE, SOUTH CAROLINA 29070

TELEPHONE (803) 532-4100
FACSIMILE (803) 532-0909

RALPH E. KENNEDY, JR.
RalphKennedy@KennedyLawSC.com

MICHAEL H. EMMER III
MichaelEmmer@KennedyLawSC.com

CARLISLE E. KENNEDY
CarlisleKennedy@KennedyLawSC.com

November 20, 2023

VIA PERSONAL SERVICE

Mrs. Teresa Grigsby
112 Kensington Drive
Greenwood, SC

Re: Curtis Graham vs. Estate of Liston David Rawls
Civil Action No.: 2019-CP-41-00166
Date of Loss: August 2, 2016
Our File No.: 1951-0020

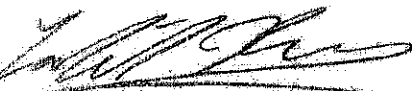
Mrs. Grigsby:

Enclosed for service upon you is a Notice of Taking Deposition and deposition subpoena in regard to the above-referenced matter. Also enclosed is a check drawn on this firm's account in the amount of \$101.37 which represents the \$25 daily witness fee and mileage to and from our office from your home. We calculated 111.6 miles round trip to/from our office; if this calculation is incorrect, please let us know and we will correct any shortage in mileage reimbursement.

If you have any questions concerning the enclosed, please do not hesitate to contact me.

Regards,

Kennedy Law Firm, LLC



Carlisle E. Kennedy

Enclosures

STATE OF SOUTH CAROLINA

COUNTY OF SALUDA

Curtis Graham,

Plaintiff,

v.

Theresa Grigsby as Personal Representative
of the Estate of Liston David Rawls,

Defendant.

IN THE COURT OF COMMON PLEAS

ELEVENTH JUDICIAL CIRCUIT

Case No: 2019-GP-41-00166

**PLAINTIFF'S NOTICE OF TAKING
VIDEO DEPOSITION OF TERESA R.
GRIGSBY**

YOU WILL PLEASE TAKE NOTICE that the undersigned as attorney for the Plaintiff, Curtis Graham, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, will take the videotaped deposition of Teresa Grigsby on **Tuesday, December 5, 2023, commencing at 10:00 a.m.**, before a Notary Public for South Carolina or some other officer authorized by law to administer oaths (Veritext). Said deposition shall continue from time to time and day to day until completed, including any adjournments thereof. You are invited to attend and take such part as is fit and proper.

RESPECTFULLY SUBMITTED,



Carlisle E. Kennedy (SC Bar No. 104175)
Ralph S. Kennedy, Jr. (SC Bar No. 7916)
Kennedy Law Firm, LLC
Post Office Box 2559
Batesburg-Leesville, South Carolina 29070
Telephone: (803) 532-4100
CarlisleKennedy@Kennedylawsc.com
RalphKennedy@Kennedylawsc.com

ATTORNEYS FOR PLAINTIFFS

November 17, 2023
Batesburg-Leesville, South Carolina

CERTIFICATE OF SERVICE

I, the undersigned employee of Kennedy Law Firm, LLC, certify that this 17th day of November 2023, a copy of **PLAINTIFFS' NOTICE OF TAKING VIDEOTAPED DEPOSITION OF THERESA GRIGSBY** has been served upon other counsel of record via electronic mail addressed to the following:

Jody Lyles, Esquire
Murphy Grantland
Post Office Box 6648
Columbia, SC 29260
jlyles@murphygrantland.com


Ava Kimberly
Senior Litigati


Cooper Hook
Paralegal

SECURITY FEATURES INCLUDE: BROWN METALLIC PAPER, EYE SENSITIVE INK, MICR LINE, POLYMER INK

SOUTH STATE BANK

11457

CS-1402-831

© 1995 CASH & KIMBLE

KENNEDY LAW FIRM, LLC
OPERATING ACCOUNT
(803) 532-4100
PO BOX 2559
BATESBURG-LEESVILLE, SC 29070

11-17-23

PAY TO THE ORDER OF

TERESA R. GRIGSBY

\$101.37 DOLLARS

VOID AFTER 90 DAYS

MEMO DEPOSITION FEE COSTS
16-6413 C. GRAHAM

VOID VALID
VOID VALID
VOID VALID
VOID VALID

AUTHORIZED SIGNATURE

STATE OF SOUTH CAROLINA)
)
COUNTY OF SALUDA)

CURTIS GRAHAM,)
)
PLAINTIFF,)
)
VS.)
)
THERESA GRIGSBY AS)
PERSONAL REPRESENTATIVE)
OF THE ESTATE OF)
LISTON DAVID RAWLS,)
)
DEFENDANT.)

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

AFFIDAVIT OF
TERESA GRIGSBY

2019-CP-41-00166

PERSONALLY appeared before me the undersigned, who, being first duly sworn, deposes and says:

My name is Teresa Grigsby and I am a witness in the above matter and I was noticed for my deposition on 12/05/2023 at 10:00 a.m. I live in Greenwood County, I am employed at Fuji Film in Greenwood County, and I have no other business relationships outside of Greenwood County. Attached to this affidavit are all of the documents delivered to my husband at our home on Tuesday, November 21, 2023, consisting of a letter from the Kennedy Law Firm, LLC, signed by Carlisle E. Kennedy, Plaintiff's Notice of Taking Video Deposition of Teresa R. Grigsby, Certificate of Service signed by Ava Kimberly Cooper Hook, and a copy of a check from the Kennedy Law Firm Operating Account. There were no other documents delivered to my home in relation to this deposition. Further, I was not a witness to the alleged incident in the Complaint, I did not treat the Plaintiff for any of his injuries, and have no direct knowledge of anything to which I could testify which relates to the allegations in the Complaint. I do not want to be involved in this action in any way, shape or form.

FURTHER Affiant sayeth naught.

Teresa Grigsby
Teresa Grigsby, Affiant

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 1st DAY OF December, 2023

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Aug 7, 2029

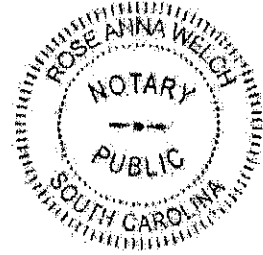


Exhibit F

FURTHER Affiant sayeth naught.

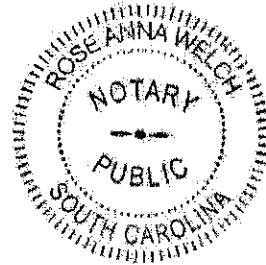
Teresa Grigsby
Teresa Grigsby, Affiant

SWORN TO AND SUBSCRIBED BEFORE

ME THIS 1st DAY OF December, 2023

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Aug 7, 2029



KENNEDY LAW FIRM, LLC

Attorneys and Counselors at Law

125 EAST CHURCH STREET
BATESBURG-LEESVILLE, SOUTH CAROLINA 29070

MAILING ADDRESS:
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BATESBURG-LEESVILLE, SOUTH CAROLINA 29070

TELEPHONE (803) 532-4100
FACSIMILE (803) 532-0909

RALPH S. KENNEDY, JR.
RalphKennedy@KennedyLawSC.com

MICHAEL H. EMMER III
MichaelEmmer@KennedyLawSC.com

CARLISLE E. KENNEDY
CarlisleKennedy@KennedyLawSC.com

November 20, 2023

VIA PERSONAL SERVICE

Mrs. Teresa Grigsby
112 Kensington Drive
Greenwood, SC

Re: Curtis Graham vs. Estate of Liston David Rawls
Civil Action No.: 2019-CP-41-00166
Date of Loss: August 2, 2016
Our File No.: 1951-0020

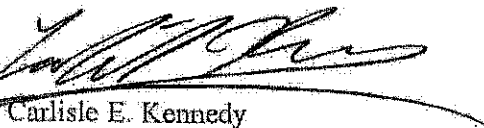
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If you have any questions concerning the enclosed, please do not hesitate to contact me.

Regards,

Kennedy Law Firm, LLC



Carlisle E. Kennedy

Enclosures

ELECTRONICALLY FILED - 2023 Dec 04 11:40 AM - SALUDA - COMMON PLEAS - CASE#2019CP4100166

STATE OF SOUTH CAROLINA
COUNTY OF SALUDA

IN THE COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

Curtis Graham,

Case No: 2019-CP-41-00166

Plaintiff,

**PLAINTIFF'S NOTICE OF TAKING
VIDEO DEPOSITION OF TERESA R.
GRIGSBY**

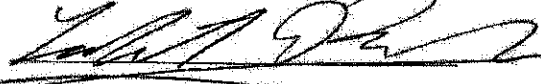
v.

Theresa Grigsby as Personal Representative
of the Estate of Liston David Rawls,

Defendant.

YOU WILL PLEASE TAKE NOTICE that the undersigned as attorney for the Plaintiff, Curtis Graham, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, will take the videotaped deposition of Teresa Grigsby on **Tuesday, December 5, 2023, commencing at 10:00 a.m.**, before a Notary Public for South Carolina or some other officer authorized by law to administer oaths (Veritext). Said deposition shall continue from time to time and day to day until completed, including any adjournments thereof. You are invited to attend and take such part as is fit and proper.

RESPECTFULLY SUBMITTED



Carlisle E. Kennedy (SC Bar No. 104175)
Ralph S. Kennedy, Jr. (SC Bar No. 7916)
Kennedy Law Firm, LLC
Post Office Box 2559
Batesburg-Leesville, South Carolina 29070
Telephone: (803) 532-4100
CarlisleKennedy@Kennedylawsc.com
RalphKennedy@Kennedylawsc.com

November 17, 2023
Batesburg-Leesville, South Carolina.

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, the undersigned employee of Kennedy Law Firm, LLC, certify that this 17th day of November 2023, a copy of **PLAINTIFFS' NOTICE OF TAKING VIDEOTAPED DEPOSITION OF THERESA GRIGSBY** has been served upon other counsel of record via electronic mail addressed to the following:

Jody Lyles, Esquire
Murphy Grantland
Post Office Box 6648
Columbia, SC 29260
jlyles@murphygrantland.com

	
Ava Kimberly Senior Litigati	Cooper Hook Paralegal

SECURITY FEATURES INCLUDE THE WATERMARK PAPER HEAT SENSITIVE ICON AND FOLIO LOGOGRAM

SOUTH STATE BANK

11457

63-1403631

MICR CHECK NUMBER

KENNEDY LAW FIRM, LLC
OPERATING ACCOUNT

(803) 532-4100
PO BOX 2559
BATESBURG-LEESVILLE, SC 29070

11-19-23

PAY TO THE
ORDER OF

TERESA R GRIGSBY

\$101.37

DOLLARS

VOID AFTER 90 DAYS

One Hundred One & 37/100

MEMO DEPOSITION FEE - COSTS
16-6413 C GRAHAM



AUTHORIZED SIGNATURE

Security Features Included

Details on Back

Exhibit G

PROOF OF SERVICE

SERVED <i>5:40 PM</i>	DATE <i>11/20/23</i>	FEES AND MILEAGE TO BE TENDERED TO WITNESS UPON DAILY ARRIVAL <input type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$
	PLACE <i>112 KENNEDY BLVD</i>	
SERVED ON <i>TERRA CONSULTING CORP</i>	MANNER OF SERVICE <i>PERSONALLY SERVED</i>	
SERVED BY <i>D. Keith Robinson</i>	TITLE <i>Investigator</i>	

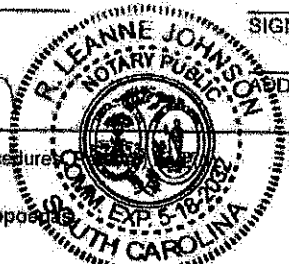
DECLARATION OF SERVER

I certify that the foregoing information contained in the Proof of Service is true and correct. *Service needed by the customer Terra Consulting*

Executed on *11-20-23*

SIGNATURE OF SERVER *[Signature]*

ADDRESS OF SERVER *119 Tyler Road, Suite 2906, SC, 29863*



Rule 45, South Carolina Rules of Civil Procedure

- (c) Protection of Persons Subject to Subpoenas
- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2)(A) A person commanded to produce and permit inspection and copying of designated electronically stored information, books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial. A party or an attorney responsible for the issuance and service of a subpoena for production of books, papers and documents without a deposition shall provide to another party copies of documents so produced upon written request. The party requesting copies shall pay the reasonable costs of reproduction.
- (B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises—or to producing electronically stored information in the form or forms requested. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time in the court that issued the subpoena for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3)(A) On timely motion, the court by which a subpoena was issued, or regarding a subpoena commanding appearance at a deposition, or production or inspection directed to a non-party, the court in the county where the non-party resides, is employed or regularly transacts business in person, shall quash or modify the subpoena if it:
- (i) fails to allow reasonable time for compliance; or
 - (ii) requires a person who is not a party nor an officer, director or managing agent of a party, nor a general partner of a partnership that is a party, to travel more than 50 miles from the county where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; or
 - (iii) requires disclosure of privileged or otherwise protected matter and no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) If a subpoena:
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information; or
 - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party; or

Exhibit H

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STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS
ELEVENTH JUDICIAL CIRCUIT

COUNTY OF SALUDA

Curtis Graham,

Plaintiff,

vs.

CASE NO. 2019-CP-41-00166

Theresa Grigsby as Personal Representative
of the Estate of Liston Davis Rawls,
Defendant.

VIDEOTAPED

DEPOSITION OF: TERESA R. GRIGSBY

DATE: Wednesday, December 6, 2023

TIME: 2:06 p.m.

TIME ENDED: 3:41 p.m.

LOCATION: Saluda County Courthouse
130 East Church Street, Suite 6
Saluda, South Carolina

REPORTED BY: YVONNE R. THURSTON-BOHANNON
Registered Merit Reporter,
Certified Realtime Reporter

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APPEARANCES:

ATTORNEYS FOR THE PLAINTIFF:

KENNEDY LAW FIRM, LLC
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ATTORNEYS FOR THE DEFENDANT:

MURPHY & GRANTLAND, PA
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ATTORNEYS FOR THE WITNESS:

MOORE BRADLEY MYERS LAW FIRM, PA
BY: CHRISTIAN G. SPRADLEY
110 South Main Street
Saluda, South Carolina 29138
(864) 445-4544
(864) 445-7441 - FAX
chris@mbmlawsc.com

ALSO PRESENT:

Ralph Kennedy, Esquire
Bob Kiel, Videographer

(INDEX AT REAR OF TRANSCRIPT)

1 STIPULATIONS: It is stipulated by and among
2 Counsel that the deponent waives the right to read
3 and sign the deposition transcript.
4

5 THE VIDEOGRAPHER: We're going on the
6 record at 2:06 p.m. on December 6th, 2023. This is
7 media unit number one of the video recorded
8 deposition of Teresa R. Grigsby taken by counsel
9 for Plaintiff in the matter of Curtis Graham versus
10 Theresa Grigsby, et al., filed in the Court of
11 Common Pleas, Eleventh Judicial Circuit, State of
12 South Carolina, County of Saluda, Case Number
13 2019-CP-41-00166.

14 The location of the deposition is 100
15 East Church Street, Saluda, South Carolina, 29138.

16 My name is Bob Kiel, representing
17 Veritext. I am the videographer. The court
18 reporter is Yvonne Bohannon from the firm Veritext.

19 Counsel, please state their appearance
20 and affiliations for the record beginning with the
21 noticing attorney.

22 MR. KENNEDY: Carlisle Kennedy,
23 county -- attorney for the plaintiff.

24 MR. LYLES: Jody Lyles on behalf of the
25 defense.

1 MR. SPRADLEY: Christian Spradley here
2 on behalf the witness Teresa Grigsby.

3 MR. RALPH KENNEDY: No, I'm just
4 assisting.

5 THE VIDEOGRAPHER: Will the court
6 reporter please swear in the witness.

7 (Oath administered.)

8 THE VIDEOGRAPHER: You may proceed.
9

10 TERESA R. GRIGSBY, after having been first
11 duly sworn, was examined and testified as follows:

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. KENNEDY;

16 Q. Ms. Grigsby, thank you for coming
17 today. As you know, I'm representing Curtis Graham
18 in this wreck case. You're the PR of the estate of
19 your late father. There was a wreck, of course.

20 This case is between at this point your
21 father's liability insurance which was the
22 insurance on his car. It was already paid, and
23 there's been a covenant not to execute, which I
24 believe you had seen?

25 A. I have.

1 Q. That, as you know, protects you from
2 any excess judgment that a jury might render. The
3 case right now as it stands is between Mr. Graham
4 who is injured in the wreck and his own insurance
5 company Progressive Insurance Company.

6 MR. LYLES: I'm going to object to any
7 question that deals with insurance as it is not
8 admissible evidence.

9 But you can answer.

10 BY MR. KENNEDY:

11 Q. Right. I just want to make sure that
12 you are aware of that.

13 A. I am.

14 Q. That -- me saying that is not for the
15 purpose of bringing it in at trial to talk about
16 Jody that way or Mr. Lyles.

17 I think Mr. Spradley is a good
18 attorney, and he's probably explained all that
19 stuff to you.

20 So the first thing that I want to say
21 is we do have video, but if you'll please say yes
22 or no. Don't -- don't just say uh-huh because
23 that's not a clear answer. If I -- if you do
24 that -- that's natural, and if you do that, I'm
25 going to ask you if that's a yes or no. That's not

1 to pick on you or anything like that. That's just
2 because we need a clear record.

3 A. I understand.

4 Q. All right. Very good.

5 If you don't understand one of the
6 questions I ask, if you'll just stop me and ask me
7 to rephrase it. That's totally fine. I want you
8 to feel comfortable in all of this. As you
9 understand, it's -- it's between the UIM -- or the
10 underinsured coverage of his insurance and my
11 client. You're not on trial.

12 Another thing that I'd like for you to
13 understand is that now that the deposition has
14 started we can take breaks, you know, if we need to
15 take breaks. We're totally okay with doing that.
16 But please be mindful that since we're in the
17 middle of a deposition anything that you do talk
18 with Mr. Spradley about you would then have to
19 disclose that on the record when I ask you what
20 that was about --

21 A. Uh-huh.

22 Q. -- because the attorney-client
23 privilege does exist outside of the deposition, but
24 once we start, it's all discoverable. But the
25 discussions you had with him prior, that's --

1 that's okay. It's just once you're under oath.

2 Does that make sense?

3 A. I understand.

4 Q. Okay. As you saw Mr. Lyles do just a

5 second ago, he may object to some questions.

6 Again, those objections, they're only between the

7 Court and what we talk about. It has nothing to do

8 with you answering. You have to answer the

9 questions. The objection is just so that if

10 Mr. Lyles thinks that it shouldn't be admissible in

11 the trial. That's what the objection is for.

12 So he may object, but you still have to

13 answer.

14 A. Okay.

15 Q. So I guess let's just start. Could you
16 tell me a little bit about yourself.

17 A. Like what do you want to know about me?

18 Where I work? What I do?

19 Q. Where -- where you grew up.

20 A. I am a resident -- I was born -- I was
21 a resident of Saluda County. In 2000 we moved to
22 Greenwood because our jobs moved to Greenwood. So
23 I went to school here. I served in -- I was a bank
24 loan officer here. I have always worked in Saluda.

25 Q. What bank did you work for in Saluda?

1 A. We started the Saluda County Bank.

2 Q. Oh.

3 A. Was on the team that opened that bank
4 for the hometown --

5 Q. Okay.

6 A. -- before they sold several times.

7 Q. And what is it now?

8 A. It is now South State.

9 Q. South State, okay.

10 All right. And so you worked there
11 from --

12 A. 1987 and I left the surviving bank in
13 2010.

14 Q. So when you -- so you left the bank in
15 2010. I guess it got acquired.

16 A. The bank got acquired in 1993 and two
17 thou -- I mean, it got sold five times in three
18 years.

19 Q. Wow. Okay.

20 A. First sold Saluda County to M. S.
21 Bailey, to Anchor Bank, to Carolina First, to
22 Greenwood Bank -- no, to Midstate Bank and then to
23 Capital Bank, and then Capital Bank sold to Park
24 Sterling and then they sold to South State.

25 Q. Good gracious.

1 So -- so you've had a lot of
2 employments in the same building? A lot of people
3 signed your check from the same building?

4 A. Uh-huh.

5 Q. Yeah.

6 But you left in 2010?

7 A. No, I left Saluda in 2000.

8 Q. In 2000.

9 A. I moved to the Greenwood office of
10 Capital Bank.

11 Q. Oh. Okay.

12 A. And that's -- our jobs both were in
13 Greenwood, so that is why we did move.

14 Q. Right. It's a little bit of a drive
15 from here.

16 A. A little bit.

17 Q. Yeah.

18 Okay. So you grew -- you went to
19 Saluda Middle, High School.

20 A. Yes.

21 Q. Did you go to college anywhere?

22 A. I have taken after -- after -- higher
23 education courses --

24 Q. Right.

25 A. -- as it applied to the field that I

1 was in.

2 Q. Okay.

3 A. I had -- did not attend college.

4 Q. Right.

5 You helped get that bank started and
6 was with it for 20 years really, 23 years.

7 A. Well, Frank -- Frank Addy started the
8 bank and we were on the startup team.

9 Q. Okay. All right. I don't know Frank
10 Addy.

11 A. He is now deceased.

12 Q. Okay. Well, where were you born or --

13 A. I was born in Greenwood, South
14 Carolina,

15 Q. In Greenwood at the hospital?

16 A. Uh-huh.

17 Q. And growing there -- but you grew up in
18 Saluda. What -- what was your address when you
19 grew up in Saluda?

20 A. Route 2, Box 278, Johnston. Seven
21 miles straight out from --

22 Q. Yeah.

23 A. -- 121.

24 Q. Well, I grew up in Batesburg, and I've
25 been driving these roads a long time. I always

1 hunt Saluda because the hunting is better, so...

2 This is just a typical question that we
3 always ask in depositions. Social Security number?

4 A. 258 --

5 THE VIDEOGRAPHER: Do you want to -- do
6 you want to go off the record for that?

7 MR. KENNEDY: Yes. Yeah.

8 THE VIDEOGRAPHER: Please stand by.

9 We are off the video record on
10 2:15 p.m.

11 (Off-the-record discussion.)

12 THE VIDEOGRAPHER: We're back on the
13 record at 2:16 p.m.

14 BY MR. KENNEDY:

15 Q. All right. How about cell phone
16 number?

17 A. *Redacted*

18 Q. 2651?

19 A. Uh-huh.

20 Q. Okay. And I know your father's name,
21 but who was your mother -- mother and father?

22 A. My father was Liston David Rawls,
23 deceased in 2018.

24 Q. And I'm sorry about that.

25 A. My mother is Marion Bledsoe Keith, and

1 she is still currently alive and living in the
2 Johnston address.

3 Q. Okay. Still Saluda County?

4 A. Uh-huh.

5 Q. Would it suffice to say that you have a
6 lot of family here?

7 A. Used to. Most of my family is older
8 now and most are deceased. There's a lot less of
9 us than there used to be.

10 Q. Yeah. I used to have a lot of family
11 in town too, but they've all moved out and passed
12 and all that too --

13 A. Uh-huh.

14 Q. -- because I grew up here. My dad grew
15 up here, and our family was part of the Shealys
16 back when this was Edgefield County before it
17 turned into Saluda County. So if there's a Padget
18 or a Shealy, we're probably related to them
19 distally. So we might be related. I don't know.

20 A. I'm not related to Padgets or Shealys.

21 Q. Okay. All right.

22 So was your husband's family -- was
23 your father's family from around here?

24 A. My father's family is -- was from
25 Kitchings Mill, South Carolina, or Pel -- near

1 Pelion, South Carolina.

2 Q. Okay. Near Pelion, because I don't
3 know kitchen [sic] well.

4 A. It's just a little -- it's like
5 Chappells. If you blink --

6 Q. Yeah.

7 A. -- if you went through it, you'd know
8 it.

9 Q. Gotcha.

10 A. But if you speed, the police will
11 introduce their self.

12 Q. That's what they get paid to do.

13 A. Uh-huh.

14 Q. All right. Well, are you married?

15 A. Uh-huh.

16 Q. And what's your husband's name?

17 A. Lee Smith Grigsby.

18 Q. And is he from around here?

19 A. He is.

20 Q. From Saluda County?

21 A. Uh-huh.

22 Q. What part of Saluda is he from? Is he
23 from Grigsby? I know there's a --

24 A. We lived out Highway 378.

25 Q. Okay.

1 A. His great granddaddy was the mayor once
2 of Saluda.

3 Q. Okay. All right. So you're like us,
4 been here -- everybody's been here for a while.

5 A. Uh-huh.

6 Q. Do you have any children?

7 A. No.

8 Q. No children?

9 A. Uh-uh.

10 Q. No biological children, adopted
11 children, nothing?

12 A. No biological and no legally adopted.
13 I have a niece and two nephews that we have helped
14 raise.

15 Q. Okay. What -- what are their names?

16 A. Victoria and Kevin.

17 Q. Victoria.

18 A. And Josh.

19 Q. Josh.

20 Niece, nephew, nephew?

21 A. Uh-huh.

22 Q. What is Josh's last name?

23 A. Grigsby.

24 Q. Grigsby.

25 Kevin's last name?

1 A. Hopkins.

2 Q. Hopkins?

3 A. Uh-huh. It's Keith Turner's nephew --
4 great nephew.

5 Q. Oh, okay.

6 And Victoria?

7 A. She is now a Halydier, H-A-L-Y-D-I-E-R.

8 Q. Was she a Grigsby before or a Hopkins?

9 A. She was a Hopkins.

10 Q. Hopkins, okay.

11 Did she go to Clemson?

12 A. No.

13 Q. No?

14 That name sounds really familiar. What
15 does she do? Is she --

16 A. Why is this revelant [sic] to a
17 deposition regarding a wreck with Curtis Graham?

18 Q. It's relevant depending on who we put
19 on the jury connection-wise.

20 A. She is the political action committee
21 director for BlueCross BlueShield of South
22 Carolina.

23 Q. Huh. Did she -- she grew up here?

24 A. She grew up in Saluda.

25 Q. Okay.

1 A. She graduated Lander, and now she is
2 presently employed for the last probably seven
3 years by BlueCross BlueShield.

4 Q. Okay. So political -- would she spend
5 time at the State House or something?

6 A. No.

7 Q. I'm trying to figure out where I know
8 her from.

9 A. I wouldn't think you would know Vic --
10 Victoria at all.

11 Q. Yeah. I know that name.

12 A. Do -- are you popular in the tennis
13 association?

14 Q. No, I -- I'm not any good at tennis.

15 A. Okay.

16 Q. I've tried, but I'm not any good.

17 I don't know.

18 Does she do beauty pageant stuff?

19 A. She does.

20 Q. Okay.

21 A. She did.

22 Q. She did.

23 A. Uh-huh.

24 Q. Well, that's probably how I know her.

25 A. She was assistant director with the

1 Ms. -- Ms. -- Mrs. South Carolina Pageant.

2 Q. Okay. I think I've made that
3 connection. She's a nice lady. I was -- I think I
4 probably met her when I was doing a lot of stuff up
5 at the State House when Nikki Haley was the
6 governor.

7 A. Well, then you probably know her
8 because she ran Nikki Haley's -- she was the
9 director for Nikki Haley's foundation for a while.

10 Q. Okay. There we go. That's -- that's
11 how I know her. Thank you.

12 A. Okay.

13 Q. That was going to be a bee in my head
14 the whole time.

15 A. Yes, she once was Nikki Haley's
16 director of her foundation.

17 Q. Yeah. A girl I was dating at that time
18 was her personal assistant. So I spent a lot of
19 time at the governor's mansion and doing all that
20 stuff, all the campaign stuff.

21 A. Okay.

22 Q. So there we go. That makes sense.

23 All right. Well, if you raised her,
24 she's very -- very nice. I haven't seen her in
25 years, but I recognize the name.

1 A. Thank you.

2 Q. Yeah.

3 So you live in -- in Greenville and you
4 moved out there in 20 -- 2000?

5 A. Greenwood.

6 Q. Green -- that's what I meant. I'm
7 sorry. Thank you.

8 Greenwood. Moved there in 2000. You
9 were with the bank until 2010. Where do you work
10 now?

11 A. FUJIFILM --

12 Q. Okay.

13 A. -- Holdings Corporation.

14 Q. That big plant on the way to Clemson,
15 or that's the way I drive --

16 A. On the way to Greenwood.

17 Q. Yeah. I drive through Greenwood when I
18 go to Clemson.

19 A. Yes.

20 Q. But it's on your right when you --

21 A. Uh-huh.

22 Q. All right. What do you do for them?

23 A. I'm an accountant.

24 Q. Accountant.

25 What type of accountant? Do you do

1 taxes for them or --

2 A. We -- at the FUJIFILM building that you
3 see -- FUJIFILM is not one entity. It's many. It
4 has like 25 subsidiary companies, and in the
5 accounting division, we do all their shared
6 services. So we handle 12 other companies here out
7 of Greenwood, and presently I work for FUJIFILM
8 Irvine which is a medical company doing medical
9 research.

10 Q. Oh, wow.

11 A. So I -- we -- we keep the back room,
12 bills paid, spreadsheets going, the books balanced.

13 Q. Right. Well, that sounds very
14 complicated.

15 A. It's very interesting.

16 Q. I bet. Oh, man.

17 I think I know the answer to this
18 question because if -- because you're an
19 accountant. It's something we have to ask in
20 depositions. Okay?

21 Have you ever been charged with a
22 crime?

23 A. No, sir.

24 Q. Okay. Thank you. I was right.

25 This case -- the -- my client is Curtis

1 Graham. Do you know Mr. Graham?

2 A. From middle school --

3 Q. From middle school?

4 A. -- from years ago.

5 Q. Okay, from years ago.

6 A. I have not seen him since school --

7 Q. Okay.

8 A. -- until he walked into the courtroom.

9 Q. Okay. Okay. So the -- did -- did you
10 read the motion? You talked with Mr. Spradley
11 about the motion?

12 A. Which motion?

13 Q. This motion. He put on number four
14 that you don't know the plaintiff. Would you
15 say --

16 A. That's not what my affidavit said.

17 Q. No, but the motion was filed on Friday
18 I think of last week.

19 But is that -- but you do know him?

20 A. I know of him. I know him from middle
21 school --

22 Q. Right.

23 A. -- only.

24 Q. You don't know him like a friend or
25 anything?

1 A. I don't know Curtis Graham the man. I
2 don't know what he become. I don't know what
3 happened to him --

4 Q. Gotcha.

5 A. -- after school.

6 Q. Gotcha. All right.

7 And then can I ask you about the
8 affidavit. It's -- it said you don't want to be
9 involved in this action in any way; is that right?

10 A. The only reason I appeared in this
11 court -- or in this deposition is because I was
12 subpoenaed to. I do not have anything to do with
13 Mr. Graham's wreck or my dad's wreck. I did not
14 know Mr. Graham's name. I am merely following
15 legal required papers.

16 Q. Yes, ma'am.

17 So when Mr. Lyles told the Court that
18 you wanted to be here, was that incorrect?

19 MR. LYLES: Object to the form.

20 You can answer.

21 THE WITNESS: I agreed to be here. I
22 did not want to be here. I have a subpoena and no
23 one released me from my subpoena.

24 BY MR. KENNEDY:

25 Q. Yes, ma'am.

1 And did Mr. Lyles subpoena you?

2 A. Yes, sir. You have a copy I believe.

3 Q. I do not.

4 MR. KENNEDY: Would you mind sending me
5 a copy of the subpoena?

6 MR. LYLES: Yes.

7 BY MR. KENNEDY:

8 Q. He didn't share that with me.

9 About this -- this specific part of the
10 case with the UIM insurance involved, when did you
11 find out about there being a claim against
12 Mr. Graham's own insurance where it was -- the case
13 name because of legal issues still has to have your
14 father's name on it, but it doesn't actually
15 involve him? When did you find that out?

16 A. Both Mr. Lyles and -- Attorney Lyles
17 and Attorney Kennedy -- Ralph Kennedy explained
18 that to me on the phone, that it was Mr. Graham
19 suing the insurance company. When I came to court,
20 the court documents on Mr. Lyles's desk says Curtis
21 Graham versus the estate of Liston Rawls. That is
22 all the knowledge I have of it.

23 Q. Okay. But when did you find out about
24 it? Did -- did Mr. Lyles call you? Did he --

25 A. Mr. Lyles sent -- sent me a subpoena.

1 certified mail.

2 Q. Certified mail?

3 A. (Nods head.)

4 Q. Okay. Do you remember when that
5 subpoena was? When did he send it?

6 A. I do not at this point. I can look
7 that up, but I was not prepared to give you --

8 Q. Yeah.

9 A. -- that today.

10 Q. Of course.

11 Did he call you before he subpoenaed
12 you or did you just get a random letter in the
13 mail?

14 A. I got a certified letter and I called
15 his office.

16 Q. Okay. And when you called his office,
17 what all did y'all discuss?

18 A. He explained to me that he was -- he
19 had -- I was under subpoena and that he wanted me
20 to come to court and that I needed to sit with him
21 and that he explained the covenant of easement,
22 that Mr. Graham was not suing us and he had no
23 award to receive from my Dad's estate, that he was
24 representing the insurance company and this was
25 merely formalities. It should be a short hearing.

1 Q. That's -- that's the only thing y'all
2 discussed?

3 A. Uh-huh.

4 And then Mr. Kennedy -- Attorney
5 Kennedy's office called me. She -- and she -- they
6 reiterated the same thing. She called my husband
7 and got him at work, and he called -- she called my
8 home and got my husband. He then called me at work
9 because I was in a meeting and told me that I
10 needed to call the -- the Attorney Kennedy back
11 because an attorney had just called me.

12 Again, therein said the same thing. I
13 don't have to be there, and I explained I had a --
14 I was under subpoena.

15 Q. Did Mr. Lyles send you any other
16 documents --

17 A. No.

18 Q. -- other than a subpoena?

19 A. No.

20 Q. Did you have any other conversations
21 with Mr. Lyles other than that one phone call?

22 A. I returned -- after I talked with
23 Mr. Ken -- Attorney Kennedy, I called Mr. Lyles the
24 next day and I said, "Attorney Kennedy says because
25 of the covenant easement -- easements I don't have

1 to be there," and he said, no, that I needed to be
2 there. So because I'm under subpoena, I showed up.

3 Q. Yes, ma'am. Well, that was -- that was
4 right. Any time there's a subpoena, you're
5 supposed to go wherever that subpoena shows you.
6 It's an order of the court, so...

7 Did he discuss the facts of the case
8 with you or what he was thinking about or --

9 A. We discussed the fact that -- like I
10 said, we discussed the fact that it was my dad's --
11 it was not against my dad, that there would be no
12 out-of-pocket money, there would be no award. This
13 was a formality.

14 Q. But he didn't discuss Mr. Graham or he
15 didn't ask you any questions about what your father
16 was doing at the time of the wreck or --

17 MR. LYLES: Objection based on
18 relevancy.

19 You can answer.

20 THE WITNESS: No, he did not ask me
21 what my father was doing at the time of the wreck.
22 He asked me did I have knowledge of the wreck, and
23 I told him what my father had said which is all the
24 knowledge I have.

25 BY MR. KENNEDY:

1 Q. Okay. What did -- what did your father
2 say?

3 A. My father was on the way to church. He
4 was turning left onto Bonham Road from Sugar Lane
5 Drive which is the road he lived on.

6 Q. Okay.

7 A. There is a -- there was -- there's not
8 now, but there was a lot of woods. You cannot see
9 when you pull out on that hill. If you pull on
10 that hill, you better get out of the way, and Dad
11 pulled out slowly in front of Mr. Graham. Dad did
12 not give me Mr. Graham's name.

13 He only said that he had had a wreck,
14 that it was his fault, that he pulled out in front
15 of a guy. He said that no one was hurt, but they
16 had taken him as a precaution to the hospital to be
17 checked, but he did not think he was hurt.

18 And that is all the knowledge I have of
19 this wreck.

20 Q. Okay. Thank you.

21 So you -- Mr. Lyles did tell the judge
22 on Monday that he was on the way to -- to church.

23 A. Uh-huh.

24 Q. So that came from you?

25 A. Uh-huh.

1 Q. What church does he -- or did he go to?

2 A. He went to Faith Temple --

3 Q. Faith Temple?

4 A. -- Holiness Church on Chappells
5 Highway.

6 Q. And is that where y'all went your whole
7 life or --

8 A. That's where we went when, yes, when we
9 live -- I was a child in Saluda.

10 Q. Right. Growing up and all --

11 A. Uh-huh.

12 Q. -- it was all at the same church.

13 Is that where the whole family went to
14 church --

15 A. Uh-huh.

16 Q. -- like all extended family that's no
17 longer with us?

18 A. Uh-huh. That's where my mom's side of
19 the family went to church.

20 Q. And when does Faith Temple hold
21 services? Is it --

22 A. Sunday morning, Sunday night and
23 Tuesday night. This was a Tuesday evening.

24 Q. Okay. What time do they hold church on
25 Tuesdays?

1 A. I do not know anymore.

2 Q. Oh, yeah, because you're not from
3 around here -- I mean, you don't live here anymore,
4 yeah.

5 A. I have not been there in years, so I do
6 not know.

7 Q. And you said it's on Chappells Highway?

8 A. It's Highway 7 -- 702.

9 Q. Uh-huh.

10 So as far as you know, your father did
11 say that he was at fault?

12 A. Uh-huh.

13 Q. And he told you that he was on his way
14 to church?

15 A. Uh-huh.

16 Q. After you spoke with Mr. Kennedy, did
17 you call Mr. Lyles or was there another
18 conversation with Jody?

19 A. I spoke with Mr. -- Attorney Kennedy on
20 Thursday afternoon. I called Mr. Lyles on Friday
21 morning.

22 Q. Friday morning. Okay.

23 What did y'all discuss?

24 A. Basically that Mr. Kennedy's office
25 called me and told me that I was -- because of the

1 covenant of ease, I did not have to appear in
2 court. I did not understand why Mr. Kennedy could
3 tell me I didn't have to appear in court when
4 Mr. Lyles had subpoenaed me. Mr. Lyles said --
5 told me that I was subpoenaed -- that he did need
6 me in court, I was under subpoena and I did need to
7 be there.

8 Q. But nothing -- no other discussions?

9 A. I do not remember, sir.

10 Q. So you've had my understanding is two
11 conversations with Mr. Lyles?

12 A. I have.

13 Q. So not three, no more than just two
14 phone calls?

15 A. I've had two phone calls with him and I
16 saw him in court.

17 Q. Uh-huh.

18 And the -- what y'all discussed was
19 what you knew of the wreck, the collision, and he
20 did inform you that he was not representing you,
21 that he was representing the insurance company?

22 A. That is not what I perceived out of
23 that context. I was under the understanding that I
24 was not -- I was not the defendant in this case,
25 that he was representing the insurance company, but

1 I did not understand that anything I said to him
2 was not under attorney-client privilege and that he
3 was not -- I was -- he was not also acting on my
4 behalf as the PR for my dad's estate. I did not
5 understand that.

6 Q. Well, I apologize for that. He -- he
7 is supposed to --

8 A. That's --

9 Q. -- do that.

10 A. -- if you don't know, you don't ask,
11 and --

12 Q. Right.

13 A. -- this is the first time I have ever
14 been in an insurance suit.

15 Q. Yeah.

16 A. So I didn't -- I didn't ask all the
17 questions I probably may -- maybe someone else
18 would have.

19 Q. Well, I'll tell you, I went to law
20 school and I still didn't understand it till I
21 started doing it every day. So you didn't do
22 anything wrong by not asking the questions.
23 Mr. Lyles is supposed to make that abundantly clear
24 to you.

25 MR. LYLES: Object to the form. What's

1 the question here?

2 BY MR. KENNEDY:

3 Q. He's objected to me using that at
4 trial.

5 So did you -- now, Mr. Lyles made
6 some -- some remarks on that Monday that we did
7 jury selection, and he said that you said those
8 things.

9 A. I was not privy to that conversation,
10 and I can't say what he said or what I didn't say
11 when I wasn't in the room. If you ask me
12 specifically, I can tell you --

13 Q. Okay.

14 A. -- if we said it or we didn't say it,
15 but right now I've given you the gist of both
16 conversations.

17 Q. And I appreciate that.

18 So he said that you were instructed to
19 disobey a subpoena. Is that accurate?

20 A. Well, you can interpret it that way
21 when Attorney Kennedy tells me that I don't have to
22 be in court, that I'm not needed.

23 Q. Now --

24 A. I didn't --

25 Q. -- in your conversation, did he say you

1 didn't have to be in court before you had a --
2 before you were noticed here with a subpoena?

3 A. After I told him of a subpoena.

4 Q. Oh.

5 Well, I will tell you that your
6 conversation was witnessed by several people.

7 A. Uh-huh.

8 Q. So I'll know when something is not
9 accurate with that conversation.

10 A. To the best of my knowledge I spoke
11 with Kim, explained to her that I was under
12 subpoena is when she transferred me to Attorney
13 Kennedy. She said, "Hold on."

14 And he was telling me my presence was
15 not required and was explaining that because of the
16 covenant of ease why it was not required. I do
17 understand from a phone call I received on Sunday
18 night from Sally Quattlebaum that she was in his
19 office while all was this was transpiring and knew
20 of this case, which I did not call Attorney Lyles
21 and tell him because I told him when he start -- he
22 asked me on Friday to please send him an e-mail
23 and -- of my conversation with Attorney Kennedy,
24 and I explained to him that I did not want to get
25 in a deposition between attorneys, I had nothing to

1 say.

2 Q. Well, I don't blame you for not wanting
3 to be involved.

4 A. I don't want either attorney pulling on
5 me. I didn't want to be here. I'm -- I was scared
6 because I have a subpoena. That's why I'm here
7 today. I have nothing to help you with
8 Mr. Graham's case. I wish him well. I wish him no
9 ill will either -- either way. I know nothing of
10 the wreck. I knew nothing of his injuries.

11 Q. I do appreciate that.

12 It is unfortunate how things
13 transpired. I do share that sentiment.

14 MR. LYLES: What's the question?

15 MR. KENNEDY: It's all part, Jody.

16 BY MR. KENNEDY:

17 Q. Usually attorneys don't do that kind of
18 stuff.

19 You were present on that Wednesday when
20 we, you know, had a long time talking in court. It
21 was not enjoyable for anybody. So -- but from that
22 you do -- you understand that he was not, is not
23 your attorney?

24 A. I do now. I did not at that time.

25 Q. Did -- did you -- you said you -- he

1 wanted an e-mail from you. Did you send one?

2 A. I did. I sent him an e -- e-mail that
3 stated that wanting to confirm was my presence
4 needed in court because Attorney Kennedy's office
5 said I did not have to come. He e-mailed me back
6 and said my presence was required. He had a copy
7 in his hand. He informed me on Monday morning when
8 he got here that he had to show that to the judge.

9 MR. KENNEDY: Did you show it to the
10 judge? I can't ask you.

11 BY MR. KENNEDY:

12 Q. We never saw it, so I don't know the
13 answer to that question.

14 A. I don't know. I know they all went in
15 chambers. That's all I know.

16 Q. Yes, ma'am.

17 What else did you talk about with
18 Mr. Kennedy? How -- like what was the flow of the
19 conversation?

20 A. I just told you.

21 Q. Did you talk about people that there
22 might be shared connections in Saluda? Did you ask
23 questions about why you were involved?

24 A. No.

25 Q. You didn't ask any questions?

1 A. I -- if I did, I do not recall what
2 you're referencing.

3 Q. Did you tell Mr. Kennedy you did not
4 want to be involved in this case?

5 A. I did not because I did not know -- not
6 that I recall because it was not a question ever
7 asked to me. I was subpoenaed. That was not "do
8 you want to come, Teresa?" That's "you must
9 appear."

10 Q. Did you ask him for any documents?

11 A. I had asked him to send me a copy of
12 the covenant of easement. And -- because everybody
13 is referencing that covenant. The Attorney Hood
14 had promised to -- to let us know when the trial
15 was over, but I'm sure he was really busy -- I
16 don't know. We -- anyway, I never had contact with
17 Attorney Hood after.

18 Q. Yes, ma'am. He -- he represented --

19 A. The State Farm suit.

20 Q. That's right.

21 And that settled which is what caused
22 the covenant not to execute to be signed which
23 protects everybody that's involved in the -- the
24 liability portion. So that is correct.

25 Did you receive any other documents

1 from Mr. Kennedy?

2 A. From Mr. Kennedy?

3 Q. Uh-huh.

4 A. You mean like the documents that
5 supposedly were served on me?

6 Q. I'm sorry. When you asked for to see
7 the documents that protected you, did you receive
8 an e-mail containing those documents you requested?

9 A. I did receive a cop -- copy of the
10 covenant easements from Attorney Kennedy's office,
11 but there was nothing in that document that said
12 I'm released from a subpoena.

13 Q. That's correct. There's nothing --
14 only a -- only a --

15 A. So that's why I appeared.

16 Q. -- judge can release you from a
17 subpoena.

18 A. That's what I thought.

19 Q. So did you ask him to review the
20 subpoena you got served with?

21 A. Did I ask who?

22 Q. Attorney Kennedy?

23 A. No, sir.

24 Q. No?

25 A. He's not my attorney. He's the

1 plaintiff's attorney.

2 Q. That's correct.

3 A. So, no, sir, I did not. He did say
4 that he did not have a copy of that subpoena and
5 asked me to e-mail him a copy.

6 Q. Did you e-mail a copy?

7 A. I did not.

8 Q. When you were served with the subpoena
9 from Mr. Lyles, you called his office. Did you
10 call anybody else or --

11 A. I told you what -- the progression of
12 who I talked to. After I talked with Mr. Lyles the
13 second time, I called my attorney Mr. Spradley and
14 asked -- I told him what I had -- that both
15 attorneys seemed to be pulling. I had a subpoena,
16 and he told me to -- if I had a subpoena, I was to
17 be in court.

18 Q. Is it the first subpoena or the
19 deposition subpoena?

20 A. The first subpoena.

21 Q. The first subpoena.

22 What else did y'all talk about at that
23 point?

24 MR. SPRADLEY: Object as
25 attorney-client privilege.

1 BY MR. KENNEDY:

2 Q. Had you retained him as your attorney
3 by that point?

4 MR. SPRADLEY: Yes.

5 BY MR. KENNEDY:

6 Q. Is there a representation agreement for
7 that where you retained him as your attorney?

8 A. I retained --

9 MR. SPRADLEY: Hold on. I'm going to
10 object to attorney-client privilege. I'm sitting
11 here as her attorney. You can't go into anything
12 she and I discussed.

13 MR. KENNEDY: Yeah, can you --

14 MR. SPRADLEY: If you want to get a
15 judge involved, we can do that.

16 MR. KENNEDY: I'm just see -- trying to
17 see when you were retained.

18 MR. SPRADLEY: The moment she called me
19 I was retained. The moment she called me and asked
20 my opinion. I don't give my opinion to people that
21 are not my clients. So the moment the phone rang
22 and I gave her my opinion, that's attorney-client
23 privilege.

24 MR. KENNEDY: Okay.

25 BY MR. KENNEDY:

1 Q. So what was the -- the date was
2 Friday --

3 A. 11/10 was the day I called
4 Mr. Spradley.

5 Q. Okay.

6 A. 11/9 was the day I called -- I received
7 the call from your -- from Attorney Kennedy's
8 office.

9 Q. Okay.

10 A. 11/10 was the date I called Mr. Lyles
11 back. The first date I got -- talked to Mr. Lyles
12 I do not remember the date.

13 Q. It's probably whenever you received
14 that subpoena in the mail.

15 A. Uh-huh.

16 Q. Can you tell me what the scope of
17 Mr. Spradley's representation is? The reason I ask
18 is he told the judge he was retained for the only
19 purpose of getting you out of a deposition.

20 A. Uh-huh.

21 MR. SPRADLEY: I'm going to object to
22 attorney-client privilege because we have had an
23 ongoing relationship for more than this case.

24 THE WITNESS: Uh-huh.

25 MR. SPRADLEY: She's been my client for

1 a couple of years, I believe.

2 As far as this goes, when she called
3 me, I gave her advice. That's attorney-client
4 privilege. And then when she came and hired me for
5 the specific purpose of getting her out of the
6 deposition, that was another purpose.

7 I don't understand what the problem is.

8 MR. KENNEDY: I'm just trying to
9 understand, Chris.

10 MR. SPRADLEY: That's it.

11 MR. KENNEDY: Okay. Thank you.

12 BY MR. KENNEDY:

13 Q. When you had a conversation with --
14 when you called Mr. Kennedy and spoke with him, was
15 it just you or did you have people with you?

16 A. I called him at -- it was me. I was on
17 a cell phone at work at my desk.

18 Q. So there was -- there was no other
19 people involved in that conversation?

20 A. Not on my end.

21 Q. Right. There -- there were on the
22 other end, that's right.

23 Now, you said that you were told Sally
24 Quattlebaum was in Mr. Kennedy's office when you --
25 you called and spoke to him; is that accurate?

1 A. Uh-huh.

2 Q. Who told you that?

3 A. Sally Quattlebaum.

4 Q. So you believe that she was present for
5 your phone call -- that conversation that happened
6 between you and Mr. Kennedy?

7 A. She had to be.

8 Q. Okay. The reason I ask is do you think
9 that you might have misheard that or misinterpreted
10 that? Is that possible?

11 A. Misinterpreted what?

12 Q. Misinterpreted that Sally was in the
13 office when you were talking with Mr. Kennedy?

14 A. She -- maybe she wasn't in the office,
15 but she was at the office because he -- she says
16 Mr. Kennedy asked her to call and reassure what an
17 ethical attorney he was, that he had done much for
18 her family and that she understood that -- she had
19 been in a similar lawsuit like my dad --

20 Q. Okay.

21 A. -- and that if he told me I didn't have
22 to appear in court, then I didn't need to be.

23 And I told her that I was under
24 subpoena and I thanked her for calling, but I told
25 her that I didn't see that that was something we

1 should be talking about. And I have not seen Sally
2 Quattlebaum in 30 years.

3 Q. Did y'all go to school together?

4 A. So how did she get my number?

5 Q. Did y'all go to school together?

6 A. We did.

7 Q. Okay. High school? Middle school?

8 A. High school.

9 Q. Yeah.

10 A. She is not one that should have had my
11 cell phone number.

12 Now, it's easy to get in Saluda, but
13 she is not one that would have readily had it.

14 Q. Okay. Okay. Did you ask Attorney
15 Kennedy to get you out of a subpoena?

16 A. No.

17 Q. No? Are you sure?

18 A. Not that I recall. He's not my
19 attorney. Why would I have asked him to get me out
20 of a subpoena?

21 Q. I --

22 A. I was asked by Attorney -- by -- I
23 was -- Kim stated that I could come sit with her
24 during the court proceedings.

25 And I told her, I said, "Well, given

1 the -- the fact that -- of the way this thing is
2 looking, maybe I need to sit in the back of the
3 court with my subpoena in my hand to prove to the
4 bailiff I'm here."

5 I did not understand why I was being
6 pulled between -- I -- I don't understand why
7 Attorney Kennedy's office called me at all. He was
8 representing Plaintiff Graham. I have nothing to
9 say for or against Plaintiff Graham.

10 Q. Right.

11 A. I had a subpoena from Attorney Lyles.
12 It seemed pretty cut and dry to me that I was to
13 show up. When I showed up, I was told by Attorney
14 Lyles that I needed to sit here and I did. And now
15 all of this seems just totally -- totally -- I
16 don't know the word for it. It's just a farce.

17 Q. It is definitely different.

18 A. I should not be here. This should not
19 be going on. I should not get -- keep getting
20 calls. I am merely doing what I am told, and to
21 date I have lost three and a half days from work
22 because of a trial that's supposedly irrelevant
23 [sic] to me.

24 Q. Yeah, I -- I feel for you there. Like
25 I've said before, I -- it's only between the

1 underinsured insurance. You -- you don't have
2 anything to worry about with a judgment or anything
3 going on there.

4 A. Well, this should be -- this is
5 irrelevant then.

6 Q. Well, once Mr. Lyles involved you the
7 way that he did, it became necessary to -- to do
8 this. You -- you essentially are a witness.
9 You're -- you're not the defendant, and it's not
10 liability. So he's not your attorney. So
11 everything is discoverable with conversations.

12 A. At that point that is all knowledge
13 after the fact.

14 Q. I'm sorry you had to find that out. I
15 really am. I've never heard of this happening, but
16 this -- this is definitely different.

17 MR. LYLES: What's the question? It's
18 like you're testifying.

19 BY MR. KENNEDY:

20 Q. So I just want to clarify, Mr. Lyles
21 never stated he was defending you, right?

22 A. No, sir.

23 Q. He never stated he was defending your
24 father's estate?

25 A. Not that I recall. The court document

1 on his desk said Curtis Graham versus the estate of
2 Liston Davis Rawls. That is where I perceive that
3 this whole case -- that's why my presence was
4 there.

5 Q. Uh-huh. Understood.

6 A. I was only there as PR for Liston David
7 Rawls.

8 Q. That's correct.

9 Did he have any bad or negative things
10 to say about Mr. Kennedy in your conversation with
11 him on Friday?

12 A. I do not recall. I -- I've told you
13 what my conversation -- what I recalled. We went
14 through that.

15 Q. So you don't -- you don't recall some
16 of those things. Could it be that you're confused
17 on a couple of things since you're having trouble
18 recalling certain things?

19 A. Sir, the whole thing is because this
20 is -- this is very upsetting and unnecessary to me.

21 Q. Is it --

22 A. I did not write down everything because
23 I did not know I was going to be in a deposition,
24 nor did I know that Attorney Lyles was not --
25 things I said to him was not attorney-client

1 privilege or things he said to me was not something
2 I needed to write down and remember the exact
3 words. I thought I was only here to represent the
4 estate of my dad, and that is not how this whole
5 thing has turned around.

6 Q. So it's safe to say that this is just
7 kind of confusing -- or very confusing and kind of
8 emotional -- not -- that's not the right word, but
9 you know where I'm getting with that. It's not
10 a -- it's -- this is not a situation you would want
11 to be in.

12 A. This is not a situation I foresaw
13 coming at all. Had it been, I would have written
14 down every single thing that was said exactly.

15 If you call me at work and you've got
16 something that is important and I know it is
17 important, I record all the details so that I can
18 look at you and say da, da, da, da, da. And we are
19 on the record. I had no idea anything I said was
20 not on the -- was on a record. I did not know that
21 each -- I should have while I talked to each
22 attorney write down each and every thing.

23 Q. Understood.

24 So you didn't take any notes from
25 conversations with Mr. Lyles?

1 A. No.

2 Q. Did you take any notes of the
3 conversation with Mr. Kennedy?

4 A. I did.

5 Q. Okay. What are those?

6 A. I do not have them with me, but it's
7 the same thing we already went over, that after I
8 told him the subpoena, he explained to me who -- he
9 explained to me who Mr. Lyles representative --
10 represented and the covenants of easements and that
11 I had no rev -- you know, my -- I think he even
12 told me at one point that I would not be a witness
13 in this case, so there was no point in my coming to
14 court, but now I am a witness in this case.

15 So -- and I do not have those notes
16 with me, so I cannot share them with you at this
17 time.

18 Q. What do you recall them being?

19 A. I just told you, sir.

20 Q. So you recall the notes being that you
21 protect -- you're protected under a covenant -- not
22 to execute is the right term -- I'm not correcting
23 when you say easement. It really doesn't matter.
24 You understand that.

25 A. I understand he's not suing Dad's

1 estate and there will be no more funds out of our
2 pocket.

3 Q. That's correct.

4 A. But that did not release me from the
5 subpoena. That was not a George order -- judge's
6 order saying I didn't have to come.

7 Q. Did you record the conversation with
8 Mr. Kennedy?

9 A. I did not.

10 Q. I wish you had.

11 Why would you not take notes on your
12 conversation with Mr. Lyles but take notes on the
13 conversation with Mr. Kennedy?

14 A. I did not have that long of a
15 conversation with Mr. Lyles. He served me with a
16 subpoena, told me to call his office as I had
17 questions. I called his office with a brief
18 question. "When is court? Why do I have to be
19 there?" He explained to me who he was, what he was
20 doing. It was a very brief conversation.

21 I was on the phone for over 26 minutes
22 with Attorney Kennedy. After he -- the -- the fact
23 that I was being told I didn't have to be in court
24 was alarming me, so that's why I started taking
25 notes. I'm like, "Why would you tell -- what's the

1 purpose here? I don't understand this."

2 I did not expect a phone call from
3 Attorney Kennedy. I did not think that he should
4 have called me and told me not to come to court.

5 Q. So you are -- your position is that he
6 said, "Do not come to court"?

7 A. His position is he told me that my
8 presence was not needed in court and I did not have
9 to be in court.

10 Q. Is -- is that what the paralegal said
11 or Mr. Kennedy?

12 A. I do not recall, sir. I do -- I do not
13 recall.

14 Q. You said you -- you originally when you
15 called in you spoke with a lady.

16 A. Uh-huh.

17 Q. And it was Kim --

18 A. Uh-huh.

19 Q. -- correct?

20 And then Kim transferred you to
21 Mr. Kennedy?

22 A. Uh-huh.

23 Q. Did you ask to be transferred?

24 A. She told -- when I told her that I had
25 to be -- she told me I didn't have to be in court,

1 and I said, "Kim" -- I explained to her that I had
2 a subpoena.

3 She told me -- she said, "Hold on and
4 let me get Attorney Kennedy," and she got him on
5 the phone.

6 Q. And then did you ask any questions
7 about the subpoena?

8 A. What question do you ask about a
9 subpoena? You -- I have a subpoena.

10 I said, "I have a subpoena. I have to
11 appear in court. I have to be in court."

12 And then he explained that the cov --
13 all -- all of the covenants of easements why I
14 didn't have to be in court, that, you know -- but
15 that did not say, "Hey, this judge is going to
16 release you from it. We're going to get a paper
17 over." Nothing told me at any point did I -- that
18 I was released under that subpoena.

19 So I showed up in court on Monday just
20 like I was suppose -- was supposed to and advised
21 by my counsel.

22 Q. Could it be that you're confusing the
23 covenant not to execute meaning that it protects
24 you from any type of jury verdict? Are you
25 confusing that with not being in court?

1 A. No, sir.

2 Q. No?

3 A. No, sir. The covenant to execute says
4 Curtis Graham can't come back and sue my dad's
5 estate for more money. I am the PR of the estate,
6 so there will be no funding out of my pocket.

7 The subpoena says I have to be in court
8 because I have been subpoenaed to court. I don't
9 understand what you're trying to go with there.
10 It's two separate documents. But I don't see
11 that -- I don't see that Attorney Kennedy could
12 have told me not to be in court -- that I didn't
13 need to be in court if I had the subpoena.

14 Q. So your -- let me get that straight.
15 Your position is that Attorney Kennedy told you not
16 to be in court?

17 A. He told me I did not have to be in
18 court.

19 Q. And he said you don't have to be in
20 court because you have a subpoena?

21 A. No, sir. Because the covenant of
22 agreement is to release me from any liability and
23 this suit is not between Curtis Graham and my dad.
24 It's between Curtis Graham and his insurance
25 company.

1 That my dad's estate has nothing to do
2 with it.

3 Q. So being told that you're protected and
4 that your dad's estate has nothing to do with the
5 jury verdict that could possibly come down, you
6 understood that to mean you didn't have to be in
7 court with the subpoena?

8 A. I understood my name was on the
9 subpoena and I had to be there unless a judge
10 released me, not Attorney Kennedy telling me I
11 didn't have to be.

12 Q. So your position is that Attorney
13 Kennedy told you to not go to court with a
14 subpoena?

15 A. He told me I did not have to -- my
16 presence was not required in court on Monday.

17 Q. Did he tell you that with a subpoena or
18 was that part of the discussion about the covenant
19 not to execute before a subpoena was disclosed?

20 A. Sir, I told you the subpoena was
21 disclosed when I -- Kim transferred my call. The
22 conversation took place after that. Now, whether
23 he understood -- he understood or not, I can't
24 answer that, but he told me that I -- my presence
25 was not required. And I had already told him and

1 Kim I had a subpoena to be here.

2 Q. So you had told Kim and then you told
3 Ralph?

4 A. I talked to Kim first.

5 Q. Okay. So when did you discuss subpoena
6 stuff with Ralph?

7 A. That was one of the first lines we had.

8 Well, the first line we had was our -- he was from
9 Saluda and la, la, la, and he knew Elizabeth She --
10 not Elizabeth -- Ms. Shealy and her husband Bob.
11 And then we talked about the -- the subpoena and
12 the case.

13 And I did not record this conversation.
14 I did start taking notes when he told me that I did
15 not need -- have to be in court because I'm like
16 this is alarming. Why -- I knew -- my name is
17 on -- unless he was going to get me a judge paper,
18 there was nothing I could -- to release me from
19 court.

20 But I did not ask him for that paper
21 because I did not know I had a right to ask him for
22 that kind of paper.

23 Q. What -- what paper?

24 A. Something to release me from court. I
25 did not ask him to intervene on my behalf. He's

1 Curtis Graham's attorney.

2 Q. So your -- your understanding was that
3 you were told not to be there with the subpoena?
4 That was your understanding?

5 A. Three times I have answered you. Three
6 times I have quoted. I do not have -- my presence
7 is not required. I did not say, "You don't have to
8 come. You don't have to" -- you can interpret that
9 however you want. That is what he said. That is
10 what I said.

11 Q. Do you know anything else about what
12 happened with this case? You -- you don't -- do
13 you know that Mr. Graham suffered from injuries?

14 A. I do not.

15 Q. Well, did you know he had about 13,000
16 in medical bills from the wreck?

17 A. I do not.

18 Q. Your -- this is your opinion. Having
19 about 13,000 in medical bills, what do you think
20 he's entitled to recover from the insurance company
21 from that?

22 A. I have no earthly idea. I have, thank
23 God, never had to be on that side.

24 Q. That's right.

25 Do you know that he had severe injuries

1 that caused traumatic nerve pain and issues that
2 led to him having to see multiple doctors and he
3 suffered with severe depression because it was --
4 the nerve pain? You know how that is -- I'm sure
5 you know people that have had that nerve pain, but
6 it -- it caused him to have suicidal thoughts and
7 other issues?

8 A. I do not know -- I do not know anything
9 about that. As I stated, I did not know the guy's
10 name. Dad did not call his name. So I had no idea
11 who he had a wreck with, nor did we ever hear that
12 parties were hurt or how many people were in the
13 car.

14 Q. And suffice it to say, you -- you were
15 unaware that he had over 19,000 in documented lost
16 wages with his employer, Ms. Patsy Sigh -- Sly
17 because he -- he couldn't work because of that?

18 A. I have no knowledge of anything after
19 that wreck.

20 Q. Would you have an opinion as to whether
21 he should recover anything from his own insurance
22 company or -- to help with those costs?

23 A. I assume if you don't think he
24 wouldn't, y'all wouldn't be pursuing it. And I
25 don't know the legal law on either side of it. So

1 that is not something I'm qualified to answer.

2 Q. Yes, ma'am.

3 And just to clarify, you would of
4 course prefer none of this would have happened, of
5 course. If it was up to you, would you not want to
6 be involved in any of this? Have -- have you ever
7 wanted to be involved in this -- these issues that

8 transpired, you know, with the subpoena and come to
9 court and everything else that that's --

10 A. Not at all.

11 Q. There was no point where you said,
12 "I -- I'd really like to be involved in this case"?

13 A. If there is no liability to my dad and
14 no money coming out of our pockets, I have no
15 desire. I wish Mr. Graham well with whatever he
16 does, in his health, in his -- but I have no -- I
17 have no opinions in this matter whatsoever.

18 Q. Yes, ma'am.

19 As we move into talking about picking a
20 jury and stuff, just like, you know, you didn't
21 understand how all this stuff worked prior to being
22 sucked into it -- I'm sorry you got brought into
23 it, like I said, a couple weeks ago. It's -- sorry
24 you got involved.

25 But can we go through the names of

1 family members in Saluda County, because they could
2 come up on the jury, and if they don't understand
3 what's going on, it might not be fair to our
4 client. Does that make sense?

5 A. My family members are not involved in
6 this jury. None of them were in the courtroom nor
7 any of them affiliated with anyone that was in the
8 courtroom.

9 Q. There -- there's another jury that's
10 being picked on December 18th. So it's -- it's a
11 different group of people. We have to go through
12 that whole thing again. So just better to ask you
13 names now than it is to spend more time on that
14 Monday before Christmas.

15 A. So you want the names of living family
16 members that still live in Saluda County.

17 Q. Well, names of living family members
18 that are pretty close, like not -- not -- when I
19 say I'm related to Padgets and Shealys and stuff,
20 that's -- that's pretty far down the line. This
21 is, you know, aunts, uncles, grandparents, second
22 cousins, that kind of stuff, not distant, distant
23 relatives.

24 A. Julia Bledsoe, Betty Easner, Nancy
25 Gillan, Chris Gillan, and the Gillans would be

1 Chris, Jennifer, Aron and Gracie. And John and
2 Linda Oswald. I'm trying to remember who still
3 lives here. Now, do you want in -- married?

4 Q. Yes, ma'am.

5 A. Betsey Pope -- Betsey and Glenn Pope.
6 I mean, I don't know how far down you want to go.
7 I mean, Ralph Riley is my husband's cousin. Bill

8 Sawyer is my husband's cousin. Judge Jack Griffith
9 is his cousin. So their families would be.
10 Herlongs in Saluda are my husband's cousins. I
11 think pretty much else everyone else has moved.

12 Q. We may be related to your husband
13 through Herlongs.

14 A. There's a lot of them.

15 Q. I know.

16 Now, you said you started the bank with
17 Frank Addy, right?

18 A. I said I was on the startup crew.

19 Q. Well, right. Yeah. Startup crew.
20 Are you related in any way to Frank
21 Addy?

22 A. Uh-uh.

23 Q. Is your husband related in any way to
24 Frank Addy?

25 A. Uh-uh.

1 Q. Any relation to Robert Addy?

2 A. That's Frank's brother.

3 Q. Frank's brother, so no relation.

4 Was there anything going on with Frank
5 Addy before he passed that's controversy or
6 anything?

7 A. That's -- I do not see how that's
8 revelant to what you're asking me. Frank Addy was
9 a former employee. He left the bank in the -- 2003
10 or so, and what he did after that I did not follow
11 his career, nor did I have affiliation with Frank.

12 Q. Okay.

13 A. So that has -- that has no revelance
14 [sic] to me.

15 Q. I was confused with this motion to
16 quash that was submitted. The motion states that
17 what's in here was all the documents that you were
18 served.

19 A. Yes, sir.

20 Q. So there's the -- the letter?

21 A. Yes, sir.

22 Q. And what does that say?

23 A. It says notice of taking deposition and
24 deposition subpoena.

25 Q. Okay. And does this motion include a

1 subpoena?

2 A. No, sir. There was not one in the
3 package that was at my home when I would come home
4 that night.

5 Q. There's not one in the package?

6 A. There was not one in the package that
7 was handed to me when I walked in the door that
8 night.

9 Q. So you weren't there when --

10 A. No, sir.

11 Q. -- service was made?

12 Who was -- who -- who got served?

13 A. My husband.

14 Q. Okay. So your husband was served, but
15 you weren't there?

16 A. Correct. I asked where the papers come
17 from. He said a private investigator had brought
18 them to the door. And it was a good 20 minutes
19 before I got home. And he handed me a pack of
20 papers with a clip on them.

21 I said, "What is this?"

22 He said, "I don't know. Here. They're
23 for you."

24 Q. Okay. All right. Well, that's --
25 that -- that packet was from me, and I know that

1 there was a subpoena that I sent with it.

2 A. It is not in my home. It could have --
3 I can't say that -- I -- it -- but they were not in
4 an envelope. They were not sealed. They were just
5 a packet of papers with a clip.

6 Q. Because --

7 A. Because I read that and I went,
8 "There's no subpoena in here."

9 Q. Uh-huh.

10 A. But then I didn't know too if that was
11 not what -- I didn't know. That's why I went to
12 Attorney Spradley.

13 Q. Yeah. A subpoena would look the
14 same --

15 A. Yeah --

16 Q. -- as the --

17 A. -- that's what I would assume, but that
18 is not what I had and I did not know if some other
19 document represented that or not.

20 Q. Well -- so the subpoena is just a
21 standard court document, and the name page that is
22 the actual subpoena is delivered, and then there's
23 a proof of service which the process server, the
24 private investigator signs and notarizes that he
25 actually served it. So there wouldn't be any way

1 to get this without it being served.

2 A. As I said, he had a pack of papers with
3 a clip on it. My husband signed it. He did not go
4 through the documents. He did not know what he had
5 in his hand, and I walked in the door 20 minutes
6 later and he handed them to me. There was not a
7 subpoena in there.

8 That same paper clip I took to Chris --
9 Attorney Spradley's office. And he said, "Where's
10 the subpoena?"

11 And I did not -- I have not seen it. I
12 did not deliver one. I did not meet this
13 investigator. My husband had no reason to take it
14 out, nor would he have dared take out a subpoena.

15 Q. Uh-huh.

16 A. He did not drop it in my house because
17 it's not in my house. So I don't know where the --
18 I don't -- I can't testify to any more than.

19 Q. Yes, ma'am.

20 THE VIDEOGRAPHER: Excuse me. I'm
21 going to need to switch out video units pretty
22 soon. It will just take me a couple minutes.

23 MR. KENNEDY: How much time do we have
24 left on this one?

25 THE VIDEOGRAPHER: On this one six

1 minutes.

2 MR. KENNEDY: Six minutes? Okay.

3 BY MR. KENNEDY:

4 Q. Your testimony was that you contacted
5 Spradley the day after you called Kennedy Law Firm.
6 Did you go to his office that day?

7 A. No, sir, we spoke on the phone. At
8 that point I didn't know that I needed to go to
9 Attorney Spradley's office.

10 Q. Mr. Spradley stated to me that he had
11 just been contacted by you last week about the
12 deposition, but you maintain that you contacted him
13 and retained him back when Jody sent you a
14 subpoena.

15 A. Mr. Spradley has been my attorney, as
16 he stated, for a while. We have an ongoing
17 relationship. When I talked with Mr. Lyle --
18 Attorney Lyles -- after Attorney Kennedy and after
19 Attorney Lyles, I called Attorney Spradley to ask
20 his legal advice.

21 Q. Understood.

22 A. And at that point, yes, he is my
23 attorney and he is acting as my attorney.

24 Q. Okay.

25 A. And he did give me attorney-client --

1 we had attorney-client conversation.

2 Q. Okay. I just don't know why what he
3 would tell me is just different. So I'm just
4 trying to figure that out.

5 A. It's just probably in the way we're
6 wording it. But, yes, Attorney Spradley has been
7 my attorney for quite some time.

8 MR. KENNEDY: I'd like to mark these
9 documents as exhibits to the deposition. We've got
10 the motion to quash which states a couple of
11 things, and the proof of service which just is in
12 contradiction to the -- the things stated in the
13 motion.

14 I'd like to put in as exhibits the
15 affidavit that was submitted to the Court of
16 Ms. Grigsby that stated "There were no other
17 documents delivered to my home in relation to this
18 deposition." The proof of service of the subpoena
19 and the documents is in direct contradiction to
20 that, as well as her statement, "I do not want to
21 be involved in this action in any way, shape or
22 form," which is in contradiction to what Mr. Lyles
23 stated to the Court.

24 Again, Exhibit 1 is the motion to
25 quash.

1 MR. SPRADLEY: Exhibits will be part of
2 the exhibit -- I mean, will be part of the -- that
3 has two exhibits to it. One of them is the
4 documents she said --

5 MR. KENNEDY: Uh-huh.

6 MR. SPRADLEY: -- was attached, and the
7 other was her affidavit.

8 MR. KENNEDY: Right, I was going to --

9 MR. SPRADLEY: That needs to be one
10 exhibit.

11 MR. KENNEDY: One exhibit, okay.

12 MR. SPRADLEY: That was just -- because
13 it's all part of the same thing. The motion to
14 quash talks about the statement.

15 MR. KENNEDY: Right.

16 MR. SPRADLEY: You agree?

17 MR. LYLES: Yeah, I agree.

18 MR. SPRADLEY: So that should all be
19 one.

20 MR. KENNEDY: We'll mark those one
21 exhibit. Exhibit 2 is here. Should we put that
22 sticker on it as well.

23 MR. SPRADLEY: That's 1.

24 (Grigsby Exhibit 1, Motion to Quash,
25 marked for identification.)

1 MR. KENNEDY: And Exhibit 2.

2 (Grigsby Exhibit 2, Proof of Service,
3 marked for identification.)

4 THE VIDEOGRAPHER: We'll need to go off
5 and switch.

6 MR. KENNEDY: Yeah.

7 MR. SPRADLEY: It will just take a

8 couple minutes.

9 This is the end of media unit number
10 one in the deposition of Teresa Grigsby. We're off
11 the record at 3:37 p.m.

12 (Off the record.)

13 THE VIDEOGRAPHER: This is the
14 beginning of media unit number two in the
15 deposition of Teresa Grigsby. We are on the record
16 at 3:38 p.m.

17 You may proceed.

18 MR. KENNEDY: Thank you.

19 Okay. Well, I think that is enough on
20 my end for now. I think Mr. Lyles would --

21 MR. LYLES: Are you resting?

22 MR. KENNEDY: Yes.

23 MR. LYLES: I don't have any questions
24 for you. Thank you, ma'am.

25 MR. SPRADLEY: I don't have any

1 questions.

2 MR. LYLES: You're done, Teresa.

3 MR. KENNEDY: Yes, thank you.

4 THE VIDEOGRAPHER: All right. If
5 that's all the questions, this concludes the
6 deposition of Teresa Grigsby. We are off the
7 record at 3:40 p.m.

8 ~~(Off-the-record discussion.)~~

9 THE COURT REPORTER: Turnaround on this
10 is for the 12th, Mr. Kennedy?

11 MR. KENNEDY: We need it by the 12th,
12 yes.

13 THE COURT REPORTER: Copy, Mr. Lyles?

14 MR. LYLES: Yes.

15 THE COURT REPORTER: Do you want yours
16 by the 12th also?

17 MR. SPRADLEY: Yes. E-tran is fine.

18 (The deposition was concluded at
19 3:41 p.m.)

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CERTIFICATE OF REPORTER

I, Yvonne R. Thurston-Bohannon, Registered Merit Reporter, Certified Realtime Reporter, and Notary Public for the State of South Carolina at Large, do hereby certify:

That the reading and signing of the foregoing deposition by the witness is waived.

That the foregoing transcript was taken before me on the date and at the time and location stated on page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

Witness my hand, I have hereunto affixed my official seal December 11, 2023, at Columbia, Richland County, South Carolina.



Yvonne R. Thurston-Bohannon
Registered Merit
Reporter, CRR
My Commission expires
May 6, 2025

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[& - afternoon]

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South Carolina Rules of Civil Procedure

Part V. Depositions and Discovery

Court Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 30 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed unless on a motion to suppress under Rule 32(d)(4) the court holds

that the reasons given for the refusal to sign
require rejection of the deposition in whole or in
part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

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