STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES, AND

MOBILE HOMES

IN RE: PETITION FOR ARBITRATION

MICHAEL MEIRESONNE,

Petitioner,

v.

Case No. 2021-04-5656

200 LA PENINSULA CONDOMINIUM

ASSOCIATION, INC., and THE CLUB

AT LA PENINSULA, INC.,

Respondents. /

VIRTUAL ARBITRATION HEARING ARBITRATOR J. A. SPEJENKOWSKI Tuesday, February 15, 2022 9:00 A.M. to 4:41 P.M.

> REPORTED BY: Janet L. Hayden Court Reporter Notary Public MAGNA LEGAL SERVICES



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1	APPEARANCES	2	1	I N D E X	
2			2	Page No.	
3	SECREST WARDLE, by		3	WITNESS: Frank Apuzzo	
4	MR. HENRY EMRICH, ESQ. 2055 E. Beltline, Suite 600		4	Direct Examination By: Mr. Emrich	9
1	Grand Rapids, MI 49546		5	Direct Examination Dy: 101. Emitten	,
5	hemrich@secrestwardle.com		6	WITNESS: Matt Darling	
6 7	appeared on behalf of the Petitioner;		7	Direct Examination By: Mr. Emrich	13
/	COLE, SCOTT & KISSANE, P.A., by		8	Cross-Examination By: Ms. Woodcoo	ck 33
8	MS. BARBARA BALLARD WOODCOCK, ESQ.		9	Cross-Examination By: The Arbitrate	
0	27300 Riverview Center Boulevard, Suite 200		10	Redirect Examination By: Mr. Emrich	n 36
9	Bonita Springs, FL 34134 barbara.woodcock@csklegal.com		11		
10	Surburu. WOOdeoork@Johneganeonn		12	WITNESS: Nancy Taylor	
	appeared on behalf of the Respondent.		13	Direct Examination By: Mr. Emrich	39
11 12	ALSO PRESENT:		14	Cross-Examination By: Ms. Woodcoo	
13	Ms. Chenney Ward		15	Redirect Examination By: Mr. Emrich	
14	-		16	Cross-Examination By: The Arbitrate	or 155
15 16			17		
16 17			18	WITNESS: David Petrella	150
18			19	Direct Examination By: Mr. Emrich	170
19			20	Cross-Examination By: Ms. Woodcoo	
20 21			21	Redirect Examination By: Mr. Emrich	
22			22 23	Cross-Examination By: The Arbitrate	
23			24	Re-Redirect Examination By: Mr. En	Inch 213
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1	THE ARBITRATOR: Does the petitioner wish to	1	Exhibits 12 through 26, there are no
2	begin?	2	objections. I have no objections to them. Exhibit 25,
3	MR. EMRICH: Yes, sir. I think before we get	3	I've objected to that because I there is no
4	started, we should put an agreement on the record that	4	indication as to when this was created, what it relates
5	Ms. Woodcock and I have reached on our exhibits for	5	to, when it relates to, whatever it was dealing with.
6	your information, put in as a matter of record.	6	So, that's going to be we're objecting to that. 26
7	And the first thing is that Petitioner's	7	and 27, I have no objections to them. 28 through 31,
8	Exhibit 1 through 13 are as submitted without any	8	no objections to them.
9	objections. 14 was objected to, as it was a part of	9	32, I object to that as I have no idea
10	what will be Exhibit R-21, which I have stipulated to.	10	what it is in reference to, what facts are that support
11	Exhibit 15, there is no objection to that, P-15. 16	11	it, no foundation that I'm aware of that can be offered
12	through 21, she is objecting to that. And I'm	12	that deals with that particular what is referred to
13	withdrawing 18 and 19, and I will attempt to introduce	13	as an opinion. And so I've objected to that.
14	16, 17, and 20 and 21 with a couple different witnesses	14	THE ARBITRATOR: Hang on a second, counsel. Hang
15	that I've identified. Exhibits 22 through 28, the rest	15	on a second. The exhibits I have are up to No. 28.
16	of my exhibits, there are no objections by her.	16	MR. EMRICH: 28, no objection.
17	MS. WOODCOCK: That's correct.	17	THE ARBITRATOR: For respondent, anything that
18	THE ARBITRATOR: How about Respondent's exhibits?	18	else I don't have?
19	MR. EMRICH: With the exception of Exhibit 4. I	19	MS. WOODCOCK: We sent additional exhibits last
20	have no objection to the introduction of Exhibits 1	20	week.
21	through 10. Exhibit 4 is something that was just	21	THE ARBITRATOR: Okay. Wait a minute. The file
22	brought to my attention and put in her exhibit list	22	(audio break). I don't have them. What we're going to
23	yesterday. So, we can talk about that after we've gone	23	do is if you've got objections to them since there are
24	through this. Exhibit 11 she is withdrawing as there's	24	numerus objections here on both sides, I suspect you'll
25	no issues before his Honor regarding that issue.	25	both want to submit final orders or proposed orders.
	Derre 0		
	Page 8		Page 9
1	Page 8 Petitioner?	1	a witness. All right. Are you going to swear in him
2		2	a witness. All right. Are you going to swear in him or anything like that?
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	Page 10		Page 11
1	condominium buildings located at La Club at La	1	meeting?
2	Peninsula?	2	A. Yes.
3	A. Yes, it is.	3	Q. Was this at anyone's request?
4	Q. And it would be in what is know as the 400	4	A. No.
5	Building?	5	Q. And what did you do with the recording after
6	A. That's correct.	6	you were done with it?
7	Q. Now, my understanding is that you attended	7	A. I just saved them in my phone.
8	the master board meetings on March 12, 2019, and	8	Q. And did you provide them to anyone?
9	11/24/20 by telephone; is that correct?	9	A. Yes, I did.
10	A. That's correct.	10	Q. Who did you provide them to?
11	Q. And at that time did you record those	11	A. Mr. Meiresonne.
12	meetings?	12	Q. Did you do anything to in way alter or change
13	A. Yes, I did.	13	what had been recorded on the phone?
14	Q. How did you record those meetings?	14	A. No, I did not.
$14 \\ 15$	A. I would have the meeting on speaker, and I	15	MR. EMRICH: Your Honor, what I will indicate
16	just used my voice recorder on my i-Phone.	16	and I will connect this up later with Mike, but
$10 \\ 17$	Q. And why did you do that?	17	Mr. Apuzzo is the primary foundation witness for
18	A. Well, I've got my own business, and so the	18	Exhibit 16 and Exhibit 20, which are the master board
19	meetings were usually held during business hours, so I	19	meetings, March 12 of 2019, and November 24 of 2020. I
20		20	don't have any other questions for Mr. Apuzzo.
20 21	couldn't always attend the meetings. So, I could have	20	MS. WOODCOCK: I have no questions for Mr. Apuzzo,
22	the meeting playing in my phone, recording the meeting,	22	but do object to Exhibits 16 and 20 being entered into
22	so I could later go in and listen to the meetings, because oftentimes the minutes didn't include a lot of	23	evidence.
23		24	
24 25	things that were talked about in the meetings. Q. And would you have recorded the entire	24	THE ARBITRATOR: I have questions.
2.5	Q. And would you have recorded the entire Page 12	2.5	Page 13
-	rage 12		raye IS
1	BY THE ARBITRATOR:	1	some reason. I am going to restart my laptop and try
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1	A. I oversee the day-to-day operations of our	1	(Whereupon, the document was marked
2	company, oversee managers that handle the individual	2	as Petitioner Exhibit No. 25 for
3	accounts and the high-rises.	3	identification.)
4	Q. And do you also keep is your entity	4	MS. WARD: I just wanted to say I'm pulling it up
5	responsible for maintaining records for any	5	right now. Give me just one minute.
6	associations?	6	MR. EMRICH: Thank you.
7	A. It is.	7	BY MR. EMRICH:
8	Q. And are you the record keeper for 200 La Pen	8	Q. I show you what we've marked as P25.
9	Building Condo Association?	9	Mr. Darling, does that look familiar to
10	A. Resort Management is, yes.	10	you?
11	Q. And the Club at La Peninsula?	11	A. I mean, I see a lot of these. I can't say
12	A. That's correct.	12	that this is one that I would recognize. Again, I
13	Q. And in connection with that, then you retain	13	wasn't the one that was actually handling the account
14	the documents that are required to be kept under	14	at the time.
15	Florida law?	15	Q. And if this document had been sent to you,
16	A. Yes. Individual managers keep them on the	16	would it have been something that you would have been
17	server that is connected to the actual association.	17	in a position to respond to?
18	Q. In connection with that, did you receive some	18	A. I would pass it on to the manager handling
19	document requests from the petitioner, Michael	19	the account at the time to respond as they would be the
20	Meiresonne?	20	one to handle the day-to-day operations.
21	A. Yes.	21	Q. And who would that have been?
22	Q. And I'm going to ask that we put Exhibit P-24	22	A. At that time, 2020, I believe that was Jack
23	(sic) on the screen.	23	Spring.
24		24	Q. I'm going to show you what we've introduced
25		25	and agreed to as a second document request of
	Page 16		Page 17
1	petitioner dated December 17 of 2020. Take a look at	1	screen.
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1	Page 18		Page 19
	Could you tell us what that is?	1	requests, they would have been sent to someone else at
2	A. That looks like a canned copy of the letter	2	Resorts Management. Correct?
3	that came from my office.	3	A. That's correct. The current manager, whoever
4	Q. What do you mean my "canned copy?"	4	that was at the time.
5	A. It looks like a generic letter that we send	5	Q. And then did you have further conversations
6	when we have the records available to people who have	6	with the petitioner regarding those document requests?
7	requested them.	7	A. With Mr. Meiresonne? I don't believe I've
8	Q. And would that have been something that would	8	spoken to him in a number of years.
9	have gone out under your signature or purported	9	Q. That wasn't my question.
10	signature?	10	Do you recall having conversations with
11	A. It may have, depending on who the manager was	11	him with regard to those document requests?
12	at the time.	12	A. No, I do not.
13	Q. All right. And would that have then been	13	Q. Did you have e-mail communications?
14	responsive to at least one of the document requests	14	A. Not to my recollection.
15	submitted by the petitioner?	15	MR. EMRICH: I'm going to ask Ms. Ward to put
16	A. That look like it would be the last one you	16	Exhibit 28 on the screen.
17	showed, would line up with the dates.	17	MS. WARD: Is that Petitioner's or Respondent's?
18	Q. And that was specifically with regards the	18	MR. EMRICH: Petitioner's Exhibit 28.
19	THE COURT REPORTER: Henry, we can't hear you. BY MR. EMRICH:	19	(Whereupon, the document was marked
20 21		20 21	as Petitioner's Exhibit No. 28 for
22	Q. That would have been specifically referred to as a response to Exhibit No. 25. Correct?	22	identification.) BY MR. EMRICH:
23	A. I would assume so, yes. If that is yes.	23	Q. I'd like you to take a look at that,
24	Q. And then you indicated if you had no	24	Mr. Darling, and tell us if that and take a look at
25	recollection of seeing the other three document	25	that, and let me know if that refreshes your
20		2.5	· · · · · ·
1	Page 20	1	Page 21
1 2	recollection as to whether you had any conversations with Mr. Meiresonne, e-mail communications?	1 2	had no records and no history of any complaints in these matters. Correct?
3	A. Yeah. I mean, it doesn't really ring a bell,	3	
4			A So it cover in the e-mail
-	but I mean obviously it's coming from me. So	1	A. So it says in the e-mail.
	but I mean, obviously it's coming from me. So	4	Q. And again, he was the person that would have
5	Q. And scrolling down the page, and looking at	4 5	Q. And again, he was the person that would have been authorized to speak on behalf of the association?
5 6	Q. And scrolling down the page, and looking at the e-mail from you to Mr. Meiresonne dated the on same	4 5 6	Q. And again, he was the person that would havebeen authorized to speak on behalf of the association?A. Yes.
5 6 7	Q. And scrolling down the page, and looking at the e-mail from you to Mr. Meiresonne dated the on same date only earlier in the day, does that look familiar	4 5	Q. And again, he was the person that would have been authorized to speak on behalf of the association?A. Yes.MR. EMRICH: Going to put Exhibit 29, P-29, on
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	Page 22		Page 23
1	discussed this with Mr. Meiresonne regarding the	1	documents, did this refresh your recollection at all as
2	document requests that we previously had put on the	2	to your communication with Mr. Meiresonne regarding
3	screen?	3	these document requests?
4	A. Obviously, there was an e-mail exchange, but	4	A. Yes, a little bit.
5	I don't remember talking to you him. I mean, I	5	Q. All right. So, and who is there was a
6	guess you don't understand how many things we have	6	reference to a Matt Hopkins.
7	going on in this office, but e-mails go left and right.	7	Who is Matt Hopkins.
8	So, I mean, obviously if my name is on the e-mail, it	8	A. Matt Hopkins is the new manager for the 200
9	came from my thing, and obviously I was involved with	9	building.
10	it.	10	Q. And was he authorized to speak regarding
11	Q. So, if again, I would ask you to take a	11	document requests on behalf of the association and your
12	minute and look through the remaining exhibits, e-mails	12	agency?
13	of Exhibit 29, if you would, regarding your	13	A. Again, he is the manager of record for the
14	conversations with Mr. Meiresonne regarding this	14	property, so he would be able to.
15	document request, and tell me if it refreshes your	15	Q. And how about Kerry Korman (phonetic)?
16	recollection.	16	A. Kerry Korman (phonetic) is an ex-financial
17	MS. WARD: Mr. Darling, you can let me know when	17	rep for our company.
18	you're ready for me to move pages, and I will.	18	Q. And what would have been his role at Resorts
19	THE WITNESS: You can go to the next. Okay.	19	Management?
20	Okay. Okay. Okay. Next. Okay. Good. Okay. Okay.	20	A. Kerry is a woman, and she was she just
21	Okay. Okay. Okay. Next. Okay. Okay. Next. That's	21	handled the monthly financials. She did the
22	good. Okay.	22	reconciliation of the books.
23	MS. WARD: That was the last page.	23	Q. And in connection with the requests that
24	BY MR. EMRICH:	24	and the e-mails that you just reviewed, you would agree
25	Q. All right. Mr. Darling, in reviewing those	25	with me that despite the fact that you had originally
	Page 24		Page 25
1	indicated to Mr. Meiresonne that he had to come to	1	Page 25 engaged him you had told him you would provide
1 2	indicated to Mr. Meiresonne that he had to come to Resorts Management to inspect the records, you would	2	
	indicated to Mr. Meiresonne that he had to come to Resorts Management to inspect the records, you would have engaged with him, and provided him all the	1	engaged him you had told him you would provide
2 3 4	indicated to Mr. Meiresonne that he had to come to Resorts Management to inspect the records, you would have engaged with him, and provided him all the documents you had in your possession regarding the	2 3 4	engaged him you had told him you would provide whatever documents you had responsive to his request. Correct? A. Yes.
2 3 4 5	indicated to Mr. Meiresonne that he had to come to Resorts Management to inspect the records, you would have engaged with him, and provided him all the documents you had in your possession regarding the document requests that he had filed in December of '20?	2 3	engaged him you had told him you would provide whatever documents you had responsive to his request. Correct? A. Yes. MS. WOODCOCK: Objection. Leading.
2 3 4 5 6	indicated to Mr. Meiresonne that he had to come to Resorts Management to inspect the records, you would have engaged with him, and provided him all the documents you had in your possession regarding the document requests that he had filed in December of '20? MS. WOODCOCK: Objection. Leading.	2 3 4 5 6	engaged him you had told him you would provide whatever documents you had responsive to his request. Correct? A. Yes. MS. WOODCOCK: Objection. Leading. THE ARBITRATOR: Okay. Well, what we could do
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1 pertaining to -- and this was a response -- or this was 1 MR. EMRICH: All right. 2 2 a request that was sent to 200 La Peninsula Condominium BY MR. EMRICH: 3 3 Association. Q. Mr. Darling, you would have -- in document 4 Specifically there was a request for the 4 request Exhibit 25 to the La Peninsula Condominium 5 minutes, correspondence documents pertaining to the 5 Association, you were asked for four minutes -- four 6 6 revised board bylaws that were passed in 2018, correspondence documents pertaining to the revised 7 including any proxies and documents detailing the 7 board bylaws passed in 2018, including its proxies and 8 membership vote, and the documents that detailed the 8 the documents detailing the membership vote, and the 9 changes to the bylaws. You never sent those documents 9 documents that detailed the changes to the bylaws. 10 to Mr. Meiresonne. 10 Correct? 11 Would that be because you would not have 11 A. Yes. 12 12 had them in your possession? Q. And why -- and if you did not produce them, why would that have occurred? 13 A. Yes. 13 14 MS. WOODCOCK: Objection. Assumes facts not in 14 A. I probably could not find them on the system. 15 15 evidence. Q. Is it -- is it or was it at the time of that 16 THE ARBITRATOR: Okay. Counsel, your examination, 16 particular request the obligation of your company to 17 you ask open-ended questions. I suspect we're going to 17 retain any such documents if, in fact, they were 18 get leading objections to everything asked in that 18 created by the 200 board? fashion. So, ask the open-ended question, then ask why 19 19 A. Yes. 20 is it true, you know. 20 Q. Thank you. With respect to the document 21 21 MR. EMRICH: I will. I'm sorry. I'm trying to request of December 16th, '20 -- and that would be 22 22 move it along a little faster. P-24, your Honor. 23 THE ARBITRATOR: I understand that, but we're 23 BY MR. EMRICH: 24 24 going to get an objection every single time. Then O. That was directed to the master board. There we're going to go through this every single time. 25 25 was a request in that document for certain documents Page 28 1 regarding the ARC committee or any aspect of the ARC 1 MS. WOODCOCK: The objection is that things are 2 2 review done by the master board. Correct? being asked that are being -- you know, that things 3 3 A. I can't recall. were or were not done when the response that has been 4 4 provided and was then put into evidence is that if it Q. And assume for the sake of argument that that 5 5 request would have been made, and assume for the sake was in your possession, they would have provided it. 6 of argument that documents would not have been produced 6 THE ARBITRATOR: I mean, is it an objection based 7 7 responsive to it, why would that have been? on speculation? Is that what you're saying in essence? 8 It calls for him to speculate if it wasn't done? 8 MS. WOODCOCK: Objection as to --9 9 MS. WOODCOCK: I find that it is a separate THE WITNESS: I can't comment on that. 10 THE ARBITRATOR: Hang on a second. What's the 10 objection, but I didn't base it -- I'll maintain my 11 objection? 11 objection for the record, your Honor, but you can 12 12 MS. WOODCOCK: Assumes facts not in evidence. proceed. 13 THE ARBITRATOR: It's a fact not in evidence? 13 THE ARBITRATOR: What's the question again, 14 14 Hang on a second. I thought Exhibits 22 through 28 Counsel? 15 were no objections. 15 BY MR. EMRICH: 16 MS. WOODCOCK: I don't have objections to the 16 Q. Again, the question would be: If the request 17 17 exhibits being entered into evidence. The question was made for the records that are referenced in that 18 that's being asked is if something was not done, then 18 document request from Exhibit 24, and they were not 19 what? But there's no evidence that something was not 19 provided, would that be because Resorts Management 20 20 would not have had any of those records in its done. 21 21 THE ARBITRATOR: He was asking a hypothetical possession? 22 22 question. I don't understand. People ask hypothetical A. Yes. 23 23 THE ARBITRATOR: Okay. He answered the question. questions. If he has an explanation, he can explain 24 why it wasn't done if, in fact, it wasn't. I don't 24 BY MR. EMRICH: 25 Q. And with respect to the document requests 25 understand the objection, Ms. Woodcock.



Page 29

	Page 30		Page 31
1	that were sent, would that have been the case with	1	on with regard to the governance of that association
2	regard to any documents requested that were not	2	from January 1, 2018, until December 31 of 2021?
3	provided by Resorts Management?	3	A. It would have been Jack Spring and Matt
4	A. Yes.	4	Hopkins.
5	Q. Were you, Mr. Darling, yourself ever involved	5	Q. All right. And again, we referred to both of
6	in any of the board management activities with regard	6	those persons in the document requests that we have
7	to either the 200 well, you let's just start with	7	here; is that correct? That we've talked about already
8	the 200 board.	8	and the responses. Correct?
9	A. Yes.	9	A. Yes.
10	Q. Could you tell me what you did with regard to	10	Q. Thank you. So, just so I'm clear, you would
11	the 200 board?	11	not have any knowledge about the governance issues of
12	A. I was the manager for probably about four or	12	200 La Pen during the time Mr. Spring or Mr. Hopkins
13	five years, and then gave the account away to newer	13	were involved. Correct?
14	managers.	14	A. That is not correct. I would hear things in
15	Q. When did you give the account away? Let's	15	the office.
16	talk about what period of time then you would have been	16	Q. Did you act on any of those things that you
17	responsible for this account as the manager of it.	17	would have heard, other than what you've testified to
18	A. I'm talking about 2015, '16.	18	regarding these document requests?
19	Q. And then who became responsible?	19	A. I can't answer that. I mean, acting on what
20	A. I believe it was Dan Hutchinson.	20	specifically?
21	Q. And how long would he have been responsible?	21	Q. Well, again, if Mr. Spring and Mr. Hopkins
22	A. Probably about two years, I would think.	22	were charged with the responsibilities for the 200
23	Q. And who, Mr. Darling, would have been	23	board condominium association, then they would have
24	responsible for this account as the manager, and	24	been the ones that would have been in charge of that on
25	responsible for involving monitoring what was going	25	a daily basis, monthly basis, annual basis during the
	Page 32		Page 33
1	period of time that they were in charge of it?	1	governance of that association. Correct?
2	A. One would hope. Yes.	2	A. That would be correct.
3	Q. Now, with regard to the master board, the La	3	MR. EMRICH: Thank you. I have no further
4	Club at or the Club at La Peninsula, would you have	4	questions from this witness, your Honor.
5	had any management responsibilities over that other	5	THE ARBITRATOR: Counsel? Ms. Woodcock?
6	than what you've already testified to today?	6	
7	A. Yeah. I mean there was a number of managers	7	CROSS-EXAMINATION
8	there over the years as well.	8	By: Ms. Woodcock
9	Q. Can you tell me who you would have been	9	Q. Mr. Darling, are you and Resort Management
10	responsible for the management of that association from	10	aware of the Florida statute regarding maintenance of
11	January 1st of 2018, until December 31 of 2021?	11	official records?
12	A. It probably started with Dan Hutchison, and	12	A. Yes.
13	then went to Don Montroy(phonetic. Then went to Jack	13	Q. And do you and Resort Management maintain the
14	Spring. Then it went to I believe Rego is the	14	records that are required by the Florida statute
15	latest.	15	governing official records?
16	THE COURT REPORTER: Who?	16	A. Yes.
17	THE WITNESS: The new manager of La Club, Rego	17	MS. WOODCOCK: No more questions for Mr. Darling.
18	Roid (phonetic).	18	MR. EMRICH: Nothing further, your Honor.
19	BY MR. EMRICH:	19	THE ARBITRATOR: Okay, Mr. Darling. I got a few
20	Q. And again, same question as I asked you	20	questions for you.
21	previously: If they were the ones that were	21	THE WITNESS: Yes, sir.
22	responsible for those that account and handling that	22	EXAMINATION
23	account, and the governance of that account, again they	23	By: The Arbitrator
24	would be the ones that would be charged with the	24	Q. This is the Arbitrator.
25	responsibility of monitoring and managing the	25	A. Yes.



	Page 34		Page 35
1	Q. And bear with me. I'm going to try and ask a	1	managers after there.
2	compound question that just clarifies everything.	2	Q. So, would it be fair to say that for any
3	You stated you work for Resorts	3	records request for the 2000(sic) building, you were
4	Management, and you were a manager there from what	4	not personally involved after 2015?
5	period to what period?	5	A. For the Club, yes. For the 200, it was
6	A. I still work for Resort Management. So for	6	probably about 2017, early 2017. That's correct.
7	the I've been here since 2007 at Resort Management.	7	Q. Let me get that back again.
8	Q. To present?	8	When did so in 2017 you stopped being
9	A. Yes, sir.	9	the records manager for the 200 building. Correct?
10	Q. And as far as it concerns La Peninsula, how	10	A. Correct. It went to Dan Hutchinson, yes.
11	long were you records what dates were you the	11	Q. And also in 2017, you stopped being the
12	records manager of La Peninsula?	12	record manager for the Club. Correct?
13	A. The Resort took over the 200 building I want	13	A. Yes. Personally, yes.
14	to say in 2009, '08 or '09 for the 200. And the Club,	14	Q. So, you can't really testify here today about
15	I believe we entered into the contract with them in May	15	any records requests after 2017 for either the building
16	2015.	16	or the Club. Right?
17	Q. Okay. When did you stop being the manager	17	A. I mean, we do manage them here in the office.
18	for the 200 building as it pertains to records	18	I mean, I can see
19	management?	19	Q. Your personal knowledge, sir?
20	A. Probably 2000 early 2017. Prior to Irma.	20	A. Not day-to-day.
21	Hurricane Irma.	21	Q. Okay. Thank you.
22	Q. And for the Club?	22	MR. EMRICH: May I follow up, your Honor?
23	A. The Club has always had an individual manager	23	THE ARBITRATOR: Sure.
24	on-site there. I started probably 2015 for about a	24	
25	year, maybe two years, and there were a few other	25	
	Page 36		Page 37
1	REDIRECT EXAMINATION	1	would have been responsive to those document requests.
2	By: Mr. Emrich	2	Correct?
3	Q. Mr. Darling, despite that, you did engage and	3	A. Yes. The managers are to put them on a
4	discuss and communicate not discuss but communicate	4	server so we all have access.
5	by e-mail with Mr. Meiresonne, as did some of your	5	Q. So again, in that sense, when you were
6	subordinates that were in charge of this particular	6	when you looked into these matters for Mr. Meiresonne
7	these particular associations regarding	7	at the request at his request pursuant to the
8	Mr. Meiresonne's document request. Correct?	8	document requests and the exchange of e-mails that you
9	A. Correct.	9 10	had, you would have had then personal knowledge of what records that Resorts Management had maintained or kept
10 11	Q. And you did indicate to him what records you did have that were responsive. Correct?	11	as part of its function as document managers retention
12	A. Correct.	12	document retention entities for those two
13	Q. And you did provide them to him. Correct?	13	associations. Correct?
14	What you had to him. Correct?	14	A. When it is provided.
15	A. What I had, yes.	15	Q. And it would have been with regard to the
16	Q. And as you indicated earlier, what you did	16	periods of time that we specifically that you were
17	not have then would not would then not have been	17	specifically asked about in earlier testimony, as well
18	something that you would have been your Resorts	18	as what was referenced in the document requests.
19	Management would have been in possession of. Correct?	19	Correct?
20	A. Correct.	20	A. Correct.
21	Q. Because, just so we're clear, despite the	21	MR. EMRICH: Thank you. Thank you, your Honor,
22	fact that you did not have day-to-day management of	22	for your indulgence. No further questions.
23	that document function as a manager overseeing that	23	THE ARBITRATOR: Ms. Woodcock, anything else?
24	those associations, you did, in fact, have the ability	24	MS. WOODCOCK: No further questions for



	Page 38		Page 39
1	THE ARBITRATOR: Okay. Thank you, Mr. Darling.	1	THE WITNESS: Nancy Taylor.
2	You're excused.	2	THE ARBITRATOR: Ms. Taylor, please raise your
3	(Whereupon, the witness was	3	right hand.
4	excused.)	4	(The oath was thereupon duly
5	THE ARBITRATOR: Next witness.	5	administered to the witness by the
6	MR. EMRICH: Nancy Taylor, your Honor.	6	Notary.)
7	THE ARBITRATOR: Who is Dave Petrella?	7	NANCY TAYLOR,
8	MS. WOODCOCK: Dr. Petrella is the representative	8	having been first duly sworn, was examined and
9	of the Club at La Peninsula.	9	testified as follows:
10	THE ARBITRATOR: Okay. His background is totally	10	DIRECT EXAMINATION
11	whited out. I can't even see his face.	11	By: Mr. Emrich
12	MR. EMRICH: I know. This is wild.	12	2
13	THE ARBITRATOR: Okay.	13	Q. Ms. Taylor, are you a resident of 200
14	MR. EMRICH: I'm waiting for Nancy Taylor.	14	building at La Peninsula?
15	THE WITNESS: I'm here. I think I'm on Zoom.	15	A. Yes, I am.
16	THE ARBITRATOR: There you are.	16	Q. How long have you lived there, ma'am?
17	MS. WOODCOCK: We can hear you, Nancy.	17	A. Since 2010.
18	THE WITNESS: Okay.	18	Q. And in connection with that, have you also
19	MR. EMRICH: Could you give your name for the	19	served on the various boards there regarding the
20	record, please?	20	governance of the condominium associations?
21	MS. WOODCOCK: Oh, sorry to interrupt. I think	21	A. Yes, I have.
22	you need to swear her in.	22	Q. Could you tell us, please, exactly what your
23	MR. EMRICH: I was just going to ask him to do	23	role has been in that regard with regard to 200
24	that once she gave her name for the record?	24	building?
25	MS. WOODCOCK: Oh, okay.	25	A. I've been the treasurer of the 200 board
	Page 40		Page 41
1	since, I think, 2011, maybe 2012. I'd have to go back	1	A. Since we started working on it.
2	and look and see when I was first elected.	2	Q. And what exactly was your role?
3	Q. And as treasurer, you're also a board member?		
		3	
4	A. Yes.	3	A. My role was working with the other board
4 5	A. Yes.		A. My role was working with the other board members in terms of looking at possibilities,
		4	A. My role was working with the other board members in terms of looking at possibilities, conceptualizing and setting up (audio failure) walkway
5	A. Yes.Q. And are you still a board member today?A. Yes, I am.	4 5	A. My role was working with the other board members in terms of looking at possibilities,
5 6	A. Yes.Q. And are you still a board member today?	4 5 6	A. My role was working with the other board members in terms of looking at possibilities, conceptualizing and setting up (audio failure) walkway confirmed, and work through the master board approval
5 6 7	A. Yes.Q. And are you still a board member today?A. Yes, I am.Q. And did you have any other role on any other	4 5 6 7	A. My role was working with the other board members in terms of looking at possibilities, conceptualizing and setting up (audio failure) walkway confirmed, and work through the master board approval process.
5 6 7 8	A. Yes.Q. And are you still a board member today?A. Yes, I am.Q. And did you have any other role on any other boards at La Peninsula?	4 5 6 7 8	A. My role was working with the other board members in terms of looking at possibilities, conceptualizing and setting up (audio failure) walkway confirmed, and work through the master board approval process.Q. And as I understand the timeline and again
5 6 7 8 9	 A. Yes. Q. And are you still a board member today? A. Yes, I am. Q. And did you have any other role on any other boards at La Peninsula? A. The 200 building? 	4 5 6 7 8 9	 A. My role was working with the other board members in terms of looking at possibilities, conceptualizing and setting up (audio failure) walkway confirmed, and work through the master board approval process. Q. And as I understand the timeline and again correct me if I'm wrong since you are the one that
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5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. Yes. Q. And are you still a board member today? A. Yes, I am. Q. And did you have any other role on any other boards at La Peninsula? A. The 200 building? Q. With regard to, say, the master board? A. Yes. I've been the treasurer of the master association for about three years. Q. So, that would date back to what date? A. Oh, I think probably 2018. I'm not really sure. Q. And in connection with your work on those boards, and in particular with regard to the 200 board, were you involved in the what we refer to as "the walkway project?" A. Yes, I have been. Q. And could you tell us how long you've been involved in that project? A. Since its inception, which 	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	 A. My role was working with the other board members in terms of looking at possibilities, conceptualizing and setting up (audio failure) walkway confirmed, and work through the master board approval process. Q. And as I understand the timeline and again correct me if I'm wrong since you are the one that has been working on this since its inception, as you've testified, would you have been would you be knowledgeable or familiar with when the project went to the 200 board for consideration? A. Can you define "going to the 200 board for consideration." There was a number of steps. I'd like to know that I'm identifying the correct steps. Q. When was the first time that this project was put to the 200 board for a specific approval? A. For specific legal approval was in June of 2018. And board discussions before that, but the real action was June of 2018. Q. Okay. And prior to that, would there have been board action, specific board action taken?



4	Q. Well, let's take a look at exhibit	1	1 1 1 1 1 1 1 1
3 4		1	because we've had no we've been provided no
3 4	A. Oh, wait. No, wait. You're right. I've got	2	documentation regarding any activity of the board in
4	to stop. 2017 we looked at that a discussion about	3	2017.
	looking at the plans, of looking at the conception, I'm	4	Do you have a specific recollection of
. ~	sorry. 2017.	5	when that would have been?
6	Q. Any other time that you recall?	6	A. No. It would be in some of the minutes that
7	A. I don't recall.	7	have been provided, I believe, which is in 2017. We
8	Q. Now, when was the project you mentioned	8	had a discussion about looking into the project. And
9	that you were involved since its inception.	9	what would be involved with that.
10	When would have been the inception of the	10	Q. And was there a specific approval or an
	project?	11	authorization to move forward to another step at that
12	A. I would say the official inception would have	12	time?
	been that discussion in 2017. I don't think any of the	13	A. There was an authorization to look at seeing
	other discussions were more just informational and	14	about what would be involved in developing such a
	research. So, they weren't legal or formal steps.	15	proposal. Yes.
16	Q. So, were you authorized by the board to take	16	Q. And what did you do in response to that
	the research to perform the research and look into	17	particular step?
	this project by the board?	18	A. We made overtures to an engineer and
19	A. As the board members, yes, we were looking	19	contracting company to see what it would take to pull
	into it.	20	such a plan together.
21	Q. And when did that start?	21	Q. And would that have been WJ Johnson?
22	A. Again, I'd have to go back, but 2017 is the	22	A. Yes.
	first I recall officially of having made some movement	23	Q. And you would have been working with them?
24 25	or something as the board.	24	A. Yes.
25	Q. What do you recall about that movement,	25	Q. And we've been provided with documents
	Page 44		Page 45
	regarding	1	about.
2	THE COURT REPORTER: Can't hear you.	2	Q. So, this would have been the first official
3	MR. EMRICH: I'm sorry Janet.	3	document or proposal from anybody regarding the project
	BY MR. EMRICH:	4	that you were moving forward with. Correct?
5	Q. Would have been provided with a couple of	5	A. Yes.
	documents regarding the work that they did, and those	6	Q. And at this point, what do you recall being
	would be Exhibit R-1, and there are two documents in	7	the next steps that were taken?
	that document, in that exhibit. And I'd ask that those	8	A. The next steps that were taken was to work with WJ Johnson, and to look at what it would take to
9 10	be pulled up. That's R-1. (Whereupon, the document was marked	10	secure an engineer, and move forward to develop a plan
11	as Respondent's Exhibit No. 1 for	11	that we could present to the owners.
12	identification.)	12	Q. When they when WJ Johnson gave you the
	BY MR. EMRICH:	13	proposal that was referenced in that R-1, were there
14	Q. Looking at the first document as part of R-1,	14	any renderings included with that particular proposal?
	we have a letter to the board of directors from	15	A. I'm not going to tell you I can't recall
	WJ Johnson and Associates dated January 26, 2008, sent	16	exactly what was attached to each one of these, but we
	care of sent care of Matt Darling who is Resort	17	did have renderings done that were showing, like, an
	Management. Correct?	18	overhead view of the project to see what it would
19	A. Correct.	19	conceivably look like. We also had some Photo Shop
20	Q. And were you working with Mr. Darling on this	20	pictures done that would show what we thought it would
	project?	21	look like. I cannot tell you that I am going to attach
22	A. Only in the sense that we looked for probably	22	those drawings to this exact January 22nd, 2018, date,
	some recommendation on an engineering company or	23	because we were looking at a lot of different
	something like that for it, as we were starting to get	24	documents.
	past the conceptual ideas of what we were talking	25	Q. I understand.



	Page 46		Page 47
1	A. Excuse me if I I'm sorry. I don't know if	1	(Whereupon, the document was marked
2	you guys know. I have COVID, so I'm still working	2	as Respondent's Exhibit No. 18 for
3	through that. So, excuse me just a second here. Okay.	3	identification.)
4	So, I can't exactly attach renderings and drawings to	4	BY MR. EMRICH:
5	each one unless you have them attached here.	5	Q. I show you what we've introduced as R-18.
6	Q. We'll get to that. All I want to know is if	6	Could you take look at that, please?
7	you recall receiving any renderings with that		A. Oh, yeah. This is the action that we took in
8	particular proposal?	8	March of '18, in order to draw up a proxy, in order to
9	A. I do not recall receiving the renderings	9	get approval for the building.
10	exactly with this proposal. I might have, but I do not	10	Q. So, again, this would have been following the
11	recall.	11	receipt from RJ WJ Johnson of the proposal that you
12	Q. After you received this proposal, what do you	12	referenced previously. Correct?
13	recall doing?	13	A. We had an initial a plan and approval from
14	A. Probably we had continued discussions about	14	RJ, then we had an official plan. So I'm not sure
15	what we would do with the drawings, and more	15	which one you might be referring to as attached. But
16	particularly how we would secure an engineer who could	16	yes, we did have some renditions and some pictures that
17	possibly do the design work and implementation,	17	would been referenced in addition to this proposal for
18	construction.	18	a proxy.
19	Q. And at some point do you recall going back to	19	Q. And looking at this particular exhibit, if we
20	the board at La Pen regarding these particular minutes?	20	look at Exhibit 3, and we'll look at Section 3-B, that
21	I'm sorry, regarding this particular project?	21	is where you specifically discuss the walkway.
22	A. Other than an occasional update between 2017	22	Correct?
23	and 2018, no. I don't recall any formal action.	23	A. Correct.
24	MR. EMRICH: All right. Let's put Exhibit R-18 on	24	Q. And according to the comments in the minutes,
25	the screen.	25	that 200 La Peninsula is looking into approving
	Page 48		Page 49
1	handicapped accessibilities throughout the 200	1	A. It was a concept of adding nine units as long
2	building. Correct?	2	as all nine people agreed to it. So, the proxy was not
3	A. That was our goal and our hope. Yes.	3	necessarily going to designate that number, but it was
4	Q. All right. And according to that particular	4	going to authorize us to look into that concept and
5	those particular minutes, you indicated that you	5	that approval of the proxy. Yes.
6	authorized Jamie Gruesel, that apparently was one of	6	Q. And that so, again this particular project
7	your association attorneys at the time?	7	that was authorized at that particular meeting
8	A. Jamie is our legal counsel, yes.	8	specifically referred to a walkway that was to connect
9	Q. And is it a he or a she?	9	nine units to the elevator. Correct?
10	A. It's a she.	10	A. At this time on March 28, 2018, we were
11	Q. She was authorized to draft a legal document	11	discussing nine
12	and send to the owners to approve or deny the concept	12	THE COURT REPORTER: Discussing what? It totally
13	of adding townhouse walkways that connected nine units	13	dropped off.
14	to the elevator; is that correct?	14	THE WITNESS: Nine potential connections.
15	A. The proxy, I do not believe, specified nine	15	BY MR. EMRICH:
16	units. I'd have to go back and look, or if you have a	16	Q. And those were the nine unit owners that were
17	copy of it	17	going to be connected to that walkway. Correct? That
18	Q. We'll get there. I'm just asking about this	18	was the concept or the plan; is that right?
19	particular these minutes.	19	A. That was the concept.
20	That's what the minutes say. Correct?	20	Q. And according to those minutes, that walkway
21	A. Okay. The proxy says approve or deny the	21	was going to be funded by the owners of those new unit
22	concept. Yes, it was a concept connecting nine. Yes.	22	those nine units. Correct?
23	Q. So, this concept that was approved in March	23	A. If they agreed to it, yes.
24	of 2018 was going to connect nine units to this	24	Q. So, that was a condition to that particular
25	walkway. Correct?	25	project going forward. Correct?



19Q. I didn't ask for any explanation. I simply asked if the March 28th minutes indicated that, if this 2 concept, this nine-unit walkway was approved by an 2 owner vote, the concept would then go to ARC for approval.19project include at this point in time? MR. EMRICH: And that's what I was trying to do.21approval.20MR. EMRICH: All right.2124That's what the minutes said. Correct?21THE ARBITRATOR: All right.23THE ARBITRATOR: All right.25THE ARBITRATOR: Mr. Emrich25Q. So, following that meeting, the vote of the26Page 52Fage 521project then went to a vote by the building owners of 41(Whereupon, the document was marked a se Petitioner's Exhibit No. 10 for 33A. Not following that meeting. At a different meeting.3identification.)4BY MR. EMRICH:5Q. Looking at P-10, Ms. Taylor, have you seen this document before?5Q. As I said, following this meeting, it went to a vote of the 200 board. Correct?5Q. Looking at P-10, Ms. Taylor, have you seen this document before?7A. We did not vote at this meeting, after this meeting, please.10A. Yes.1010proxy. At another meeting we voted to pass the proxy. so, I guess I'd like you to qualify that question, please.12A. Correct?7Q. And that proxy dealt with a special meeting that was to be held on June 26, 2018. Correct?13Q. And would that have ore meeting were approved? Correct?7A. Yes.13Q. And would that proxy dealt wi		Page 50		Page 51
2 passing the proxy were supportive, then yes, it would be. 2 THE ARBITRATOR: the documents speak for themselves. 3 Q. So, the answer to my question is yes, that was a condition to the project moving forward. 3 MR. EMRICH: Thank you. Thank you, your Honor. THE ARBITRATOR: Now, if you want to ask her thism. But to go sentence by sentence to the rest of the sadding into this. So, no. I would aga that it was a proxy looking at a concept for mine units to see if owners agreed to it, and then we would move forward. 5 THE ARBITRATOR: the documents speak for themselves. 12 next sentence in that particular those minutes, it said: If approved by an owners' vote, the concept will said: If approved by an owners' vote, the concept will said: If approved. 10 10 11 11 11 11 11 11 12 12 12 12 12 12 12 12 12 12 12 12 12 12 12 12 12 13 14 14 16 <td< td=""><td>1</td><td>A If the nine current owners at the time of</td><td>1</td><td>MS. WOODCOCK: Objection. But</td></td<>	1	A If the nine current owners at the time of	1	MS. WOODCOCK: Objection. But
3 be. themselves. 4 Q. So, the answer to my question is yes, that 5 was a condition to the project moving forward. 6 Correct? 7 A. I think I disagree with some of the you're 8 adding into this. So, no. I would say that it was a 9 proxy looking at a concept for nine units to see if 10 owners agreed to it, and then we would move forward. 11 Q. Thank you. 'I'I move on. So, again, the 12 next sentence in that particular those minutes, it 13 said: If approval. Correct? 14 M. A the time ARC was the standard of 15 A. A the time ARC was the standard of 16 operation, but really it was the master board. The art 17 was the recommending body, and then it would go to the 18 master board for final approval. 19 Q. I didn't ask for any explanation. I simply 20 approval. 21 That's Wat the minutes said. Correct? 24 That's Wat the minutes said. Correct? 25 project then went to a vote by the building owners of			1	
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	Page 54		Page 55
1	A. Yes. The nine units would be affected, and	1	You're asking close-ended questions which are typical
2	the nine owners would have the option of agreeing to	2	cross-examination. The documents speaks for itself.
3	the actual cost and bearing the cost of the	3	If the witness wants to disagree with something, she's
4	construction.	4	allowed to expand upon her answer. So, I'm going to
5	Q. And again, it indicates that no action would	5	ask you to stop asking close-ended questions. This is
6	go forward until all those nine unit owners agreed to	6	direct examination. Let's get on with this, please.
7	the actual cost. Correct?	7	(Whereupon, the document was marked
8	A. No. It was going to go forward in terms of	8	as Petitioner's Exhibit No. 11 for
9	the structure of the project. The project, if you're	9	identification.)
10	not physically familiar with it, it was constructed in	10	BY MR. EMRICH:
11	four it was designed in four	11	Q. Now, the next document is the proxy that was
12	Q. I'm asking you what that document says, and	12	sent to the sent to the building owners with that
13	if it accurately states what the project was. And so,	13	letter. Correct?
14	again, your Honor, I will simply refer to the	14	A. I'm sorry. I lost the mic there at the end.
15	documents.	15	Would you repeat that?
16	A. No. It does not accurately reflect the full	16	Q. The proxy, Exhibit 11, was then sent to the
17	story. No. It does not accurately reflect the full	17	owners. Correct?
18	Q. I don't want to argue with her.	18	A. Yes.
19	The document reflects as to what's to	19	Q. And according to that proxy, it indicates
20	happen at the vote, and with the project. Correct?	20	that you're asking the owners whether or not the
20	A. No.	21	walkway should be constructed for Units 201, 202, 203,
22		22	208, 209, 210, 211, 212, and 213. Correct?
23	MS. WOODCOCK: Objection. Asked and answered. She just answered that she did not agree with that.	23	
23	THE ARBITRATOR: If we're going to get into this,	23	A. Yes, if they could. Yes. That was what we intended.
24	I mean, I'm going to be here all day being a referee.	24	Q. And, in fact, that particular proposal, in
2.5		2.5	
	Pago bé		Page 57
1	Page 56	1	Page 57
1	fact, passed the 200 board. Correct?	1	going to be connected by that project did not approve
2	fact, passed the 200 board. Correct? A. Correct.	2	going to be connected by that project did not approve it?
2 3	fact, passed the 200 board. Correct? A. Correct. (Whereupon, the document was marked	2 3	going to be connected by that project did not approve it? A. Because the vote was to allow the board the
2 3 4	fact, passed the 200 board. Correct? A. Correct. (Whereupon, the document was marked as Petitioner's Exhibit No. 13 for	2 3 4	going to be connected by that project did not approve it?A. Because the vote was to allow the board the authority to look at developing the project.
2 3 4 5	fact, passed the 200 board. Correct? A. Correct. (Whereupon, the document was marked as Petitioner's Exhibit No. 13 for identification.)	2 3 4 5	going to be connected by that project did not approve it?A. Because the vote was to allow the board the authority to look at developing the project.Afterwards the owners in the affected units could
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1 2	Page 58		Page 59
2	The board had the authority to set up this project.	1	from Respondent's submission up on the screen.
	Q. The board it says the board had the final	2	(Whereupon, the document was marked
3	approval of the plans; is that correct?	3	as Respondent's Exhibit No. 2 for
4	A. That is correct. So, we would have plans	4	identification.)
5	that would have this set up, and that would be the	5	BY MR. EMRICH:
6	final approval of our plan.	6	Q. And if we click down to if we click
7	Q. And the first part of it indicates that the	7	through the first four pictures and get to the fifth
8	vote was to construct a walkway connecting those nine	8	picture, we see the renderings that we're referencing
9	units. Correct?	9	that were sent to the membership. Correct?
10	A. That was an option for those ground units to	10	A. Correct.
11	look at, or the townhouse units to look at.	11	Q. And that particular rendering shows a project
12	Q. Now, as I understand it, the project that	12	that connects all of the nine units. There's a walkway
13	this was based on had some renderings that were	13	along the base of the right wing or the I guess that
14	submitted to the	14	would be the
15	THE COURT REPORTER: The what?	15	MS. WOODCOCK: I'm just going to object.
16	THE WITNESS: I can't hear you. When you speak	16	Mr. Emrich is testifying.
17	away from the mic, I cannot hear you.	17	THE ARBITRATOR: Mr. Emrich, we've been over this
18	BY MR. EMRICH:	18	before. I'm not going to do it again. Objection
19	Q. I'm sorry. The project that was approved in	19	sustained.
20	this meeting to connect these units was subject to some	20	MR. EMRICH: All right. Thank you.
21	renderings that were presented to the board; is that	21	BY MR. EMRICH:
22	correct?	22	Q. Looking at that particular document, that
23	A. Yes. We had renderings that would depict	23	those renderings had a walkway along the bottom of the
24	what we hopped to be the project. Yes.	24	of the each wing of the unit. Correct?
25	Q. And looking at Exhibit 2, if we put Exhibit 2	25	A. Those renderings were drawn by someone who
	Page 60		Page 61
1	made an assumption about certain conditions. The	1	I'm sorry, Exhibit hang on a second. Bear with
2	current sidewalk, if you went and looked at the	2	me here. Respondent's Exhibit 1 and the document that
3	renderings, would see was outside of the walkway. So	3	is dated November 2, 2018, from WJ Johnson included as
4	we used these as general guidelines, not as specific.	4	part of that document, that's what you're referring to.
5	It was to show a concept that these walkways would go	5	Correct?
6	over to the elevator tower.	6	A. I'd like to read through this, please.
7	Q. So again, that was what was to be included in	7	Q. Sure. Go ahead.
	the project: A sidewalk along the building connecting	8	MS. WARD: Ms. Taylor you can just let me know
8			
8 9	those three units on the lower part of that wing, each	9	when you're ready for me to move to the next page.
8 9 10	wing, to that elevator. Correct?	10	when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes.
8 9 10 11	wing, to that elevator. Correct? A. If the three unites agreed to it after the	10 11	when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson,
8 9 10 11 12	wing, to that elevator. Correct?A. If the three unites agreed to it after the final concept was done.	10 11 12	when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson, saying we're going to go forward and try to get all the
8 9 10 11 12 13	wing, to that elevator. Correct?A. If the three unites agreed to it after the final concept was done.Q. And again, that was what was approved at the	10 11 12 13	when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson, saying we're going to go forward and try to get all the specifics in order to build this.
8 9 10 11 12 13 14	wing, to that elevator. Correct?A. If the three unites agreed to it after the final concept was done.Q. And again, that was what was approved at the meeting. Correct?	10 11 12 13 14	when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson, saying we're going to go forward and try to get all the specifics in order to build this. BY MR. EMRICH:
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8 9 10 11 12 13 14 15 16 17 18 19 20	 wing, to that elevator. Correct? A. If the three unites agreed to it after the final concept was done. Q. And again, that was what was approved at the meeting. Correct? A. Yes. What was approved was the concept of this nine units being connected if the nine unit owners at the time all agreed. Q. What happened after that particular after that meeting? A. Which meeting? 	10 11 12 13 14 15 16 17 18 19 20	 when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson, saying we're going to go forward and try to get all the specifics in order to build this. BY MR. EMRICH: Q. All right. And again, would there have been any renderings with that that were included, to your knowledge, that were different from what had been submitted to the building owners on June 26th of 2018? A. No. We would have taken that set of pictures you had used earlier and the renderings, and gone to
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 wing, to that elevator. Correct? A. If the three unites agreed to it after the final concept was done. Q. And again, that was what was approved at the meeting. Correct? A. Yes. What was approved was the concept of this nine units being connected if the nine unit owners at the time all agreed. Q. What happened after that particular after that meeting? A. Which meeting? Q. The meeting in June 26th of 2018. A. After June of 26th, we proceeded to get with 	10 11 12 13 14 15 16 17 18 19 20 21 22	 when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson, saying we're going to go forward and try to get all the specifics in order to build this. BY MR. EMRICH: Q. All right. And again, would there have been any renderings with that that were included, to your knowledge, that were different from what had been submitted to the building owners on June 26th of 2018? A. No. We would have taken that set of pictures you had used earlier and the renderings, and gone to the engineer to start to put this together to be an actual permitted project.
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8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 wing, to that elevator. Correct? A. If the three unites agreed to it after the final concept was done. Q. And again, that was what was approved at the meeting. Correct? A. Yes. What was approved was the concept of this nine units being connected if the nine unit owners at the time all agreed. Q. What happened after that particular after that meeting? A. Which meeting? Q. The meeting in June 26th of 2018. A. After June of 26th, we proceeded to get with 	10 11 12 13 14 15 16 17 18 19 20 21 22	 when you're ready for me to move to the next page. THE WITNESS: Thank you. Okay. Next page. Yes. That looks like our initial contact with WJ Johnson, saying we're going to go forward and try to get all the specifics in order to build this. BY MR. EMRICH: Q. All right. And again, would there have been any renderings with that that were included, to your knowledge, that were different from what had been submitted to the building owners on June 26th of 2018? A. No. We would have taken that set of pictures you had used earlier and the renderings, and gone to the engineer to start to put this together to be an actual permitted project.



	Page 62		Page 63
1	A. Nine unit owners if they agree. It was not	1	January of 2018?
2	an assumption it would automatically be nine without	2	A. (Audio break) in February. They might have
3	discussion with those owners, and without approval by	3	tabled the motion until we came back.
4	those owners. Current owners.	4	Q. Do you know why that was?
5	Q. You then took the project to the master board	5	A. They just wanted to review it, I believe.
6	at some point in 2019. Correct?	6	Q. And what would have been submitted to them?
7	A. We took it to the master board a number of	7	A. At that point I think Bob might have given
8	times in 2019. There was, I believe, a preliminary	8	them the initial documentation. I was not physically
9	presentation by Bob White. There was a more detailed	9	at that meeting as I was still living in Michigan at
10	presentation in March by myself and Bob White. There	10	the time. So, I probably would have called in. So I
11	was a review of it in July of 2019 or '20. I'd have to	11	can't tell you that I was physically there to see what
12	go back and look at my dates, by Bob White and myself.	12	was actually
13	And then there was the final approval.	13	Q. And again at that particular meeting
14	Q. So, in 2019, there was the project	14	(audio break) would the project have, that was
15	THE COURT REPORTER: The project what?	15	submitted, included renderings that showed nine unit
16	BY MR. EMRICH:	16	owners being connected to that walkway as was
17	Q. The project was taken to the master board on	17	authorized and passed by the board on June 26 of 2018?
18	March 12th of 2019. Correct?	18	A. As would have been presented at that meeting,
19	A. That was the second time it was taken to the	19	it would have shown the renderings of nine potential
20	master board.	20	units being given the option of participating in the
21	Q. Do you remember when the first time was? Was	21 22	meeting in the production.
22 23	that January?		Q. So, at that point had you reached any
23 24	A. It's in the meeting minutes. Yeah. In	23 24	agreements with those nine owners that were potential,
25	January. Bob did a preliminary of it. Q. Was there any official board action in	25	as you put it, unit or participants in the project?A. After the June vote, we went to the six
2.5		2.5	
	Page 64		Page 65
1	townhome owners and the six current owners of the	1	sales records. I'm sorry. But by then we had six
2	units, and determined who was interested in proceeding.	2	townhome owners who were all supportive of that.
3	Q. You indicated you went to six. But the	3	Q. You knew that 201 and 208, and then 213, who
4	project that was passed was for nine.	4	originally approved it, was not approving it. Correct? A. 201 had no interest at the time. 208 had no
5 6	Why was that? A. Six townhome owners, and the other three	6	interest at the time. And 213, which was Bill
7	ground level owners.	7	Zammer(phonetic), who was in the process of selling but
8	Q. So, you would have went to all nine affected	8	he was still the owner, and he indicated he was not
9	owners. Correct?	9	interested at that time.
10	A. At some point during that period I cannot	10	Q. So, again, three of the nine owners were not
11	identify the exact dates that we did it, but we would	11	participating in the project. Correct?
12	have done it shortly after that meeting as we were then	12	A. They were not participating
13	proceeding.	13	MS. WOODCOCK: Asked and answered.
14	Q. Shortly after the June 26, 2018 meeting.	14	THE WITNESS: I have answered that.
15	Correct?	15	BY MR. EMRICH:
16	A. Yes.	16	Q. Thank you. So, again, at that point you only
17	Q. And before you went to the master board.	17	had six owners, and earlier you indicated that if three
18	Correct?	18	if any of those nine owners had backed out, it would
19	A. I believe so. I cannot recall exactly.	19	kill the project. Correct?
20	Q. And so at that point, then you would have	20	A. No. I did not say that.
21	known that at least three of the owners of the affected	21	MS. WOODCOCK: Objection. Mischaracterizes the
22	units that were part of the original proposal and the	22	testimony.
23	March or June 26, 2018, approval, did not want to	23	THE WITNESS: Thank you.
24	participate. Correct?	24	THE ARBITRATOR: She's saying the testimony was
25	A. I would have to go back and actually look at	25	that it was going to go forward conceptually, and that



	Page 66		Page 67
1	the	1	Q. As part of R-2. Correct?
2	MR. EMRICH: So then you go to the master board.	2	A. Would you repeat it? I only caught half of
3	THE ARBITRATOR: The approval would go back to the	3	that.
4	owners. That was the testimony that she gave, Counsel.	4	Q. Okay. So, when you went to the master board,
5	MR. EMRICH: I'm sorry, what did you say, your	5	you went to the master board with the plans that had
6	Honor?	6	been the renderings that had been prepared by
7	THE ARBITRATOR: The testimony was that it was	7	WJ Johnson, which had been presented to the members
8	conceptually approved back we're talking about	8	previously, and then presented to master board in March
9	Respondent's Exhibit 2. And then they would go back to	9	of 2019, which showed a walkway that was going to
10	the owners at a later date to see who wanted to go	10	connect all nine units. Correct?
11	forward, and who would not go forward.	11	A. At that point the initial renderings, which
12	MR. EMRICH: All right.	12	were very rough, and then we really relied upon the
13	THE ARBITRATOR: That's all, Counsel.	13	pictures with the kind of the cad cam addition of the
14	MR. EMRICH: All right. Thank you.	14	railing across the top from the townhomes. We used
15	BY MR. EMRICH: An right. Thank you.	15	that as a better explanation to the general membership
16	Q. So, then the project goes to the master board	16	who were at the March 19 meeting, in order for them to
17	in March of 2019 or January of 2019, it's tabled,	17	understand how the walkway was conceived as connecting
18	and then goes in March of 2019. Correct?	18	across the top, and explain how it would connect
19	A. Yes.	19	underneath. That was what was really relied on as part
20	Q. And at that point the renderings that you	20	of the very extensive, long March 19 presentation,
21	would have showed the master board would have been the	21	which when David Petrella comes up, he can confirm
22	renderings from WJ Johnson that we had looked at	22	exactly what the master board saw.
23	previously as part of the Exhibit R	23	Q. (Inaudible.)
24	A. You have to keep your face in front of the	24	A. I cannot hear you.
25	computer. I can't hear you.	25	Q. If we look at the pictures that you're
2.5	· · ·	2.5	
	Page 68		Page 69
1	referring to, are those the pictures that are found in	1	what you're referring to?
2	Exhibit 2, that are in the first part of the of that	2	BY MR. EMRICH:
3	exhibit?	3	Q. I'm not sure what you mean. I'm talking
4	A. Well, either you have to put them up, or you	4	about the pictures of the actual building itself. The
5	have to wait while I open up my big book and look at	5	Photo shopping showing the walkway that is proposed on
6	them. Can you tell me exactly which ones	6	the right side.
7	Q. Okay. We'll put up all the pictures from	7	A. Yes. Those are what we would have we
8	Exhibit 2.	8	would have used all of those in the presentation in M_{12} by 52010
9	A. Thank you.	9	March of 2019.
10	MS. WARD: Ms. Taylor, I can put them up one at a time for you so that they're visible for you. Do you	10	Q. And where are the pictures showing the right side along the units that would be to the right along
11 12	time for you so that they're visible for you. Do you	11 12	side along the units that would be to the right, along the lower level of the building? Did you show them?
12	 THE WITNESS, Vou know, that's all might What's	13	A. No. We went back to the renderings, and said
$13 \\ 14$	THE WITNESS: You know, that's all right. What's the what is it? Is in the I'm sorry, Barbara. I	14	that they would somewhat represent that. But anybody
14	have two binders here. Is the large one? Is it the	15	familiar with would know that those sidewalks were
16	small binder? Which one am I looking for?	16	never in the right spot in the renderings; that they
17	MS. WOODCOCK: It should be the larger one.	17	were conceptual drawings that then would have been
18	THE WITNESS: Okay. Which number is it?	18	reflected by sidewalks in a slightly different
19	MS. WOODCOCK: I believe that's Exhibit 2.	19	location.
20	Mr. Emrich, correct?	20	Q. So, you would not have shown those then to
21	MR. EMRICH: Exhibit R-2.	21	the members?
22	THE WITNESS: Actually that was easier than I	22	A. No, but we explained them.
23	thought. Okay. So, I have my picture here, which we	23	Q. And so, when you went to the master board,
24	said right said today, right side tomorrow. And then	24	there was also an issue that the building was going to
25	there's elevators, a gray and blue drawing. Is that	25	be ADA compliant. Correct?



	Page 70		Page 71
1	A. When we initially conceived of this, we	1	again, please, sir?
2	thought that ADA compliance was going to need to be a	2	BY MR. EMRICH:
3	very specific requirement, I guess. And as we went	3	Q. Yes. I can ask the question again.
4	through this, it became more of an issue of other	4	Was it your understanding that in order
5	things the owners were looking for. So, we relied on	5	for the project to be ADA compliant, as indicated by WJ
6	the engineer. But really we were trying to get to the	6	Johnson, that the project would have had to connect all
7	point where we could get an engineer to design them,	7	the walkway would have had to connect all nine unit
8	and say what we could and couldn't do.	8	owners?
9	Q. So, the project design that had come from WJ	9	A. No.
10	Johnson in November of 2018, indicated that the project	10	Q. What was your understanding of what it would
11	would be ADA compliant. Correct?	11	have been?
12	A. Those were the goal of it. I don't know that	12	A. Our understanding is that we would have
13	those renditions went through any kind of ADA approval	13	connected a walkway that would have connected those
14	process to certify that those were ADA compliant.	14	that were interested in being connected. Now, if the
15	Q. And in order for it to be ADA compliant, it	15	people on the lower level decided not to do it, that
16	would have had to connect all nine walkways. Correct?	16	would not affect the connectivity of the people in the
17	All nine units to the walkway. Correct?	17	upper legal.
18	MS. WOODCOCK: Objection. Calls for a legal	18	Q. And but it would certainly affect the
19	conclusion.	19	handicap accessibility of the entire building to the
20	THE ARBITRATOR: Well, just a moment, Mr. Emrich.	20	walkway. Correct?
21	MR. EMRICH: Yes.	21	A. Yes. But given that most of the units in the
22	THE ARBITRATOR: If the witness knows the answer	22	middle level are not handicap accessible either because
23	to that question, then she can answer it. It she	23	they have two steps in from the elevator pad, it did
24	doesn't know, then she just says she doesn't know.	24	not seem to me that we were ever going to you know,
25	THE WITNESS: Okay. Can you ask the question	25	that was an issue that was going to have to be decided
	Page 72		Page 73
1	Page 72 by engineering drawings.	1	Page 73 MR. EMRICH: All righty.
1 2		2	
	by engineering drawings. Q. And at some point when the vote that the master board and	2 3	MR. EMRICH: All righty.
2 3 4	by engineering drawings. Q. And at some point when the vote that the master board and THE COURT REPORTER: Henry, I missed the beginning	2 3 4	MR. EMRICH: All righty. (Whereupon, the document was marked as Respondent's Exhibit No. 21 for identification.)
2 3 4 5	by engineering drawings. Q. And at some point when the vote that the master board and THE COURT REPORTER: Henry, I missed the beginning of your question.	2 3 4 5	MR. EMRICH: All righty. (Whereupon, the document was marked as Respondent's Exhibit No. 21 for identification.) BY MR. EMRICH:
2 3 4 5 6	by engineering drawings. Q. And at some point when the vote that the master board and THE COURT REPORTER: Henry, I missed the beginning of your question. BY MR. EMRICH:	2 3 4 5 6	MR. EMRICH: All righty. (Whereupon, the document was marked as Respondent's Exhibit No. 21 for identification.) BY MR. EMRICH: Q. All right. Looking at Exhibit 21, if we go
2 3 4 5	 by engineering drawings. Q. And at some point when the vote that the master board and THE COURT REPORTER: Henry, I missed the beginning of your question. BY MR. EMRICH: Q. At some point it went to a vote of the master 	2 3 4 5 6 7	 MR. EMRICH: All righty. (Whereupon, the document was marked as Respondent's Exhibit No. 21 for identification.) BY MR. EMRICH: Q. All right. Looking at Exhibit 21, if we go to the second page of that document, and I direct your
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2 3 4 5 6 7 8 9	 by engineering drawings. Q. And at some point when the vote that the master board and THE COURT REPORTER: Henry, I missed the beginning of your question. BY MR. EMRICH: Q. At some point it went to a vote of the master board on March 12 of 2019. Correct? A. Yes. During that meeting, it went to a vote. 	2 3 4 5 6 7 8 9	 MR. EMRICH: All righty. (Whereupon, the document was marked as Respondent's Exhibit No. 21 for identification.) BY MR. EMRICH: Q. All right. Looking at Exhibit 21, if we go to the second page of that document, and I direct your attention to Subsection F. At that time, the master board indicated that there was a discussion of ADA
2 3 4 5 6 7 8 9 10	 by engineering drawings. Q. And at some point when the vote that the master board and THE COURT REPORTER: Henry, I missed the beginning of your question. BY MR. EMRICH: Q. At some point it went to a vote of the master board on March 12 of 2019. Correct? A. Yes. During that meeting, it went to a vote. Q. I'm just trying to find that particular 	2 3 4 5 6 7 8 9 10	 MR. EMRICH: All righty. (Whereupon, the document was marked as Respondent's Exhibit No. 21 for identification.) BY MR. EMRICH: Q. All right. Looking at Exhibit 21, if we go to the second page of that document, and I direct your attention to Subsection F. At that time, the master board indicated that there was a discussion of ADA compliant access to the elevators for those units
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	Page 74		Page 75
1	would participate. Correct?	1	bylaws were being re-written by both arc and by the
2	A. I'll have to go back. You're asking me to	2	master board and implemented. We were still working
3	I can't answer that directly, because I'd have to go	3	with assumptions about ARC, but ARC was not in
4	back and try and recreate exactly when I spoke to each	4	existence, and so it didn't go to ARC. It went to the
5	owner, or Bob spoke to each owner, when the meetings	5	master board.
6	were, et cetera. During that time period, we	6	Q. Now, what happened following the master board
7	approached owners about did they want to participate or	7	action of March 12 of 2019?
8	not, trying to get a general direction. But all that	8	A. We proceeded with our plan.
9	was predicated on the final, the final cost, and we	9	Q. And what did that involve?
10	couldn't do any of that until we had the master board.	10	A. Continuing our work with our engineer.
11	Q. And this particular meeting according to the	11	Q. And what did you decide to do?
12	minutes, there was no ARC approval given. Correct?	12	A. We decided to have him draw up plans.
13	A. That was explained in the master board	13	Q. And was that plan to be consistent with what
14	minutes if you go back in later.	14	had been approved by the board on June 26 of 2018: A
15	Q. I'm just asking you about what the minutes	15	walkway with nine unit owners connected, or a walkway
16	indicate. There is no indication of arc approval?	16	with six unit owners connected?
17	A. There was no arc approval because there was	17	A. It was a
18	no ARC.	18	MS. WOODCOCK: Objection. Compound question.
19	Q. There was no ARC. So	19	THE WITNESS: Thank you.
20	A. Not at that time.	20	THE ARBITRATOR: Rephrase it, Counsel.
21	Q. And at the time of the original meeting	21	MR. EMRICH: I'm sorry. What was the objection?
22	approving this in June 26 of 2018, the board had	22	I didn't hear it.
23	indicated that an arc approval would be sought; is that	23	MS. WOODCOCK: Compound.
24	correct?	24	THE ARBITRATOR: Just rephrase it, please.
25	A. That is correct. We were in June of '18, and	25	THE ARDITRATOR. Just replicase it, please.
	Page 76		Page 77
1	BY MR. EMRICH:	1	you had two sets of plans drawn up: One that would
2	Q. When you went back to your when you	2	have included nine, and one that would have included
3	after this particular project, you mentioned that you	3	six; is that correct?
4	had engineering drawings drafted up; is that correct?	4	A. No. That's not correct. That's not what I
5	A. Yes.	5	say. I'd said we were in the process of drawing up
6	Q. And were those drawings based on a walkway	6	plans that would allow for either six or nine,
7	that connected nine of the unit owners as had been		depending on how the owners wanted to proceed. Or
8	indicated in the prior June 26, 2018, proposal, or was	8	three on one side, or four on one side, two on the
9	it to be six?	9	other. We were setting it up very compartmentalized.
10	MS. WOODCOCK: Objection.	10	Q. So, I guess my point is that whatever plan
11	THE WITNESS: Sorry. I missed that, Barbara.	11	was going to be going forward, it was not going to
12	MS. WOODCOCK: Objection. Compound question.	12	include nine owners as the board had authorized the
13	THE ARBITRATOR: I think what you could just ask,	13	project back on June 26th of 2018. Correct?
14	Counsel, is how many unit owners how many	14	A. No, not correct.
15	BY MR. EMRICH:	15	Q. Sorry. What's that?
16	Q. How many unit owners were to be included in	16	A. Someone has banging going on. It might be
17	the proposal that you or the drawings that you had	17	construction.
18	drawn up after this meeting?	18	THE ARBITRATOR: Is that in your unit?
19	A. We did not have drawings immediately after	19	THE WITNESS: No, not in mine.
20	the meeting. Those drawings with the engineers took	20	MR. EMRICH: The court reporter's.
21	many months. During that time we decided to draw up	21	BY MR. EMRICH:
22	plans that would include both the six above and the	22	
23			
24	depending on owner's preferences.	24	owners as was approved in June of 2018. Correct?
25			
23 24	three below with separate actions available for each	23	Q. All right. So again, the plans that were being drawn would not have included all nine unit owners as was approved in June of 2018. Correct?



-	Page 78		Page 79
1	MS. WOODCOCK: Objection. Asked and answered	1	THE ARBITRATOR: I don't understand the question.
2	numerous times.	2	BY MR. EMRICH:
3	BY MR. EMRICH:	3	Q. What owners were to be impacted or affected
4	Q. You're saying it wasn't, but you're telling	4	by these new renderings, these new plans?
5	me there were different plans depending on who approved	5	A. Potentially, all nine.
6	it.	6	Q. So, you're moving forward as if you had nine
7	A. No. I said there was one plan we were	7	unit owners as was authorized originally. Correct?
8	drawing up with an engineer as we developed it that	8	A. We moved forward with the option to give all
9	would allow for flexibility with both sides, top and	9	nine unit owners an idea of what would be involved so
10	bottom, one plan.	10	they could agree or not agree to participate.
11	MS. WOODCOCK: Your Honor, I would just ask that	11	Q. And at some point then you obtained a
12	when I make an objection, if both counsel and	12	proposal from Florida (audible break) Fabrications in
13	Ms. Taylor can wait until you make a ruling on the	13	September of 2020; is that correct?
14	objection?	14	A. I will take your word for it if that's the
15	THE ARBITRATOR: Yes. From now on, if she	15	date.
16	objects, everybody please stop. And I'll rule on the	16	Q. I don't want you to take my word for it. I
17	objection, and we'll move on from wherever we're going.	17	want if you recall. And just to help you with your
18	MS. WOODCOCK: Thank you, your Honor.	18	recollection, we'll put Exhibit R-13 on the board.
19	BY MR. EMRICH:	19	THE COURT REPORTER: And I missed the name. What
20	Q. Now, if we look at this next step, again I'm	20	Fabrications?
21	just trying to understand whether or not the project	21	MR. EMRICH: It would have been All Florida
22	that was going to go forward was to connect all nine	22	Industrial fabrication.
23	unit owners affected by the walkway that was approved	23	(Whereupon, the document was marked
24	in June of 2018. That's all I'm trying to ascertain	24	as Respondent's Exhibit No. 13 for
25	from you.	25	identification.)
	Page 80		Page 81
1	BY MR. EMRICH:	1	wide instead of five feet wide. Correct?
2	Q. Could you take look at that, please,		
		2	A. Uh-huh.
3	Mrs. Taylor?	2 3	Q. Was that a yes?
3 4	Mrs. Taylor? A. If you go to the next page? Yes. That looks	3 4	Q. Was that a yes?A. Yes. I'm sorry, yes.
3 4 5	Mrs. Taylor? A. If you go to the next page? Yes. That looks like the communication we had from the engineer.	3 4 5	Q. Was that a yes?A. Yes. I'm sorry, yes.Q. And it was to have a T-frame column assembly
3 4 5 6	Mrs. Taylor?A. If you go to the next page? Yes. That looks like the communication we had from the engineer.Q. Now, when we if we go back to the first	3 4 5 6	Q. Was that a yes?A. Yes. I'm sorry, yes.Q. And it was to have a T-frame column assembly in lieu of a portal frame column assembly.
3 4 5 6 7	Mrs. Taylor?A. If you go to the next page? Yes. That looks like the communication we had from the engineer.Q. Now, when we if we go back to the first page, looking at the second section of that page, there	3 4 5 6 7	Q. Was that a yes?A. Yes. I'm sorry, yes.Q. And it was to have a T-frame column assembly in lieu of a portal frame column assembly. What did that mean?
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	Page 82		Page 83
1	units. Correct?	1	A. He was not an owner at the time we made this
2	A. As we had indicated in the meeting in	2	discussion going forward.
3	March 19th, that we would check with the owners, and	3	Q. You're talking about in June of 2018?
4	only move forward with those who wanted to participate.	4	A. I'm talking about through April of 2019.
5	As we had the three lower level units decline	5	Q. In April of 2019, you're saying he was not an
6	participation when we started this work with the	6	owner?
7	engineer in March and April of 2019, we then worked	7	A. I believe he closed on his unit in May
8	with the design so that we could use the different	8	of '19.
9	column, and still provide the space should the bottom	9	Q. And this project that was eventually put
10	levels ever wish to add themselves in. We allowed that	10	together by All Florida Industrial Fabrication was
11	to be built into the possibility, but we did not	11	dated September 9 of 2020. He certainly was an owner
12	include it in the planning.	12	by that time. Correct?
13	Q. So, again, the project now, as it was going	13	A. He was
14	forward at the time and after you received the bid from	14	MS. WOODCOCK: Objection.
15	the board, was not going to connect nine unit owners.	15	THE ARBITRATOR: I'm sorry. What was
16	Correct?	16	MS. WOODCOCK: The objection is argumentative.
17	A. If they wanted it, we would have. But no, it	17	THE ARBITRATOR: If you can just ask rephrase
18	did not.	18	the question as to when he became an owner, sir.
19	Q. It did not. And you then you indicated	19	BY MR. EMRICH:
20	that you were asking various owners about the project.	20	Q. Do you know whether he was an owner as of the
21	Did you ask Mr. Meiresonne about the	21	date of September 9th, 2020, Mrs. Taylor?
22	project?	22	A. Yes, he was.
23	A. He was not an owner at the time when we made	23	Q. Did you ever ask him prior to the All Florida
24 25	this movement forward.	24 25	Industrial Fabrication bid that we just talked about as
25	Q. I'm sorry?	23	being Exhibit 13, whether or not he wanted to
	Page 84		Page 85
1	participate in the project?	1	to connects only six of the owners affected owners
2	participate in the project? A. He was notified through his sales agreement,	2	to connects only six of the owners affected owners by the walkway. Correct?
2 3	participate in the project?A. He was notified through his sales agreement,I believe, that there was a project in place. We had	2 3	to connects only six of the owners affected owners by the walkway. Correct? A. Six owners who had expressed interest; three
2 3 4	participate in the project?A. He was notified through his sales agreement,I believe, that there was a project in place. We had spoken to the other you've got to let me finish.	2 3 4	to connects only six of the owners affected owners by the walkway. Correct? A. Six owners who had expressed interest; three owners who had declined.
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2 3 4 5 6	participate in the project?A. He was notified through his sales agreement,I believe, that there was a project in place. We hadspoken to the other you've got to let me finish.You asked me a question. We had we went to theother two owners. They gave us a no. They'd let us	2 3 4 5 6	to connects only six of the owners affected ownersby the walkway. Correct?A. Six owners who had expressed interest; threeowners who had declined.Q. Thank you. And that was not what wasapproved by the board or the building owners back in
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Page 86 1 requested that they give a final approval on the 1 A. In July. 2 project. Correct? 2 Q. Okay. And at the time that you did	Page 87
2 project. Correct? 2 Q. Okay. And at the time that you did	
3 A. Well, there was an interim meeting. Are you 3 the master did you provide the master bo	
4 going to address the July meeting in 2019 as well? 4 minutes of the approval that had been obta	ined in June
5 Q. I can. Tell me about the July meeting in 5 of 2018?	
6 July 2019. 6 A. I believe the master board might ha	
7 A. We went forward, and we updated the master 7 probably had that in March of 20119, when	n they
8 board that we were doing exactly as we had told them we 8 Q. Do you know one way or another?	
9 would do and approved for in March of 2019. 9 A. No. That would be up to the maste	r board to
10Q. And that was what?10confirm that or not.	
11 A. That we were had a plan; that it was 11 Q. And so, again, in July was there any	
12 adhering to the pictures we had shown; that we were 12 architectural review control approval sough	
13 securing a permit, and that we had engineering plans 13 A. No, because we were past that point	
14underway.14March of '19, we had had approval from the	
15 Q. And that was with that would affect either 15 board, so there was no longer any need for	
16nine or sic. Correct?16architectural review committee review or a	
17 A. Nine or six as we said, as according to what 17 Q. And again, that's based on your rec	ollection
18 the owners if the nine owners wished. 18 of what the master board did at that time?	
19 Q. And then in July you went, and what did the 19 A. It's based on my recollection of it, a	
20 master board do at that time? 20 as a review of those minutes, when you rea	ad both the
A. They indicated that we were doing what we 21 March and July, and then the	
22 said we would do. There was no vote of approval at 22 Q. Where in the March minutes does i	•
23 that point. There was just confirmation that we were 23 there was architectural review control appr	
24doing exactly as we had been told to do.24A. I'm going to say I'm not going to complete the same set of the same	
25Q. In July?25deny that, but we'll leave that to the master	board to
Page 88	Page 89
1 discuss that, because that was under their purview, not 1 (There was a break taken, after	r
2 mine. 2 which the deposition was resu	
3 Q. So, you don't know one way or another? 3 as follows:)	
4 A. I know what I believe I know, but I'm not 4 MR. EMRICH: So, your Honor, may w	ve resume?
5 going to assert it here. 5 THE ARBITRATOR: Please.	
6 Q. Thank you. And so, at the time then that you 6 MR. EMRICH: Thank you.	
7 went to the master board in November of 2020, at that 7 BY MR. EMRICH:	
8 point the project was only going to have a walkway that 8 Q. Mrs. Taylor, are you there?	
9 connected six units. Correct? 9 A. I'm here.	
10 A. Which date did you just say. 10 Q. All right. So, again, when we talk a	about the
11 Q. On November I believe it was November 24 11 next step of the project, you are now at the	
12 of 2020. 12 board in November of 2020, and you're get	ting going
13A. By that point, yes. We would have been13back in front of them, and telling them that	you're
14 confirmed that we were going according to the wishes of 14 moving forward with the project. Correct?	
15 the six owners and the three owners at the time of the 15 A. Correct.	
16approval, at the time of the confirmation of the16Q. All right. Now, at that time, we've	already
17 planning, at the time of contracting the engineer. And 17 established that the project now is only goi	ng to
18 we were going for six interested townhome owners, and 18 connect six of the owners.	
19no interested ground level owners that we were aware19Do you know whether or not it was	
20 of.20 compliant at this point one way or another	
21 Q. So, again, six of the nine 21 A. It only connects six of the owner, b	
THE COURT REPORTER: Could we hold on one second? 22 it's the six owners that agreed. I want to cl	-
23I'm sorry. I can't hear a word.23that. And no, it is not ADA compliant at the	nis point,
24 which was made clear to the master board.	
25 Q. So, you would agree then it wasn't a	ADA



	Page 90		Page 91
1	compliant at that point?	1	pictures and the renderings, which we showed them were
2	A. Yes.	2	very preliminary. They showed
3	Q. And as I understand it, this walkway was no	3	Q. The renderings showed the walkway against the
4	longer the one that is elevated along the second floor,	4	building. Correct? The renderings, not the photos.
5	is no longer connected to the building; is that	5	The renderings.
6	correct? It's moved out?	6	A. I find that answer difficult, because you're
7	A. I don't understand.	7	separating two things that were one.
8	Q. Originally, the walkway proposal that you had	8	Q. Only if you recall, ma'am. The renderings
9	presented to the board showed the walkway connected to	9	had the walkway against the building, directly against
10	the building. Correct?	10	the building.
11	A. No. The renderings that were very rough and	11	A. Yes. I believe that the renderings did; the
12	incomplete might have showed that. But the drawings	12	pictures didn't.
13	that we used for the basis of the approval shows the	13	Q. Thank you. Now, also at that time the
14	walkway extending directly from the pad in front of	14	renderings showed the walkway going over to the tower
15	Units 203 and from Unit 209 directly over to the	15	by the elevator, and showed a flat or it was just a
16	building, not connected or hugging the walls.	16	flat walkway that went over and connected to the wall.
17	Q. When you say "the units regarding the	17	There were no stairs; is that correct? Where it
18	approval," are you talking about the master board	18	connects to the tower?
19	approval?	19	A. You mean on the ground level?
20	A. Yes.	20	Q. On the second level.
21	Q. So, again, the original approval that your	21	A. The renderings were not that detailed, I
22	building owners and your 200 board gave, at that time	22	don't believe. I don't recall that. They just showed
23	the renderings showed the walkway against the building.	23	an extension.
24	Correct?	24	Q. Okay, but if we look at your pictures that we
25	A. No. We showed them both. They had both the	25	talked about (audio break) and we went to the
	Page 92		Page 93
1	pictures that were shown what was proposed, and we go	1	Q. And that particular part of the plan had
2	to if we can put Exhibit 2 back up on the screen.	2	changed by the time you went back to the master board
3	THE ARBITRATOR: I can't hear you.	3	in November of '20. Correct?
4	BY MR. EMRICH:	4	A. Yes, because the board was authorized to make
5	Q. If we put R-2 up on the screen	5	decisions and plans for this as
6	MS. WARD: Working on it.	6	Q. I don't I just I'm just asking you
7	MR. EMRICH: Okay.	7	whether or not it had changed. Yes or no?
8	MS. WARD: Ms. Taylor, is this a better view for	8	MS. WOODCOCK: She can provide an explanation for
9	you to be able to see more of those pictures at one	9	the response.
10	time?	10 11	THE ARBITRATION: We've been through this. You ask the question, she gives the answer. You don't
11 12	THE WITNESS, Vog it's good Themk you Vou	1	
	THE WITNESS: Yes, it's good. Thank you. You	12	1 0
	keep talking about the drawings that are below the	12	interrupt, please.
13	keep talking about the drawings that are below the level you're on now.	13	interrupt, please. BY MR. EMRICH:
13 14	keep talking about the drawings that are below the level you're on now. BY MR. EMRICH:	13 14	interrupt, please. BY MR. EMRICH: Q. And that was because there were stairs that
13 14 15	keep talking about the drawings that are below the level you're on now.BY MR. EMRICH:Q. All right. If we look at what's the right	13 14 15	interrupt, please.BY MR. EMRICH:Q. And that was because there were stairs that were put in there. Correct?
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	Page 94		Page 95
1	Please let her finish.	1	A. No, it wasn't raised two feet. It extends
2	BY MR. EMRICH:	2	out from the pad, made a turn and went into the
3	Q. Sorry. I thought you were done. My	3	Q. I'm talking about right where the level of
4	apologies.	4	the walkway itself, was it raised up from what had been
5	THE ARBITRATOR: Continue, ma'am.	5	depicted in that picture or rendering?
6	THE WITNESS: The walkway was as drawn was a	6	A. No.
7	direct extension off that pad in front of unit as	7	(Whereupon, the document was marked
8	you see in Right Side Proposed, from Unit 209 across.	8	as Petitioner's Exhibit No. 7 for
9	And then as we moved through the planning with the	9	identification.)
10	engineer, what would accomplish ADA, what would	10	BY MR. EMRICH:
11	accomplish privacy, the board exercised the authority	11	Q. So, if we go then if we put Exhibit P-7 up
12	granted in the proxy to make the decision about what	12	on the screen, and we go to the third picture in that
13	would (audio break), and that was to have the extended	13	screen, that shows the walkway
14	go out directly from the pad in front of 209 and 203,	14	MS. WOODCOCK: Objection. Mr. Emrich is
15	even if that then precipitated two shallow steps.	15	testifying.
16	BY MR. EMRICH:	16	BY MR. EMRICH:
17	Q. And the walkway there was also raised two	17	Q. Does that show
18	feet. Correct?	18	THE ARBITRATION: Sustained. Ask her what it
19	A. Which walkway was raised two feet?	19	shows. Counsel, I'm not going to let you get away with
20	Q. Thank you.	20	this anymore.
21	A. No. I don't understand that question. I	21	BY MR. EMRICH:
22	didn't say yes or no.	22	Q. Does that show the walkway
23	Q. Was the walkway raised two feet from how it	23	THE ARBITRATOR: Sir, am I clear? Ask her
24	is shown in that particular document in that	24	open-ended questions. Don't testify.
25	photograph?	25	MR. EMRICH: I was just doing that, your Honor.
	Page 96		
	Fage 90		Page 97
1	_	1	Page 97 Go ahead
1	THE ARBITRATOR: I'm going to start cutting you	1	Go ahead.
2	THE ARBITRATOR: I'm going to start cutting you off.	2	Go ahead. MS. WOODCOCK: I didn't say anything.
2 3	THE ARBITRATOR: I'm going to start cutting you off. BY MR. EMRICH:	2 3	Go ahead. MS. WOODCOCK: I didn't say anything. THE WITNESS: Oh, I'm sorry. I thought I heard
2 3 4	THE ARBITRATOR: I'm going to start cutting you off. BY MR. EMRICH: Q. Does that picture	2 3 4	Go ahead. MS. WOODCOCK: I didn't say anything. THE WITNESS: Oh, I'm sorry. I thought I heard something. I don't understand your comment about to
2 3 4 5	THE ARBITRATOR: I'm going to start cutting you off. BY MR. EMRICH: Q. Does that picture MR. EMRICH: May I proceed?	2 3 4 5	Go ahead. MS. WOODCOCK: I didn't say anything. THE WITNESS: Oh, I'm sorry. I thought I heard something. I don't understand your comment about to the edge. We substituted the double column for the
2 3 4 5 6	THE ARBITRATOR: I'm going to start cutting you off. BY MR. EMRICH: Q. Does that picture MR. EMRICH: May I proceed? THE ARBITRATOR: Yes, sir.	2 3 4 5 6	Go ahead. MS. WOODCOCK: I didn't say anything. THE WITNESS: Oh, I'm sorry. I thought I heard something. I don't understand your comment about to the edge. We substituted the double column for the T-shaped column in order to reduce the impact and the
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	Page 98		Page 99
1	MR. EMRICH: P-22.	1	that kind of goes through the history of the project;
2	(Whereupon, the document was marked	2	is that correct?
3	as Petitioner's Exhibit No. 22 for	3	A. That's correct.
4	identification.)	4	Q. And that was sent to all the building owners;
5	THE WITNESS: Can I clarify something that was	5	is that correct?
6	said earlier about those pictures? I don't know if I	6	A. Correct.
7	made it clear, but I'd like to definitely say that the	7	Q. And in that in that particular document,
8	attorney definitely inferred something was raised two	8	you indicate that you did not go back to your board and
9	feet, and I'd want to reiterate it was not raised two	9	seek an approval of the of the new plan that only
10	feet.	10	had six owners; is that correct?
11	BY MR. EMRICH:	11	A. Which I made clear was not required by the
12	Q. Okay. That's fine. Okay. Following the	12	proxy vote.
13	board meeting on November 24 of 2020, after the master	13	Q. I understand that. I understand what you
14	board, you then sent an e-mail to building 12; is that	14	made clear. But again, just my question is: You did
15	correct?	15	not go back to the owners or to the board for 200 and
16	A. That is correct. After this meeting I sent	16	get substantive approval that the plan was only going
17	the e-mail.	17	to connect six unit owners as opposed to what had
18	Q. And that is part of Exhibit 22; is that	18	originally been said; is that correct?
19	correct?	19	A. The original assumption was, it was the nine
20	A. You say Exhibit 22, and I don't see it	20	voting owners that participated. Six didn't
21	identified as 22. Thank you.	21	participate. We did not directly go back. That was
22	Q. P-22.	22	made very clear at that board meeting, which meant that
23	A. Thank you.	23	the owners (audio break) had access to that area.
24	Q. And if we go to the third page of that, there	24	Q. I understand your position, ma'am. I'm just
25	is a document that you then also sent out to the board	25	asking you one real simple question.
	Page 100		Page 101
1	Did you go back and get you indicate in	1	A. There are six townhome units in the building.
2	that letter you did not go back and get approval. You	2	There's 25 units. The buildings are connected prior to
3	did not think you needed it. Correct? Yes or no?	3	this lateral convenience construction by stairs that go
4	A. Yes. We did not need to go back and get	4	up from the sidewalks in front of the building. That
5	approval.	5	was the only access into the townhome units. Then
6	Q. And you did not go back and get that	6	there were three ground-floor level units that also had
7	approval?	7	stairs between them and the elevator pad.
8	A. I believe I stated that.	8	So, we constructed or we conceptualized a
9	MS. WOODCOCK: Objection. Asked and answered.	9	plan that would then connect the ground floor units
10	THE ARBITRATOR: Sustained.	10	across the bottom, and the townhome units across the
11	MR. EMRICH: All right. I don't have any further	11	top. The reason that we broke it into six or four
12		112	
	questions of this witness, your Honor.	12	pieces, two townhomes on the east, four townhomes on
13	THE ARBITRATOR: All right. Redirect.	13	the west, two ground levels on the west, one ground
14	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor.	13 14	the west, two ground levels on the west, one ground level on the east was that not only did we want to
14 15	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to	13 14 15	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not,
14 15 16	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it.	13 14 15 16	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant.
14 15 16 17	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to	13 14 15 16 17	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that
14 15 16 17 18	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it. MS. WOODCOCK: Thank you, your Honor.	13 14 15 16 17 18	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that elevated walkway was borne by the townhome units. If
14 15 16 17 18 19	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it. MS. WOODCOCK: Thank you, your Honor. CROSS-EXAMINATION	13 14 15 16 17 18 19	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that elevated walkway was borne by the townhome units. If the ground floor level units had decided to
14 15 16 17 18 19 20	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it. MS. WOODCOCK: Thank you, your Honor. CROSS-EXAMINATION By: Ms. Woodcock	13 14 15 16 17 18 19 20	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that elevated walkway was borne by the townhome units. If the ground floor level units had decided to participate, they would not be participating in any of
14 15 16 17 18 19 20 21	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it. MS. WOODCOCK: Thank you, your Honor. CROSS-EXAMINATION By: Ms. Woodcock Q. Ms. Taylor, earlier in your testimony you	13 14 15 16 17 18 19 20 21	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that elevated walkway was borne by the townhome units. If the ground floor level units had decided to participate, they would not be participating in any of the cost of the townhomes. We were going to separately
14 15 16 17 18 19 20 21 22	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it. MS. WOODCOCK: Thank you, your Honor. CROSS-EXAMINATION By: Ms. Woodcock Q. Ms. Taylor, earlier in your testimony you referenced several times townhomes versus ground floor	13 14 15 16 17 18 19 20 21 22	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that elevated walkway was borne by the townhome units. If the ground floor level units had decided to participate, they would not be participating in any of the cost of the townhomes. We were going to separately bill them. As the upper level floor units, the
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14 15 16 17 18 19 20 21 22	THE ARBITRATOR: All right. Redirect. MS. WOODCOCK: Yes, your Honor. THE ARBITRATOR: Or cross, whatever you want to call it. MS. WOODCOCK: Thank you, your Honor. CROSS-EXAMINATION By: Ms. Woodcock Q. Ms. Taylor, earlier in your testimony you referenced several times townhomes versus ground floor	13 14 15 16 17 18 19 20 21 22	the west, two ground levels on the west, one ground level on the east was that not only did we want to offer the owners the option of participating or not, but the cost differential was going to be significant. The cost for the townhomes to build that elevated walkway was borne by the townhome units. If the ground floor level units had decided to participate, they would not be participating in any of the cost of the townhomes. We were going to separately bill them. As the upper level floor units, the



1 be a simple sidewalk across the grounds from the door 0 2 opening of 201, 208 and 213 from in from of 208 with a other ADA guidelines or something. But then I know 3 simple sidewalk tax we hought stimuted would cost other ADA guidelines or something. But then I know 4 about \$2,000 per sidewalk. other ADA guidelines or something. But then I know 5 So, we constructed this very definitely, esparately, compartmentalized in order to provide that 6 participating at a level greater than what they would and at times can only access his unit. 10 have the benefit of from the construction. So, that is mother wassendiated by 11 distinctly in this package, why we made it clear to the mat they work and so that is another reason that 11 were any of those unit owners. hand capped? 10 ue work and why and all thear to the 12 we not got flow owners. hand capped? 11 we would go forward with this project. 13 we work of flow owners. hand capped? 12 12 14 there, believe Lindn has significant back issues. 13 we ould go forward with this project. 14 that the vark flow that the state to that. 13 we could with the contrul they wassent they the splan		Page 102		Page 103
2 opening of 201, 208 and 213 from in front of 208 with a significant stimated would cost about \$2,000 per sidewalk. called handicapped but fall under certainly senior or ot than \$100 with a bout \$2,000 per sidewalk. 3 So, we constructed this very definitely, separately, compartmentalized in order to provide that robust Krohn(phonetic), who is in 211, has scolicsis, multiple surgeries over the past few years, and stating a can cell this townhome versus ground is times can only access his unit by going up the stars, seated, one step at a time or of these challenges by our stars, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the the owners, and why we made it clear to the the set they classificant steps up the thetowners. 1 Ms. Wach they classificant steps optice. So, we class the they classificant step	1	be a simple sidewalk across the grounds from the door	1	old, and have mobility issues that are probably not
4 about \$2,000 per sidewalk. 4 that Robert Krohn(phonetic), who is in 211, has scolosis, multiple surgeries over the past few years, and at times can only access his unit by going up the stairs, scated, one step at a time in order to access 5 mater board field this townhome versus ground bits in the versus	2	opening of 201, 208 and 213 from in front of 208 with a	2	
5 So, we constructed this very definitely. scoliosis, multiple surgeries over the past few years, and at times can only access his unit by going up the stars, scated, one step at a time in order to access his unit by emaily and that no one was penalized by and the henft of from the construction. So, that is usins, scated, one step at a time in order to access his unit by emaily the scate of the schellenges by our fellow owners, and on thave any ADA filings. We did not have any ADA filings. We did not have any ADA assertions from these people, but we ough they on that we not any that accouple people were considering ADA filings. We did not have any ADA filings. We did not have any ADA filings. We did not have any ADA assertions from these people, but were any of those unit owners hand have issues, and expressed. 17 A. Yes. In 209, the Turnselphonetic) who live the there, belivev Lindh has significant base, and expressed. 18 No. Are they classified as handicapped? 20 ADA? I can't attest to that. I just know that 21 (Whereupon, the document was marked as nitreest in participating). We in 210, are 87 or 88 years 22 as Respondent's Exhibit No. 26 for identification.) 31 (Whereupon, the document was marked as marked as mains. What ye mak were marked as mains. Stating, Can you please enable that for me? 32 MS. WARD: (Xay. Thank you. 33 Left stry that again. 34 MS. WOODCOCK: Thank you. 35 Wexis are on as Respondent's Exhibit R-26. It is a abou	3	simple sidewalk that we thought estimated would cost	3	other ADA guidelines or something. But then I know
6 separately, compartmentalized in order to provide that 7 flexibility, and that no one was penalized by 9 participating at a level greater than what they would 9 have the benefit of from the construction. So, that is 10 distinctly in this package, why we made it clear at the 11 amater board level, and why we made it clear at the 12 master board level, and why we made it clear as we proceeded 13 we reany of those unit owners, handicapped? 14 through this project. 15 W. Tarafyhonetic) who live 16 were any of those unit owners, handicapped or do they have 17 A. Yes. In 209, the Turns(phonetic) who live 18 theres, I believe Linda has significant back issues. 19 No. Are they classified as handicapped or do they have 24 And I know that Roland and Jeanine 25 Fage 104 10 (Whereupon, the document was marked 26 Geradol(phonetic), who live in 210, are 87 or 88 years 26 Fage 104 17 realized that was even an option. So, let me wrk on 29 MS. WOODCOCK: Your Honor, it says that - or 30<	4	about \$2,000 per sidewalk.	4	that Robert Krohn(phonetic), who is in 211, has
7 flexibility, and that no one was penalized by 7 8 participating at a level greater than what they would 7 10 why we have delineated this townhome versus grounds 10 11 we maker beardie (bring this project. 11 12 master board level, and why we made it clear at we proceeded 11 13 owners, and why we made it clear at we proceeded 11 14 through this project. 25 15 Q. Thank you. The six townhome unit owners, and why we made it clear at we proceeded 14 16 were any of those unit owners, hand it clear as we proceeded 14 17 A. Yes. In 209, the Turras(phonetic) who live 16 18 were any of those unit owners, hand so the singlificant back issues. 17 19 No. Are they classified as handicapped or do they have 16 24 And I know that Roland and Jeanine 21 25 Geradol(phonetic), who live in 210, are 87 or 88 years 22 24 And I know that Roland and Jeanine 23 25 Geradol(phonetic), who live in 210, are 87 or 89 years 25 26 Geradol(phonetic), who live in 210, are 87 or 89 years	5	So, we constructed this very definitely,	5	scoliosis, multiple surgeries over the past few years,
8 participating at a level greater than what they would 9 his unit. 9 have the benefit of from the construction. So, that is 0 11 distinctly in this package, why we made it clear at the 10 0 11 master board level, and why we made it clear at the 11 11 13 owners, and why we made it clear at the 12 14 through this project. 12 15 Q. Thank you. The six townhome unit owners, 14 16 were any of those unit owners handicapped? 16 17 A. Yes. In 209, the Turnas(phonetic) who live 17 18 No. Are they classificat as handicapped? 17 19 No. Are they classificat as handicapped? 17 10 No. The six townhome unit owners, 18 21 MS. Tura(phonetic) has had back issues, and expressed 18 23 of that. 19 would beas what the County called a lateral 24 And I know that Roland and Jeanine 22 22 25 Fage 104 14 A. Yes. These are the detailed plans provided 11 (Whercupon, the document was marked as a sesp	6	separately, compartmentalized in order to provide that	6	and at times can only access his unit by going up the
9 have the benefit of from the construction. So, that is 9 We were very aware of these challenges by 10 why we have delineated this townhome versus groud so 10 our fellow owners, and so that is another reason that 11 distinctly in this package, why we made it clear to the 10 we though tigres that there was no access other then 12 owners, and why we made it clear as the project. 11 we though tigres that there was no access other then 14 through this project. 12 So, we did not have any ADA filings. We 15 Q. Thank you. The six townhome unit owners, and why we made it clear as twe proceeded 13 we would go forward with this project. 16 we can of those challenges by We though tigres that there was no access other then 17 A. Yes. In 209, the Turns(phonetic) who live 12 So, we did not have any ADA statt as that as significan thack issues. 19 No. Are they classified as handicapped or do they have 12 12 convers who would wish to have this access. 20 of that. 12 an interest in participating with her husband because 12 21 And I know that Roland and Jeanine 22 22 1	7	flexibility, and that no one was penalized by	7	stairs, seated, one step at a time in order to access
10 why we have delineated this townhome versus ground so 10 our fellow owners, and so that is another reason that 11 distinctly in this package, why we made it clear at the 11 our fellow owners, and so that is another reason that 13 owners, and why we made it clear as the 12 our fellow owners, and so that is another reason that 14 master board level, and why we made it clear as the 12 our fellow owners, and so that is another reason that 15 were any of those unit owners handicapped? 14 We would go forward with this project. 16 were any of those unit owners handicapped? 17 So, we did not have any ADA filings. We 16 were any of those unit owners handicapped? 17 So, we did not have any ADA filings. We 17 A. Yes. In 209, the turrstyfhonetic) who live 17 So, we did not have any ADA filings. We 18 building. And we thought preempted by providing what 20 courpe repole were considering ADA filings against the 19 No. Are they classified as handicapped? 17 So, we ad totally at the cost of the 20 20 for anot traces in participating with her husband because 20 Were any MDA filings. We 21 MS. WOODCOCK: Your Honor	8	participating at a level greater than what they would	8	his unit.
11 distinctly in this package, why we made it clear to the 12 master board level, and why we made it clear to the 13 owners, and why we made it clear as we proceeded 14 through this project. 15 Q. Thank you. The six townhome unit owners, and why we made it clear as we proceeded 13 16 were any of those unit owners handicapped? 16 17 A. Yes. In 209, the Turns(phonetic) who live 17 19 No. Are they classified as handicapped or do they have 16 20 ADA? Leart attest to that. Jigst know that 20 21 Ms. Turna(phonetic) has had back issues, and expressed 16 22 of that. 21 24 And I know that Roland and Jeanine 22 24 Sereadol(phonetic), who live in 210, are 87 or 88 years 25 24 SwR. WODDCOCK: Your Honor, it says that or I 24 3 identification.) 3 Q. Well, which engineer. 4 MS. WOODCOCK: Thank you. 17 A. Setin Blackwell with the aforementioned 9 realized that was even an option. So, let me work on 16 A. Keith Blackwell with the aforementioned <	9		9	We were very aware of these challenges by
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14 through this project. 14 So, we did not have any ADA filings. We 15 Q. Thank you. The six townhome unit owners, and expressed 15 did not have any ADA filings. We 17 A. Yes. In 209, the Turras(phonetic) who live 15 did not have any ADA filings. We 18 build not have any ADA filings. We did not have any ADA assertions from these people, but 19 No. Are they classified as handicapped 7 16 10 No. The thy classified as handicapped of ob they have 17 20 ADA? I cant attest to that. I just know that 17 21 Ms. Turra(phonetic) has had back issues, and expressed 21 and ifficulties they had to tally at the cost of the 21 of that. 22 Q. I'm going to show you Exhibit R-26. 24 22 Page 104 Page 105 1 A. Yes. These are the detailed plans provided by who wold wish to have this access. 23 of that. 23 Q. I'm going to show you Exhibit R-26. 24 24 MS. WOODCOCK: Your Honor, it says that - or I 3 Q. Well, which engineer provided these plans, if 3 gerasondem's Exhibit No. 26 for A. Keith Blackwell with the aforementioned engineeri		master board level, and why we made it clear to the		
15 Q. Thank you. The six townhome unit owners, 15 did not have any ADA assertions from these people, but 16 were any of those unit owners handicapped? 16 couple people were considering ADA fillings against the 18 there, I believe Linda has significant back issues. 16 couple people were considering ADA fillings against the 19 No. Are they classified as handicapped or do they have and ifficulties that. 10 20 ADA? I can't attest to that. Ji us know that 10 couple people were considering ADA fillings against the 21 Ms. Turra(Phonetic) has had back issues, and expressed an interest in participating with her husband because 20 orthat. 21 23 of that. 22 Q. I'm going to show you Exhibit R-26. 22 24 And I know that Roland and Jeanine 24 24 24 24 24 And I know that Roland and Jeanine 24 24 24 24 24 25 Page 1010 11 (Whereupon, the document was marked 1 A. Yes. These are the detailed plans provided 29 you know? 3 MS. WOODCOCK: You Honor, it says that - or I 36 90 A. Keith Blackwell		owners, and why we made it clear as we proceeded		
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17 A. Yes. In 209, the Turras(phonetic) who live 17 couple people were considering ADA filings against the building. And we thought preempted by providing what would bea s what the County called a lateral 18 No. Are they classified as handicapped or do they have 10 21 No. Are they classified as handicapped or do they have 10 22 ADA? I can't attest to that. I just know that 20 23 an interest in participating with her husband because 21 24 and I know that Roland and Jeanine 23 25 Geradol(phonetic), who live in 210, are 87 or 88 years 25 26 Geradol(phonetic), who live in 210, are 87 or 88 years 25 27 Fage 104 Fage 104 28 Respondent's Exhibit No. 26 for 3 30 that. 9 A. Yes. These are the detailed plans provided 4 MS. WODDCOCK: Your Honor, it says that or I 4 9 7 for me? NS. WARD: Yes, I will. I'm sorry. I didn't 7 A. Well, which engineer provided these plans, if 9 realized that was even an option. So, let me work on 10 Mr. Blackwell, but I would assume that these came in 11 MS. WODDCOCK: Thank you				
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 No. Are they classified as handicapped or do they have ADA? I can't attest to that. I just know that M.S. Turrafohonetic) has had back issues, and expressed an interest in participating with her husband because of that. Mat I know that Roland and Jeanine Geradol(phonetic), who live in 210, are 87 or 88 years Geradol(phonetic), who live in 210, are 87 or 88 years Geradol(phonetic), who live in 210, are 87 or 88 years Page 104 Page 104 Page 104 Page 104 Page 105 (Whereupon, the document was marked as Respondent's Exhibit No. 26 for identification.) MS. WOODCOCK: Your Honor, it says that or I guess Mr. Emrich, it says that Host Has Disabled Participant Screen Sharing. Can you please enable that for me? MS. WARD: Yes, I will. I'm sorry. I didn't realized that was even an option. So, let me work on that. MS. WOODCOCK: Thank you. Iet's try that again. MS. WOODCOCK: Okay. Thank you. Iet's try that again. MS. WOODCOCK: Okay. Thank you. Yes. That Works. BY MS. WOODCOCK: Q. Ms. Taylor, I'm showing you on the screen what's previously been marked and admitted into evidence as Respondent's Exhibit R-26. It is a What's previously been marked and admitted into evidence as Respondent's Exhibit R-26. It is a Wards tat Q. Have you seen this document before, A. Okay. A. Okay. A. Okay. A. Okay. A. Okay. A. Aky. A. Nataw ou sour engine developed COVID over the summer during the worst of COVID. So, we were a little delayed on that as well. Q. These plans in Exhibit R-26, is this Ut				
20 ADA? I can't attest to that. I just know that 20 convenience, that would minimize the access problems and difficulties they had totally at the cost of the owners who would wish to have this access. 21 an interest in participating with her husband because of that. 23 Q. I'm going to show you Exhibit R-26. 24 And I know that Roland and Jeanine 24 25 23 Geradol(phonetic), who live in 210, are 87 or 88 years 26 24 25 Page 104 25 Page 104 Page 105 26 as Respondent's Exhibit No. 26 for identification.) 1 A. Yes. These are the detailed plans provided by the engineer. 3 identification.) 4 MS. WOODCOCK: Your Honor, it says that - or I segme rable that for me? 3 Q. Well, which engineer provided these plans, if you know? 3 made? 9 A. Td have tog back and look at e-mails from 10 MS. WARD: Yes, I will. I'm sorry. I didn't refaized that was even an option. So, let me work on that. 9 A. Td have tog back and look at e-mails from 11 MS. WOODCOCK: Thank you. 11 about the time that we were going for final approval. 12 MS. WOODCOCK: Okay. Thank you. Yes. That 13 Q. Would you have (inaudible)?		, e		
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	Page 106		Page 107
1	Q. And are these plans shown in R-26, were they	1	labeled 224. What was also a possibility was if the
2	provided to The Club at La Peninsula?	2	walkway had been continued, it would have gone off the
3	A. Yes.	3	sidewalk that you see center, it would have extended
4	Q. Let me bring back up for you Petitioner's	4	through the yellow-green bushes, the red Thai plants,
5	Exhibit 7. One moment. My computer is fading as I'm	5	the red Thai's, and connected via sidewalk to the
6	trying to get to the right exhibit here. Bear with me	6	elevator platform, again in front of the unit you see
7	one minute. These are Petitioner's Exhibit 7. And	7	as 207 on the far left.
8	this is the first page.	8	Q. Thank you. And I'm going to show you the
9	Can you describe what's shown in the	9	next photograph in P-7.
10	photograph?	10	A. I can describing it without rotating.
11	A. What's shown on the bottom is the bottom	11	Q. Thank you.
12	center, is the sidewalk approaching Unit 2 I'm trying	12	A. That's the view from 211 and 212 on the upper
13	to see the number. Oh, I'm on the right side. That's	13	level. Across the area that was previously that is
14	208. This is on the west side of the building. So	14	now occupied by the walkway, you can see that there was
15	Unit 208 is one of the units that could have been	15	trees that extended across this area. And below it you
16	interested in having the sidewalk access. And then	16	can see the open area that is now landscaped again.
17	above it on the immediate lower right corner is the	17	And there's air conditioning units on the left side.
18	original stairway going up, which makes a turn outside	18	And so the walkway now occupies this space across the
19	of the camera range, continues up to the top of the	19	right side of the picture.
20	platform. And shows the original platform leading into	20	Q. I'm going to show you wait. We talked
21	209 and 210. The obviously from 209 where the	21	about the third photograph, so I'm not going to talk
22	window is to the left of that 209 door is where the	22	about that again. Now, this fourth photograph, can you
23	platform for the extension occurred, connecting it to	23	see that? Do I need to rotate it?
24	the walkway.	24	A. No. It's okay. I can see it. This is
25	You can see in front of the unit that's	25	Q. What does this photograph show?
	Page 108		Page 109
			-
1	A. This is as you stand outside of Unit 213 and	1	walkway go into that alcove on the right, and be
1 2	A. This is as you stand outside of Unit 213 and look to your immediate right, you would see an area	1 2	
			walkway go into that alcove on the right, and be
2	look to your immediate right, you would see an area	2	walkway go into that alcove on the right, and be attached directly above and below and onto the windows
2 3	look to your immediate right, you would see an area that previously had been covered by some fairly dense	2 3	walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across.
2 3 4	look to your immediate right, you would see an area that previously had been covered by some fairly dense vegetation and vines crawling up the wall, and then the	2 3 4	walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across. You can also see below it to the right of
2 3 4 5	look to your immediate right, you would see an area that previously had been covered by some fairly dense vegetation and vines crawling up the wall, and then the trees above were over the top of it. We trimmed the trees back. The walkway was extended into that. And since then that has been heavily landscaped.	2 3 4 5 6 7	walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across. You can also see below it to the right of the red Thai'sthose are those bright red plants, that there is a space there. The reason that we created it with the single bars as well is allowed us
2 3 4 5 6 7 8	look to your immediate right, you would see an area that previously had been covered by some fairly dense vegetation and vines crawling up the wall, and then the trees above were over the top of it. We trimmed the trees back. The walkway was extended into that. And since then that has been heavily landscaped. Q. What about P-7 Photograph 5? What does this	2 3 4 5 6 7 8	walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across. You can also see below it to the right of the red Thai'sthose are those bright red plants, that there is a space there. The reason that we created it with the single bars as well is allowed us to in the future should the three ground floor units
2 3 4 5 6 7 8 9	look to your immediate right, you would see an area that previously had been covered by some fairly dense vegetation and vines crawling up the wall, and then the trees above were over the top of it. We trimmed the trees back. The walkway was extended into that. And since then that has been heavily landscaped. Q. What about P-7 Photograph 5? What does this show?	2 3 4 5 6 7 8 9	walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across. You can also see below it to the right of the red Thai'sthose are those bright red plants, that there is a space there. The reason that we created it with the single bars as well is allowed us to in the future should the three ground floor units wish to add in a sidewalk, we left the space for them
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 look to your immediate right, you would see an area that previously had been covered by some fairly dense vegetation and vines crawling up the wall, and then the trees above were over the top of it. We trimmed the trees back. The walkway was extended into that. And since then that has been heavily landscaped. Q. What about P-7 Photograph 5? What does this show? A. That's a picture of the area that I just described prior to the digging of posts and the putting up of the walkway. So, we trimmed the trees back as you can see. No trees were being cut down or damaged right there. And then we cut out all of the vegetation. You can actually see the orange squares, which is where the posts were dug. And we hand dug in order to minimize any damage to the building. We had those hand dug. Q. What is shown in P-7, page 6? 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	 walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across. You can also see below it to the right of the red Thai'sthose are those bright red plants, that there is a space there. The reason that we created it with the single bars as well is allowed us to in the future should the three ground floor units wish to add in a sidewalk, we left the space for them to do so; And so at any point 201, 208 and 213 can add a sidewalk. Q. And in P-7, page 7 hold on. My computer is doing something. A. I would answer, but I'm kind of Q. Okay. Can you see what's shown on page 7? What's shown in this photograph? A. So, there it is on the left side looking up, the walkway is going up into 208. Where the green hose is, because I think they were watering plants at the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 look to your immediate right, you would see an area that previously had been covered by some fairly dense vegetation and vines crawling up the wall, and then the trees above were over the top of it. We trimmed the trees back. The walkway was extended into that. And since then that has been heavily landscaped. Q. What about P-7 Photograph 5? What does this show? A. That's a picture of the area that I just described prior to the digging of posts and the putting up of the walkway. So, we trimmed the trees back as you can see. No trees were being cut down or damaged right there. And then we cut out all of the vegetation. You can actually see the orange squares, which is where the posts were dug. And we hand dug in order to minimize any damage to the building. We had those hand dug. Q. What is shown in P-7, page 6? A. This is the actual walkway. Above as it up in the upper right you would see Unit 209's doorway. It comes across. And as you can see it was higher than 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 walkway go into that alcove on the right, and be attached directly above and below and onto the windows of those units. So, we took this walkway across. You can also see below it to the right of the red Thai'sthose are those bright red plants, that there is a space there. The reason that we created it with the single bars as well is allowed us to in the future should the three ground floor units wish to add in a sidewalk, we left the space for them to do so; And so at any point 201, 208 and 213 can add a sidewalk. Q. And in P-7, page 7 hold on. My computer is doing something. A. I would answer, but I'm kind of Q. Okay. Can you see what's shown on page 7? What's shown in this photograph? A. So, there it is on the left side looking up, the walkway is going up into 208. Where the green hose is, because I think they were watering plants at the time is where we allowed for a sidewalk to be put in if 208, 213 had desired it. And then above it is the walkway as it was built, coming out from 209 on the



1 each of the floors where the elevator stops. But this 1 (Whersupon, the document was marked 2 is where you would walk across this go into the as Respondent's Exhibit 2. 4 the elevator. I think 1 already described this one. 5 5 Oh, no. This is further y eych. I – 6 6 Q. Hold on one second, Ms. Taylor. The next 6 7 Photograph, I guess is eight photograph in Pr.7. 7 8 What is shown in this photograph in Pr.7. 7 9 A. I think - okay. The is atthe walkway 11 11 was balls. So, sorry. This is the walkway up. This 11 12 16 16 13 210. This shows the walkway toging to the left where it 16 14 front of 20 and 210, going to the left where it 16 15 obviously was. the walkway, the lateral convenience. 17 14 that went around into the kaway to the 18 15 obviously was. the walkway, that was a common 10 14 that went around into the huidings. People wanted 17 15 obviously was		Page 110		Page 111
2 is where you would walk across this, go into the walkway in front of the other units, and walk down to the elevator. I think I already described this one. 2 is statistic into, 28 for identification,) 3 Walk way in front of the other units, and yalor. The next Photograph, Ig uess is sight photograph? BY MS. WOODCOCK: Q. This is a composite exhibit of several photograph. Were solid to go through them and talk about them. All right. This is the first photograph 4 I think - okay. This is after the walkway is the sidewalk up to 208. The stairs up to 209 and 210. This shows the walkway coming off the pad from in the sidewalk way to 208, into the third state is the walkway to the if orn of 209 and 210, going to the left where it eventually connects with where the levator access is. Now Suit 200 and 200, with the original nine-unit plan. What centually connects with where a sidewalk could be added if 208 and 213 wish to add it. Now is a some were listed in the original nine-unit plan. What centually connects with where a sidewalk would be added if 208 and 213 wish to add it. 9 A. To the far inght. 208 and 213 wish to add wilk way the admitted as Respondent's Exhibit 28. Now is admitted as the strong walkway, the lateral convenience." I think thar's first time re here and that is photograph? 1 A. To the far inght. 208 and 213 wish to add it. 9 Now were assist port of their right pathway constructed. It would be added if 208 and 213 wish to add if the widkway way. And it shows here a sidewalk and walt daw and the statist shows in front of their walkway. And it shows how and that, in fact, actually wintrows show we created a walkway with w	1	each of the floors where the elevator stops. But this	1	(Whereupon, the document was marked
3 walkway in front of the other units, and walk dawn to 4 the elevator. I think I already described this one. 6 Oh, no. This is farther - yeah. 1 7 Q. Hold on one second, Ms. Taylor. The next 7 photograph. Jeass is eight photograph? 8 What is shown in this photograph? 9 A. I think - okg.r. This is after the walkway 10 is built. I described it before, before the walkway 11 was built. So, sorry. This is in the walkway to the 12 10. This saon brows the walkway coming off the pation 13 210. This shows the walkway to the 14 front of 209 and 210, going to the left where it 15 eventually connects with where the elevator secases is. 16 add this all so shows the area under the walkway to the 17 I and where is Unit 213 located in relation to 18 sidewalk could be added if 208 and 213 share a common 20 Now Try going to show you what's previously 21 And this picture. 23 Q. Now Try going to show you what's previously 24 been marked and admitted as Respondent's Exhibit 28.	2	-	2	
4 the cleviner. I think I already described this one. BY MS. WOODCOCK: 5 Oh, no. This is further - yeah. 1- Q. This is a composite exhibit of several 7 photograph, Iguess is eight photograph'in P-7. Q. This is a composite exhibit of several 8 What is shown in this photograph' shown in Respondent's Fxhibit 28. 9 A. I think - okay. This is alter the walkway is the sidewalk up to 2008. The stairs up to 209 and 11 usas built. So, sorry. This is the walkway up to is the sidewalk up to 2010. This is the walkway to the 14 front of 200 and 210, going to the left where it scorentally and 210, going to the left where it 12 overnally connects with where he elevator access is. is babotograph? 13 Q. And where is Unit 213 located in relation to is babotograph? 21 A. To the far right. 208 and 213 share a common windows. So, we created and anditted as Respondents Exhibit 28. 14 forther went around into the buildings. People wanted Q. Now I'm going to show you what's previously 26 windows. So, we created an alkeway that was a common windows and the walkway would look like extended over to the 27 Parege 112 Parege 112 Parege 112 <th></th> <td></td> <th>1</th> <td>-</td>			1	-
5 Oh, no. This is farther - yeah. 1 Q. This is a composite exclibit of several 6 Q. Hold on one second, Ms. Taylor. The next Page 2012 7 Matt is abown in this photograph? Page 112 8 A. This is after the walkway tom Page 112 9 A. To the far right. 208 and 213 share a common Page 112 1 that went around into the buildings. People wanted Project. 9 Now I'm going to show you what's previously Page 112 1 that went around into the buildings. People wanted Project. 9 Yead Page 112 1 that went around into the buildings. People wanted Project. 9 Yead Page 112 1 that went around into the buildings. People wanted Project. 9 Yead Page 112 1 that went around into the buildings. People wanted Project. 9 Yead Page 112 1 that went around into the buildings. People wanted Project. 9 Yead Page 112 1 that went around into the buildings. People wanted Project. 9		-		· · · · · · · · · · · · · · · · · · ·
6 Q. Hold on one second, Ms. Taylor. The next 7 7 photograph, I guess is eight photograph in P-7. 8 8 What is shown in this photograph? 9 9 A. I blink - okay. This is the relevalk way 10 11 was built. So, sorry. This is the walkway to paine-the walkway to paine-the rel frait plot. This shows the walkway to paine-the rel frait sace, which is where a 11 12 This show is the walkway coming off the pad from in 12 13 14 front of 209 and 210, going to the left where it 12 14 15 eventually connerts with where the evalure access is. 16 14 front of 209 and 210, going to the left where it 12 16 15 sidewalk could be added if 208 and 213 winh to add it. 16 16 sidewalk could be added if 208 and 213 whare a common wall to the right of this photograph? 17 17 A. To the far right. 208 and 213 share a common wall to the right of this picture. 20 17 Page 112 11 that went around into the buildings. If not of 2019. 210 12 that went around into the buildings. If not of 2029. 20 Noho want walkway cording to that want walkway that a a corverience. So, we 12 14 that we		-		
7 photograph. J guess is eight photograph in P.7. about them. All right. This is the first photograph 8 What is shown in this photograph? about them. All right. This is the first photograph? 10 is built. I described it before, before the walkway maintain this photograph? 11 shown in this photograph? A. This shows the walkway up. This is the differ the walkway there it 12 is the sidewalk up to 208. The stains up to 200 and 11 13 210. This shows the walkway up, this 11 14 front of 209 and 210, going to the left where it 11 15 eventually connects with where the elevator access is. 16 16 sidewalk could be added if 208 and 213 wish to add it. 17 17 Q. Now I'm going to show you what's previously 24 16 wall to the right of this picture. 12 17 Page 112 18 been marked and admitted as Respondent's Exhibit 28. 24 given that we had put - included steps because we were not willing to put in the - all the extensive detail 19 Page 112 10 had the sa lataral convenience. So, we and the adder of 19, we as lataral convenience. So, we as lataral convenience. So, we as lataral convenience. So, we as lata				
8 What is shown in this photograph? 8 shown in Responderts Exhibit 28. 9 A. I think - ok, Ray, This is after the walkway up. 9 What is shown in this photograph? 11 was built. I described it before, before the walkway up. 10 This shows the valkway up. 12 to this deviable up to 209 and 210, going to the left where it 11 13 210. This shows the walkway up. 14 14 fort of 209 and 210, going to the left where it 14 15 obviously was the walkway, the lateral convenience. 15 16 And this also shows the area under the walkway to the 16 17 right, and connected with the elevator access is. 17 18 sidewalk could be added if 208 and 213 what a common 18 210 The far right. 208 and 213 what a common 17 211 that went around into the building. People the state in the original 17 212 Now The gift in this in the state in the original 17 213 that went around into the buildings. People the valkway on the original 17 214 the right oright original 17 <				
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	Page 114		Page 115
1	to 213. Above it is Unit 212, which is a two-story	1	stairway was always there. It was always over the
2	townhome. And you can see to the left of the first	2	doorway into 213. So, there is no extension of the
3	floor window on 212 the recessed doorway that is also	3	walkway over the front of Unit 213's doorway, nor of
4	their doorway into Unit 212. The top floor then shows	4	the window. And then the walkway continues on east
5	the upper floor window of 212. The upp noor then shows	5	from that point, passing in front of 211, 210, 209, and
6	bathroom of 212. The next window is the bathroom of	6	going over to the elevator tower.
7	211, and the final window is the bedroom of 211.	7	
8	This shows that the walkway which is	8	Q. Showing you the next photograph, what does this photograph show?
9	beginning at the doorway of 212 on that second floor	9	A. This is a closer picture of the same thing I
10	extends to the left. You can barely see the white line	10	just described, which is the stairs that have always
11	of it through the trees, and does not cover the front	11	
12	part of the window of 213, but does extend over the	12	been there going up to Unit 211 and 212; the walkway
13		13	extending from it. The walkway railings, as you can in
14^{13}	third floor or the third bedroom window, I think, on	14	the lower level, the walkway railings are dark and
$14 \\ 15$	213. That was previously in the same area under the	15	railings going up the stairs are dark.
	trees.	16	And then you look on the railing of the
16 17	Q. Do you know when this photograph was taken?		walkway as it begins to extend eastward towards the
	A. Yes. It was taken about a week or two ago.	17	center, that shows an opacity because we were in the
18 19	Q. And who took this photograph?	18 19	middle of a huge building remodel, and those railings
20	A. I did.	20	are wrapped because they were already installed with
	Q. This is Photograph 12 of R-28.		the correct color of paint as opposed to the new
21 22	What does this photograph show?	21 22	railings going up, which have just recently been
22	A. This is another perspective of the same area	23	painted.
23 24	of the building. You can see now the walkway. You can		So, the contractor covered those railings
24 25	see the stairs going up to Unit 212 and 211. 211's	24 25	with a white plastic. So, while it looks more visible,
25	doorway is behind the palm tree. The doorway. That	25	it's only visible because we were protecting the brand
	Page 116		Deere 117
			Page 117
1	new repainted railings of the walkway. I should	1	wall, and then it's 210. There's a fireplace, and then
2	new repainted railings of the walkway. I should clarify. The brand new railing of the walkway that are	2	wall, and then it's 210. There's a fireplace, and then it's 209. The rest of the picture on the right depicts
	new repainted railings of the walkway. I should clarify. The brand new railing of the walkway that are now matched by the brand new painted railings of the	2 3	wall, and then it's 210. There's a fireplace, and then
2 3 4	new repainted railings of the walkway. I should clarify. The brand new railing of the walkway that are now matched by the brand new painted railings of the stairs.	2 3 4	wall, and then it's 210. There's a fireplace, and then it's 209. The rest of the picture on the right depicts the center unit that are all one story, and they extend out.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 new repainted railings of the walkway. I should clarify. The brand new railing of the walkway that are now matched by the brand new painted railings of the stairs. Q. And what about on the backside of the building? What is depicted what is being depicted in this photograph? A. That's depicting both 213 and 212 from this point. If you continue on with the view, looking out over the waterway, it's totally on the opposite side of where the walkway is constructed. So, the waterway view is on the right side of the picture, and the walkway view to the road and the air conditioning units and the trees is on the left side. Q. What does this photograph depict? A. This is the south side of the building. These are the four townhomes across the top level, and Unit 208 on the right side lower level, and Unit 213 on left side lower level. This depicts the view of these units out across the walkway. So, the first floor is 208, 213, and the next two stories of each unit. 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 wall, and then it's 210. There's a fireplace, and then it's 209. The rest of the picture on the right depicts the center unit that are all one story, and they extend out. Q. And what about this photograph? What's shown in this photograph? A. This is a picture of the very end of the building. The gap between 200 building which and then what you can't see immediately on the left out of the photo is the 203 building. And this demonstrate some of the vegetation that's in the area, including the sea grape bush at the very low level. It's a three or four-foot bush that, I believe, was also part of the discussion. Q. And just to clarify, to the left of this photograph is the 300 building. Correct? A. Correct. Q. And what's shown in this photograph? A. This is Q. I'm going to rotate it. Hold on one second. Okay.



	Page 118		Page 119
1	and 211. The rest of the stairway to 212 and 211 is	1	them marginally, but they're still somewhat visible.
2	behind that green tree. That is the original platform	2	Yes.
3	that was always part of the stairs for access to 211	3	Q. I'm going to show one last document. This
4	and 212. The walkway continues on from the left, going	4	has been marked as Exhibit R-4.
5	east towards the central elevator tower. The door	5	(Whereupon, the document was marked
6	below on 213 shows its historically same position with	6	as Respondent's Exhibit No. 4 for
7	only the walk with only the stair pad. It's been	7	identification.)
8	there since the building was built over that doorway,	8	MS. WOODCOCK: And Mr. Emrich and Mr. Arbitrator,
9	and nothing over the windows in either 213 or 212 on	9	Mr. Emrich has objected to this exhibit. This is one
10	the right side.	10	of the ones we could not stipulate on. It as we had it
11	I'll just note the reason you see	11	revised. The prior Exhibit R-4, which is what you have
12	different colors painting, we're in the middle of	12	in your records, Mr. Arbitrator, is just the amended
13	painting the whole building white. That's why you see	13	and restated bylaws. And this exhibit is correcting
14	some of it beige and some of it white.	14	that, and we're going to explain it in a minute. I
15	Q. And then what about this last photograph?	15	just wanted to get that kind of background first.
16	What does this photograph show?	16	THE ARBITRATOR: I've just got a quick question.
17	A. This shows the walkway I think I've done	17	I've got two quick questions. This is the 200 this
18	this one. But this shows the walkway immediately to	18	is the amended bylaws or oh, or the declaration?
19	the right of the door of 213. This would be shortly	19	MS. WOODCOCK: So, what you have in the binder
20	after construction. And since then, this has been	20	that you have, sir, is the amended bylaws. But there
21	fully landscaped.	21	is an amended declaration and Articles of
22	Q. In the current view of the outside of this	22	Incorporation, which is what we were trying to amend
23	area, are these 18 units still visible?	23	R-4 to reflect the entire amended and restated
24	A. Yes. Maybe not as visible, because of the	24	declaration, Articles of Incorporation, and bylaws.
25	landscaping that's in. But I think that you would see	25	THE ARBITRATOR: Okay. Because I'm going to tell
	Page 120		Page 121
	2		idge izi
1	you right now, I have questions for the witness	1	THE WITNESS: I know I have the amended. I'll
1 2		1 2	THE WITNESS: I know I have the amended. I'll
	you right now, I have questions for the witness		THE WITNESS: I know I have the amended. I'll look in my records and double-check, and try to get a
2	you right now, I have questions for the witness regarding both the original declaration of bylaws and	2	THE WITNESS: I know I have the amended. I'll look in my records and double-check, and try to get a hold of both before you ask me questions.
2 3	you right now, I have questions for the witness regarding both the original declaration of bylaws and the amended declaration of bylaws. So we're going to	2 3	THE WITNESS: I know I have the amended. I'll look in my records and double-check, and try to get a
2 3 4	you right now, I have questions for the witness regarding both the original declaration of bylaws and the amended declaration of bylaws. So we're going to get to that. Okay? So, I just want everybody to be	2 3 4	THE WITNESS: I know I have the amended. I'll look in my records and double-check, and try to get a hold of both before you ask me questions. THE ARBITRATOR: Okay, because I've got some
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	Page 122		Page 123
1	BY MS. WOODCOCK:	1	and I'm assuming that they gave them to you as an
2	Q to common elements and association	2	exhibit when they filed their exhibits.
3	property?	3	MR. EMRICH: But I believe these documents this
4	MR. EMRICH: Your Honor, I'm going to place my	4	document these documents are different than what's
5	objection again on the record here as to any questions	5	in Respondent's submission. That's why she tried to
6	about this document. As I indicated earlier, it was	6	submit the amended document yesterday. That's what she
7	produced to me for the first time last night late	7	told me. It had not been submitted.
8	last afternoon, close to 5:00. This is a document	8	MS. WOODCOCK: Yes, your Honor. If I can just
9	these are documents that we requested in the original	9	clarify again for the record and for yourself. What is
10	document request that was sent to Resort Management.	10	originally R-4 is the 200 building's amended bylaws.
11	Mr. Darling indicated that he did not	11	At the same time that these bylaws were amended, the
12	produce it, and would have had it if he had it, if it	12	declaration and Article of Incorporation were also
13	had been in existence. And I'm going to object to it	13	amended. By clerical error they were left out of R-4.
14	being introduced, as it was not on the witness list	14	These are documents that are recorded in the public
15	that this court that this arbitrator indicated had	15	record of County of Collier County. And these are the
16	to be filed back on February 1.	16	governing documents of the association.
17	THE ARBITRATOR: Okay.	17	THE ARBITRATOR: Okay. So, what you're saying
18	MS. WOODCOCK: If I may just respond briefly, your	18	here is R-4 that I have in front of me that you gave me
19	Honor?	19	for hearing was amended again or something? Or just
20	THE ARBITRATOR: Hold on. You don't have to. I'm	20	MS. WOODCOCK: The exhibit was amended and it was
21	looking at Respondent's exhibits that they submitted	21	sent out to you yesterday, your Honor, but I guess you
22	timely. Okay? And I'm looking at the amended and	22	haven't received it yet, the paperwork. But if it's
23 24	restated bylaws. So, while you may have you may say	23 24	helpful in some way that I could e-mail it to you so
24 25	that they didn't give them to you in response to the	24	you have it directly, I don't know if you're amenable to that.
23	records request, they gave them to my as an exhibit,	23	
	Page 124		Page 125
1	THE ARBITRATOR: Because the document I've got,	1	BY MS. WOODCOCK:
2	R-4, and I'm looking at it right here, goes up to	2	Q. Ms. Taylor, do you need me to repeat the
3	page 24. And it ends with it's got Section 15 as	3	question?
4	miscellaneous. Okay? MS. WOODCOCK: Those are the bylaws, which are a	45	A. Yes, please.
5 6	portion of this amended R-4 that I'm trying to present,	6	Q. Are you familiar with Section 15.5 of the amended and restate declaration of condominium?
7	your Honor.	7	A. Yes.
8	THE ARBITRATOR: When were they amended?	8	Q. And what does Section 15.5 of the amended and
9	MS. WOODCOCK: When were the documents amended?	9	restated declaration of condominium provide?
10	THE ARBITRATOR: Wait a second. Now, they were	10	A. It talks about what we're allowed to make
11	the one that you're talking about here for this hearing	11	replacement and repair up to a certain dollar amount,
12	has got on the first page it's got an amendment date	12	the \$20,000 aggregate. It also says at least a
13	of May 1st, 2018. Correct?	13	majority of voting interest who are present and are in
14	MS. WOODCOCK: Correct, your Honor.	14	person have to agree. And then it goes into some other
15	THE ARBITRATOR: Okay. Well, have you did you	15	already existing common elements. But the two key
16	get this last night, Counsel?	16	things, I think, were the dollar amount and the
17	MR. EMRICH: I did last night, yes, your Honor.	17	majority voting.
18	THE ARBITRATOR: Okay. Well, you know what? I'm	18	Q. Prior to the amended and restated declaration
19	going to let her ask her about this, and then you get	19	of condominium being in effect, what was or were you
20	to cross-examine her. And that's going to be it.	20	aware of what the provisions regarding material
21	Objection noted, but I'm going to let it in. I mean, I	21	alterations in addition to the common elements were?
22	gave you great latitude, counsel, in your presentation.	22	A. I believe that prior to this bylaw change,
23	So I'm going to let it in. Go ahead.	23	that we were that we had the standard Florida
24	MS. WOODCOCK: Thank you, your Honor.	24	statutory requirement of 75 percent in place. The
25		25	bylaws were amended effective began to if I could



	Page 126		Page 127
1	explain why they how they came into existence.	1	And she suggested that we hold onto our
2	The bylaws were begun discussion based on	2	bylaw change and the vote on it, because we needed
3	our counsel's recommendation, Jamie Greusel, sometime	3	obviously a vote of two-thirds vote of the membership
4	in '15 or '16 that we had a number of errors in our	4	because we were still under a 75 percent majority with
5	bylaws, just dated. You know, they were old, and they	5	the old bylaws. She would suggest that we waited until
6	hadn't been touched in quite a few years. Maybe a	6	the master board finished their bylaws, then she would
7	decade or more. So, she told us that she thought we	7	make sure there were no tweaks in the master board that
8	should clean these all up.	8	would cause us to have our bylaws out of sinc again
9	And one of those changes was to go to a	9	with the master board. And so we agreed to that.
10	majority vote, because that was representing what was	10	So, we literally sat on this bylaw change
11	more common among condominium associations rather than	11	for I can't tell you if it was six months or a year,
12	the statutory 75 percent that's in Florida statute.	12	but it was a substantial amount of time that we waited
13	So, going along with this, we asked her to please fix	13	until the master board which I think David Petrella
14	the bylaws. We had some meetings with her in '15, '16	14	can speak to later amended their bylaws and updated
15	or '17. I can't even remember. We have to go back to	15	them as well.
16	Jamie's billings. And we went through and cleaned up	16	Once that was done, Jamie said we were
17	the bylaws, and took her recommendations on all points,	17	back in sinc with the master board. And we proceeded
18	including this change to a majority vote.	18	then in March of 2018 to vote the bylaw change to
19	So, after that, then we were ready to move	19	correct all of the major changes and smaller tweaks
20	on this in I think sometime in '17. And again, our	20	that Jamie had put in for us as our general counsel.
21	billing with Jamie Greusel's office would show when she	21	Thus we were exempt from the statutory requirement in
22	completed the bylaw change. And at that point she came	22	Florida statute of a 75 percent majority, because we as
23	to us and told us that she was also working on the	23	a board had approval with a 75 percent majority, because we as
24	master board bylaws and revising them, because they	24	change to a simple majority. And these are what you
25	also had a very dated document that she was updating.	25	see here.
	Page 128		Page 129
1	So, what's different is we had the bylaws,	1	THE ARBITRATOR: Okay. Do you have any more
2	and then we had the declarations, and we had this	2	questions?
3	filing that did not get into the record. And on behalf	3	MS. WOODCOCK: I do not have any more questions
4	of my attorney and us, we will apologize for that. But	4	for Ms. Taylor. No.
5	what this is just reflecting the bylaws that are in the	5	THE ARBITRATOR: Okay. Mr. Emrich, do you have
6	submission of all these documents. The final the	6	cross-examination or what?
7	full piece of the puzzle of the change in our	7	MR. EMRICH: I do.
8	condominium bylaws.	8	THE ARBITRATOR: All right. Why don't we let
9	And this was a building vote that was	9	Ms. Woodcock deal with her child, and we'll come back.
10	taken place. And if you go into the documents I	10	What time is it? It's 12:43. How about quarter after
11	don't know where it is, but the proxies for the	11	1:00?
12	building vote is there, showing that 75 percent	12	MR. EMRICH: Sounds good.
13	majority.	13	MS. WOODCOCK: Thank you, your Honor.
14	MS. WOODCOCK: I don't have any other questions	14	(There was a break taken, after
15	for Ms. Taylor.	15	which the deposition was resumed
16	THE ARBITRATOR: Before we leave this document, I	16	as follows:)
17	want you to go back to the beginning of this document	17	MR. EMRICH: We are ready to rock. Your Honor,
18	to where it says Definitions. Stop. Go up a little	18	you had
19	bit. Keep going. I want you is there a definition	19	THE ARBITRATOR: I can't hear you. You're on
20	of voting interest here?	20	mute.
21	MS. WOODCOCK: Yes, sir. Section 5.21.	21	MS. WOODCOCK: You're on mute, Henry.
22	THE ARBITRATOR: Okay. Can you just go up to	22	MR. EMRICH: My apologies.
23	where it says Definitions?	23	THE ARBITRATOR: That's okay.
24		104	MD EMPICIL. The first time through on this lyind
25	MS. WOODCOCK: Yes, sir. THE WITNESS: I think you went past it.	24	MR. EMRICH: The first time through on this kind



	Page 130		Page 131
1	THE ARBITRATOR: I suspect it won't be the last	1	document. This now what I'll call the complete
2	given the state of the world.	2	document.
3	MR. EMRICH: Yeah. Unfortunately, I think you're	3	So, while I understand that you may have a
4	right, your Honor. You had indicated you were going to	4	case in that it wasn't presented to you or your client
5	ask some questions of her.	5	in regards to their records or documents request, my
6	THE ARBITRATOR: Yes. And let me clarify	6	questions are going to lead there, sir.
7	something that we did before the break here. You	7	MR. EMRICH: Well, again, I've got my objection on
8	objected to this new document coming in that you were	8	the record.
9	not provided with until last night. The question I	9	THE ARBITRATOR: Yes, sir. You do.
10	had a series of questions that I still have these	10	MR. EMRICH: And I respect your ruling. And
11	questions. Okay? Regarding both declarations and both	11	you've already said it's coming in. You said that
12	sets of bylaws, both the originals and the amended.	12	previously. And so, my point was real simple: One of
13	And now I find out today that I was not	13	the reasons we submitted a document request and asked
14	given the amended as we're talking about today. So, it	14	for this right out of the block, is according to what
15	would only be logical at some point in time when I'm	15	the witness has already said, it was in existence as of
16	talking about an amended document that is outdated or	16	it looks like what's scratched out on the
17	incomplete that it's going to lead into this other	17	certificate is that it was in existence on May 1 of
18	document that is now complete. Okay.	18	2018. And so, we had asked for this, your Honor. And
19	And while I understand your objection	19	we never got it.
20	about, quote, what could possibly be described as	20	And Ms. Woodcock indicated that it was
21	surprise evidence," the natural and logical course of	21	filed, it was on file. Yada-yada-yada. We heard from
22	things based on the questions that I had in comparing	22	Darling I don't want to rehash all that, because
23	the original documents, meaning the declaration and	23	I'll talk about that when we get to the stage where I'm
24	bylaws of both associations, to those as have been	24	writing what my proposed findings and order you
25	amended would have led to discussion of this other	25	know, my recommendation.
	Page 132		Page 133
1	But at the end of the day, I've expressed	1	So, again, I'm not making any accusations
2	to you what my concerns are. You've indicated	2	here. I'm going to do that. But at the end of the
3	you're a trial lawyer. You understand what happens.	3	day, we strongly objected to it coming in that late
4	You know, you proceed, you prepare, you do things based	4	hour. I mean, I had, you know, I just
5	on what is given to you, what an arbitrator like	5	THE ARBITRATOR: I've been a litigator 30 years,
6	yourself sets up in terms of a in terms of, you	6	sir. Okay? And I understand your concern. I
7	know, the rulings and what's going to happen and when	7	sympathize. All I can say is once again, I had numerus
8	you got to do stuff. And, you know, we try to comply.	8	questions regarding these documents, and it's only
9	And things happen. I get that.	9	natural that the answers to those questions would lead
10	So, please understand where I'm coming	10	to these new documents. So, your objection is noted.
11	from. I'm not trying to be obstreperous. I'm not	11	I appreciate your position thoroughly.
12	trying to be a jerk. I understand your rules. I read	12	I've been on that side of the coin, so to speak. But I
13	your procedures. You know, again, I'm trying to get a	13	am going to move forward because we're going to get
14	list of the facts out to support what we have	14	there whether you ask the questions or whether I ask
15	submitted.	15	the questions.
1.0		110	

16 MR. EMRICH: And that's fair. Again, you know 17 where I'm coming from. This is exactly why we asked 18 for the documents back when we filed our document 19 requests. 20

THE ARBITRATOR: I got it. I got it.

MR. EMRICH: Okay. Thank you. Thank you for understanding my position, you know, as somebody who does this kind of thing. You get it.

THE ARBITRATOR: As I told you before, I have not been a desk jockey for the last 30 years.



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And so, that's all I'm going to say about

But, you know, you make your record, and we can, you

point you know how I feel about it. I mean, there was

information that was submitted that was supposed to be

packet of things that went with that. And none of that

it. And again, I respect where you're coming from.

know, argue about it later if need be. But at this

-- that we had requested with that, you know, the

was produced. Until -- and then we get these

amendments last night.

	Page 134		Page 135
1	MR. EMRICH: And I respect that. I try not to be,	1	happen at some point around the same time that you did
2	too. And I appreciate where you're coming from. And	2	this; is that correct?
3	you know where I'm coming from.	3	A. I did not know when it was going to happen.
4	THE ARBITRATOR: Okay. So, you will please	4	I stated that it did happen around that same time.
5	redirect the witness?	5	Q. Have you had an opportunity to look at
6	Ms. Taylor, how are you doing?	6	Exhibit R-12 of your attorney's presentation of
7	THE WITNESS: I'm fine. Thank you.	7	exhibits?
8	THE ARBITRATOR: Okay. I will have questions once	8	A. Which is?
9	Mr. Emrich is finished, just to clarify some things in	9	Q. It's the certificate of amendment of the
10	my mind. Okay?	10	bylaws and the other documents that are listed,
11	THE WITNESS: Okay.	11	governance documents that are listed in Exhibit 12 for
12	THE ARBITRATOR: All right.	12	La Club the Club at La Peninsula?
13	MR. EMRICH: Thank you.	13	A. The ones that are dated 2017?
14		14	Q. No. The ones that are dated August 26, 2015.
15	REDIRECT EXAMINATION	15	If you look at you're looking at the first page?
16	By: Mr. Emrich	16	A. Uh-huh.
17	Q. Ms. Taylor, you mentioned that the new bylaws	17	Q. If you scroll down and look at when those
18	and other documents that were submitted last night, you	18	were amended, they were amended three years almost
19	indicated that were passed on May or effective as of	19	three years before the documents that you said were
20	May of 2018, had been in the works for some time, and	20	being held back to wait for the master board's
21	had been held back, as you indicated I believe, for the	21	amendments.
22	purposes of waiting for the master board to amend their	22	A. That might be correct, but in 2014 it was
23	documents; is that correct?	23	still causing consternation to our general counsel.
24	A. Yes.	24	And they were being redone in 2017 and '18.
25	Q. And you indicated that that was going to	25	Q. But again, what was redone was not put into
	Page 136		Page 137
1	effect until May of 2018. And my only point is that	1	else. We waited on general counsel advice.
2	what was being done here with the master board had been	2	Q. So, what your testimony then is, is that had
3	done almost three years before. They weren't being	3	nothing to do with this project, getting this project
4	redone at the time of this at the time that you were	4	through with a 50 percent vote as opposed to a
5	redoing them?	5	75 percent vote?
6	A. I'll have to refer back to Dave Petrella when	6	A. No.
7	he speaks. It was my understanding that they were	7	Q. And as I understand it
8	Q. That's fine. I'm just referring to the	8	A. Awhile ago we have a lot we have other
9 10	document here as to when those were in place.	9	votes that occur. This isn't the only vote that ever
10	Was there any other reason why you changed the voting percentages from 75 percent to 50 percent on	10 11	has occurred that needed to be recorded. Q. As I understand it
12	the eve of this vote by your board, 200 board and your	12	A. Our general counsel stated that it was
13	building owners on this project?	13	becoming common practice in a lot of condominium
14	A. Well, I Barbara, want to object? I did	14	associations to go to a simple majority rather than
15	not that's a supposition that I did it on the eve.	15	three-quarters.
16	We did not do it on the eve.	16	Q. As I understand it, your building is the only
17	Q. All right. Excuse me for the	17	building and the only association building that has
18	characterization.	18	changed its voting requirements regarding the 75 versus
19	A. Let me finish. You've asked a question. I	19	50; is that correct? Or any change in the common
20	get to finish, please. We did not do it on the eve.	20	areas. Correct?
21	We actually had these drafted up quite some time	21	A. That is correct, as far as I know. I would
22	earlier. And by direction of our general counsel,	22	not know the status of each building's bylaws. But I
23	which we relied on for legal matters and by matters	23	do know that was a decision by the 200 building based
0.4	and bylaw drafting, she asked us to wait. So, we	24	on counsel's recommendation.
24	and bylaw drafting, she asked us to wait. So, we	24	on counsel's recommendation.



	Page 138		Page 139
1	changed its voting percentages from 75 to 50 percent	1	I'm correct. Right?
2	for any material change, have they?	2	A. These are two-storey units. So, there's not
3	A. That was a decision by the master board.	3	eight of them there or yeah.
4	Q. What's that?	4	Q. And the walkway that had been approved by the
5	A. That was a decision by the master board. So,	5	200 board building owners in part was to service those
6	if you say they haven't, David Petrella can confirm	6	townhome owners, in addition to those along the ground
7	that. I don't believe they have either.	7	to give them accessibility to the elevator; is that
8	Q. We'll ask him. I just want to understand	8	correct?
9	what we're talking about here.	9	A. Yes.
10	Now, one of the things that you talked a	10	Q. Now, just so I'm clear and so the arbitrator
11	lot about when you were answering Ms. Woodcock's	11	is clear, the people that live in those townhomes,
12	questions was that this accessibility issue to these	12	where do they park their cars?
13	unit owners on the second floor was something that was	13	A. In the parking lot.
14	a very big concern to you because of their difficulties	14	MS. WOODCOCK: Objection. Relevance.
15	in getting around, I think as you put it; is that	15	MR. EMRICH: Well, I believe it I think it's
16	correct?	16	relevant, your Honor, because I think it goes to
17	A. Accessibility for the townhome owners, yeah.	17	question her about why they her justification for
18	Q. The townhome owners. And the townhome	18	the decision they made on moving forward with this
19	owners, for the arbitrator's benefit, are the town	19	project.
20	are the owners on the second floor of the wings of this	20	THE ARBITRATOR: I'll just allow it, Counsel,
21	building; is that correct?	21	Ms. Woodcock.
22	A. Those are the townhome owners that are on the	22	MR. EMRICH: Thank you.
23	east and west wings of the building, with no access	23	BY MR. EMRICH:
24	except for the stairways.	24	Q. How do they get to their they park their
25	Q. So, again the answer would be that's correct	25	vehicles in garages underneath the ground floor units;
	D 140		
	Page 140		Page 141
1	is that correct?	1	Page 141 Q. I understand that. But there are stairs that
2		1 2	
	is that correct?		Q. I understand that. But there are stairs that
2 3 4	is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking	2	Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will.Correct?A. Yes.
2 3 4 5	is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then	2 3 4 5	Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will.Correct?A. Yes.Q. All right. Now, with regard to your you
2 3 4 5 6	is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the	2 3 4 5 6	Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will.Correct?A. Yes.Q. All right. Now, with regard to your you live in one of these townhomes; is that correct?
2 3 4 5 6 7	is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then	2 3 4 5 6 7	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes.
2 3 4 5 6 7 8	is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor.	2 3 4 5 6 7 8	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have
2 3 4 5 6 7 8 9	is that correct?A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor.Q. And my point is, at least with respect to	2 3 4 5 6 7 8 9	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below
2 3 4 5 6 7 8 9 10	is that correct?A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor.Q. And my point is, at least with respect to some of them, they have to come up some stairs to get	2 3 4 5 6 7 8 9	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below your windows; is that correct?
2 3 4 5 6 7 8 9 10 11	 is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor. Q. And my point is, at least with respect to some of them, they have to come up some stairs to get to the ground floor or to the second floor if they go 	2 3 4 5 6 7 8 9 10 11	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below your windows; is that correct? A. No. The walkway is to the left of my
2 3 4 5 6 7 8 9 10 11 12	 is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor. Q. And my point is, at least with respect to some of them, they have to come up some stairs to get to the ground floor or to the second floor if they go up the stairs to their unit; is that correct? 	2 3 4 5 6 7 8 9 10 11 12	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below your windows; is that correct? A. No. The walkway is to the left of my windows.
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2 3 4 5 6 7 8 9 10 11 12 13 14	 is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor. Q. And my point is, at least with respect to some of them, they have to come up some stairs to get to the ground floor or to the second floor if they go up the stairs to their unit; is that correct? A. If they were not to use the Elevator, yes. They had stairs to use. 	2 3 4 5 6 7 8 9 10 11 12 13 14	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below your windows; is that correct? A. No. The walkway is to the left of my windows. Q. But it's underneath the windows; is that right?
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor. Q. And my point is, at least with respect to some of them, they have to come up some stairs to get to the ground floor or to the second floor if they go up the stairs to their unit; is that correct? A. If they were not to use the Elevator, yes. They had stairs to use. Q. And as you indicated, they also have second floors where the bedrooms are located in those units; 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below your windows; is that correct? A. No. The walkway is to the left of my windows. Q. But it's underneath the windows; is that right? A. You mean the walkway we constructed? Q. That you constructed.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 is that correct? A. They park their vehicles in ground floor parking spaces either underneath the building, in the visitor parking spot out front, or in the side parking spots that are all ground floor, which are all then accessible by wheeled conveyances to the base of the elevator that they would take to go up to the second floor. Q. And my point is, at least with respect to some of them, they have to come up some stairs to get to the ground floor or to the second floor if they go up the stairs to their unit; is that correct? A. If they were not to use the Elevator, yes. They had stairs to use. Q. And as you indicated, they also have second floors where the bedrooms are located in those units; is that correct? A. Correct. Q. With stairways going up to those units; is that correct? A. Correct. Q. So they have to climb stairs in their units 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. I understand that. But there are stairs that go up to their bedrooms, a set of stairs if you will. Correct? A. Yes. Q. All right. Now, with regard to your you live in one of these townhomes; is that correct? A. Yes. Q. And you live on a second floor where you have the walkway outside your window that runs along below your windows; is that correct? A. No. The walkway is to the left of my windows. Q. But it's underneath the windows; is that right? A. You mean the walkway we constructed? Q. That you constructed. A. No, it is not underneath my windows. It is to the (audio break). Q. When you look out, you see the walkway from your windows in your unit? A. No. If you look at the pictures, I'm in 202. There is no walkway below my windows. The platform for
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	Page 142		Page 143
1	Q. So, when you look out your windows, you don't	1	coming through between the walkway and those windows.
2	look at a walkway that's over the top of those windows,	2	Q. But there is also a walkway that obscures
3	covering those windows, shading those windows?	3	some of their view from their windows. Correct?
4	A. No.	4	A. I will say yes, but no different than the
5	Q. Right? Is that correct?	5	trees that used to be there.
6	A. Correct.	6	Q. And there are now pillars outside of that
7	Q. And you when we looked at some of the	7	window that those folks look at; is that correct?
8	photographs here, and if we could put the photographs	8	A. Yes. That is correct. There are now
9	back up from Exhibit No. 7, P-7, and if we go to the	9	pillars.
10	last photograph of that group?	10	Q. And you folks that had this approved on the
11	A. Are you putting them up, or am I supposed to	11	second floor, you don't have that, do you?
12	be looking?	12	A. No, we don't. We have railings.
13	Q. We're going to put them up on the screen for	13	Q. Now, with regard to the considerations of the
14	you.	14	people on the ground floor, was one of the concerns
15	A. Thank you.	15	that was discussed when this project was presented, and
16	Q. When you look at that photograph, what you	16	the reason why that it was voted on the basis that it
17	had previously indicated was from looking from the	17	was to be a project connecting all nine units was
18	doorway of 213 towards the elevator tower, you can see	18	because of concerns expressed by some of the building
19	that that walkway that was constructed, the darker area	19	owners about the potential obstruction, if you will,
20	of that walkway covers the windows a couple of the	20	that we're looking at in that photograph for the ground
21	windows into 213 as well as the other units on the	21	floor owners?
22	ground floor. Correct?	22	A. First off, it wasn't approved specifically
23	A. I would disagree with your description of	23	for nine. It was nine units mentioned within the proxy
24	covering. It does not cover because it does not attach	24	allowing us to
25	to the wall. There is definitely a space with light	25	Q. I get that.
	Page 144		Page 145
1	A. Well, if you get it, then please misstating	1	voted by a majority to allow it.
2	it to me. Thank you. So anyway, what we said was	2	BY MR. EMRICH:
3	well, go back to the go back to the meat of your	3	Q. I understand that. But there were concerns
4	question and not the supposition part, please.	4	expressed by some of the building owners about the
5	Q. Again, was that a consideration that was	5	impact of that walkway overhanging those windows in the
6	expressed by some of the building owners, the 200	6	lower units. Correct?
7	building owners, who were asked to vote on this at the	7	A. I don't recall anyone saying that one to me
8	time of the vote in June of 2018, and one of the	8	specifically, no. The only ones who would have
9	reasons why the minutes and the project that was passed	9	objected to me were 201, 208, and the current
10	was a project to connect nine units that are enumerated	10	at-the-time owner of 213. They did not say that to me.
11	in the proxy to the walkway?	11	The only person that said that to me was probably Mike
12	A. I don't agree with you.	12	after he moved in.
13	MS. WOODCOCK: Objection. Asked and answered.	13	Q. So, he was one of the owners that was
14	THE ARBITRATOR: Could you just make a short	14	impacted concerned
15	statement? Was it? Yes or no, I mean?	15	A. After the fact. He was not an owner at the
16	THE WITNESS: It was designed I don't know	16	time of the vote.
17	there's a short statement to that question, because	17	Q. I understand that. So, he was one of the
18	there's so many pieces to it. But there was it was recognized that there would potentially be something in	18	persons that was impacted? His view was impacted.
	recognized inal inere would potentially be something in	19	Correct?
19 20		20	A He has a post in front of his windows was
20	front of some of the lower units. There was also the	20	A. He has a post in front of his window, yes.
20 21	front of some of the lower units. There was also the recognition that the ones up above did not want it	21	And he has an air conditioning unit.
20 21 22	front of some of the lower units. There was also the recognition that the ones up above did not want it attached directly to their building, which is why we	21 22	And he has an air conditioning unit. Q. So, just so I'm clear, you were going over
20 21	front of some of the lower units. There was also the recognition that the ones up above did not want it	21	And he has an air conditioning unit.



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1	BY MR. EMRICH:	1	it. Correct?
2	Q R-28 of the Respondent's exhibit list.	2	A. That is correct.
3	And if we go to the last couple of photographs that	3	Q. Thank you. Now, if we go back to Exhibit R-2
4	were looked at, that were looking at Mike's unit from	4	for a minute, R-2? And if we go to the second picture
5	the front, you talked about the fact that there was a	5	in R-2, that is a proposed right side, if you will,
6	stairway that went up to the unit above Mike's unit,	6	right side proposed. That's the area looking into that
7	that there was a deck that was over his doorway.	7	corner that goes or connects the walkway or was going
8	Correct?	8	to connect the walkway to the elevator tower building.
9	A. Correct.	9	Correct?
10	Q. And we're looking at one of those photos	10	MS. WOODCOCK: Objection. Mr. Emrich is
11	right now. Okay?	11	testifying again.
12	A. Yes.	12	BY MR. EMRICH:
13	Q. And you indicated that the that there was	13	Q. Is that what that is?
14	already a walkway of some sort, porch or whatever you	14	THE ARBITRATOR: Rephrase the question to an
15	want to call for the unit above Mike that was	15	open-ended question.
16	overhanging his doorway. Correct?	16	BY MR. EMRICH:
17	A. That is correct. That is what has been	17	Q. What does that picture depict?
18	placed over his doorway since the building was built in	18	A. That picture depicts
19	1989.	19	MS. WOODCOCK: Asked and answered.
20	Q. And your point in making that was what?	20	THE ARBITRATOR: Go ahead. I'll allow it one more
21	Making that statement was what?	21	time.
22	A. The walkway did not extend further to the	22	MR. EMRICH: Thank you.
23	east or west over his doorway.	23	THE WITNESS: That picture depicts the walkway as
24	Q. So, the window to his kitchen, which is to	24	proposed from the landing on the top of 209 and 210,
25	the right of his doorway, did not have any walkway over	25	extending across the open space to the elevator
	Page 148		Page 149
1	landing.	1	order to support it, then brought in the number of
2	BY MR. EMRICH:	2	posts. We also minimized the posts from double posts
3	Q. It also shows a picture of a of what	3	to single posts. So I can't say that there are many
4	appears to be some sort of a support column; is that	4	more, because you are counting double posts versus
5	correct?	5	single posts.
6	A. That gray line could be. Perhaps not. I	6	Q. Well, when we look at that, we can clearly
7	think so.	7	see that there are more posts than what had been in the
8	Q. And that was what was in the original	8	rendering. Correct? That we looked at first?
9	renderings that were provided with the original	9	MS. WOODCOCK: Objection. Asked and answered.
10	project; is that correct?	10	THE ARBITRATOR: You covered the differences
11	A. Yes. Those were the renderings that were	11	between the renderings and what was actually built.
12	very loosely designed, waiting for an engineer to give	12	MR. EMRICH: Okay. As long as that point is in
13	us actual placements.	13	the record, that's all I need.
14	Q. If we go back to R better yet, let's go to	14	THE ARBITRATOR: It's different. I got it.
15	P-7. And we go back to the eight page of that	15	MR. EMRICH: Okay. Thank you.
16	document. I'm sorry, the seventh page. That is from	16	BY MR. EMRICH:
17	inside of that area, looking out at what appears to be	17	Q. Now, one of the issues that you talked about
18	there now. Correct?	18	here was that that were you trying to make decisions
19 20	A. Yes.	19 20	about accessibility versus privacy. And what
20	Q. And as you can see, there are several more	21	explain that for me. I didn't quite understand the point you were making when you were asked about that in
21 22	structural supports than what were depicted in the proposed rendering. Correct? That we just looked at?	22	connection with these particular decisions that were
23	A. I'm going I told you the rendering was set	23	made regarding the project going forward.
24	up as a guide for what we would want it to get look	24	A. If you look at the picture that's still on
25	like. The actual design that the engineering drew in	25	the screen, if you stop at the first railing where it
		- T	······································



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1	clears the building, you would have made a sharp right	1	that exactly matches what the master board approved.
2	turn. If we had gone for 100 percent ADA	2	Q. And as I understand what you're saying then,
3	acceptability, which required a greater slope, then we	3	is that the impact on the lower unit owners, in terms
4	would have turned the corner on the right, attached it	4	of how this might impact their units, was secondary to
5	to the building, gone back and attached it in front of	5	the considerations that you just mentioned?
6	in that case it would have been 224, I believe. And	6	A. No.
7	come around the front in front of 224's exit railing	7	MS. WOODCOCK: Objection. Mischaracterizes the
8	before opening up to go onto the Elevator.	8	testimony, and assumes facts not in evidence.
9	We had had a lot of comments from owners,	9	BY MR. EMRICH:
10	including the owner of 224 in that they valued their	10	Q. Was there any consideration given to the
11	privy. And the option then was to take this walkway,	11	impact of this particular walkway on how it might
12	and take it straight out from the building, and make	12	impact the potential value of the lower units along the
13	the small turn that we did, and keep this walkway from	13	ground floor?
14	attaching to the building, and being in front of	14	THE ARBITRATOR: Mr. Emrich, you're on redirect.
15	numerus windows or directly over numerous windows.	15	I don't recall your direct talking about the impact on
16	And when I say "directly over," not with	16	value of the lower units.
17	the gap that's shown in the other picture that shows	17	MR. EMRICH: Well, but I would indicate that she
18	the gap between 213 and 208 that has a gap between the	18	was in her testimony, she was talking about the
19	walkway and the windows, but this would actually be	19	considerations that were made regarding the placement
20	attached to the building. So, there would be no gap,	20	of this walkway. So, I think that it's only
21	no allowance of any privacy. So, we took this ramp,	21	appropriate for me to cross-examine her on that, and
22	and we took it out across.	22	ask some questions about that on redirect.
23	Now, in the end, this extension of the	23	THE ARBITRATOR: All right, fine. A few questions
24	ramp this way, which we had originally planned on but	24	will be fine on that basis.
25	found did not provide enough slope, was then the one	25	MR. EMRICH: Thank you.
	Page 152		Page 153
1	BY MR. EMRICH:	1	BY MR. EMRICH:
2	Q. Was there any consideration as to the impact	2	Q. All right. So, one last question, then I'll
3	on the financial value of those units by the placement	3	be done.
4	of this walkway in the position that it was along the	4	When this project was finally approved,
5	second floor area over the windows with those posts	5	the ADA compliance aspect of it was no longer something
6	placed where they were along the ground floor of the	6	that was relevant to the project given what had what
7	units on either side of the elevator tower?	7	decision you had made about moving forward; is that
8	A. We did not do these for discussions any	8	correct?
9	discussion of value on the units, whether it was the	9	MS. WOODCOCK: Objection. Asked and answered.
10	townhomes other the lower ones. We focused on privacy	10	THE ARBITRATOR: This is his last question. I'll
11	and accessibility for our owners. That was the sum	11	just let it go ahead.
12	total of our discussions as we talked to owners, and as	12	THE WITNESS: I thought that was has last
13	we talked to engineers. If other people brought up	13	question. Am I supposed to answer that? I'm sorry.
14	value issues, it was not something that we based our	14	I'm confused.
15	decisions on.	15	THE ARBITRATOR: Just answer. This is his last
16	MR. EMRICH: All right. I think I'm done, your	16	question.
17 18	Honor. And can I just take a minute before I complete,	17 18	THE WITNESS: Okay. I'm sorry. Please say that
18 19	and go off record? THE ARBITRATOR: Sure.	19	again. BY MR. EMRICH:
20	MR. EMRICH: Thank you.	20	Q. So, as I understand it, at the time that this
20	TYTES, LAWLINES ALL, LEIGHTN VOUL.		
21	· · · · · · · · · · · · · · · · · · ·	21	project the tinal project with the six limits as
21 22	(There was a break taken, after	21 22	project the final project with the six units as opposed to the nine units that was that you moved
22	(There was a break taken, after which the deposition was resumed	22	opposed to the nine units that was that you moved
22 23	(There was a break taken, after which the deposition was resumed as follows:)	22 23	opposed to the nine units that was that you moved forward with, as I understand what you're now saying
22	(There was a break taken, after which the deposition was resumed	22	opposed to the nine units that was that you moved



	Page 154		Page 155
1	to the building owners was the ADA compliance aspect	1	THE WITNESS: Pretty good, thank you.
2	was no longer a consideration?	2	
3	A. I would answer that by saying that it's not	3	EXAMINATION
4	something it's not something that I am now saying.	4	By: The Arbitrator
5	It was something that was discussed with owners	5	Q. Okay. I need to get some facts straight in
6	verbally and at meetings, and it was discussed at the	6	my head, ma'am. And do you have a complete list of
7	master board. It was gone through in detail in March,	7	exhibits for Respondent's exhibits?
8	July, November at the master board, and it was a	8	A. Yes. I believe I do. It's what Barbara gave
9	decision based on what we were voted authority in the	9	me.
10	proxy, which was to make a decision about this as board	10	Q. And what I want to discuss with you, it is
11	in the best interests of the building.	11	Respondent's 15, 16 and 17.
12	Q. So, the answer is: It was not a concern at	12	A. 15 the proxy votes.
13	that point. It was not something that was part of this	13	Q. Yeah.
14	project?	14	A. Okay. And 16 the proximate votes? Okay.
15	A. I will not use the word concern.	15	Q. And 17 is proxy votes.
16	MS. WOODCOCK: Objection.	16	(Whereupon, the document was marked
17	THE WITNESS: Thank you.	17	as Respondent's Exhibit No. 15 for
18	THE ARBITRATOR: It's been asked and answered. I	18	identification.)
19	understand her answer, sir. So	19	(Whereupon, the document was marked
20	MR. EMRICH: All right. I have no further	20	as Respondent's Exhibit No. 16 for
21	questions, your Honor. Thank you.	21	identification.)
22	THE ARBITRATOR: Ms. Woodcock, do you have	22	(Whereupon, the document was marked
23	anything?	23	as Respondent's Exhibit No. 17 for
24	MS. WOODCOCK: No, your Honor.	24	identification.)
25	THE ARBITRATOR: How are you doing, Ms. Taylor?	25	THE WITNESS: Okay. I have it here. I've got
20	THE ARDITICATION. How are you doing, his. Tuylor.	25	THE WITNESS. Okay. Thave it here. The got
	Page 156		Page 157
1	Page 156		Page 157
1	them open. What's your question, please? Thank you.	1	A. Correct.
2	them open. What's your question, please? Thank you. BY THE ARBITRATOR:	1 2	A. Correct.Q. Okay. The 3/6/18 represents the vote to
2 3	them open. What's your question, please? Thank you.BY THE ARBITRATOR:Q. These exhibits seem to have some different	1 2 3	A. Correct.Q. Okay. The 3/6/18 represents the vote to amend 200 building bylaws; is that correct?
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	Page 158		Page 159
1	A. Yes.	1	kind of around the same time. I need to determine at
2	Q. Because 16 is to amend the bylaws with the	2	the time the vote was taken which set of bylaws and
3	votes, 17 is a vote on the walkway with proxies?	3	declarations controlled. Okay? That's what I need to
4	A. Yes. And I believe it's just 15 got included	4	know.
5	in an overabundance of documentation.	5	MS. WOODCOCK: Understood.
6	Q. Shame on you.	6	THE ARBITRATOR: Because to me, whether this
7	A. Right.	7	project was voted on correctly is determined by the
8	Q. Now, you're going to need and I'm going to	8	date that those amendments were or were not enacted.
9	need some help here from counsel the master amended	9	MS. WOODCOCK: Yes.
10	declaration of bylaws, and the master amend and the	10	THE ARBITRATOR: So, we can either do this through
11	200 building amended declaration and bylaws. Let me	11	the witness, or we can do this through counsel.
12	know when you're with me.	12	MS. WOODCOCK: I suggest doing it through counsel,
13	MS. WOODCOCK: I'm not sure what your question	13	because the documents are what the documents are. And
14	was. I'm sorry.	14	they were recorded and passed when they were passed and
15	THE ARBITRATOR: Okay.	15	dated. I don't think we really need witness testimony
16	MS. WOODCOCK: You want me to clarify which	16	as to that. But that's my opinion.
17	documents are which documents?	17	THE ARBITRATOR: Mr. Emrich, do you got a problem
18	THE ARBITRATOR: I need four documents.	18	with that?
19	MS. WOODCOCK: Okay.	19	MR. EMRICH: No, your Honor. No.
20	THE ARBITRATOR: Let me ramble on for a second.	20	THE ARBITRATOR: Okay. So, let's go off the
21	Okay? And I'm going to give counsel some understanding	21	record a moment, and we'll get this straight between
22	where I'm going here. I just need some facts. It	22	the counsels.
23	seems that about the time that the vote to amend the	23	(Whereupon, a discussion was held
24	bylaws and the vote on the walkway what we're	24	off the record.)
25	calling the walkway are all pretty much around	25	THE ARBITRATOR: We can go back on the record.
	Page 160		Page 161
1	Does either counsel want to recap of what we've just	1	Q. So, people who are on the elevated first
2	gone through for purposes of the record? Mr. Emrich?	2	floor would pay for the walkway. And if a sidewalk had
	gone through for purposes of the record? Mr. Emrich? MR. EMRICH: I'm not going to, your Honor.	2 3	floor would pay for the walkway. And if a sidewalk had been installed, those people on the ground floor would
2 3 4	gone through for purposes of the record? Mr. Emrich? MR. EMRICH: I'm not going to, your Honor. THE ARBITRATOR: Ms. Woodcock?	2 3 4	floor would pay for the walkway. And if a sidewalk had been installed, those people on the ground floor would pay for the sidewalk.
2 3 4 5	gone through for purposes of the record? Mr. Emrich?MR. EMRICH: I'm not going to, your Honor.THE ARBITRATOR: Ms. Woodcock?MS. WOODCOCK: No, your Honor.	2 3 4 5	floor would pay for the walkway. And if a sidewalk had been installed, those people on the ground floor would pay for the sidewalk. A. Correct.
2 3 4 5 6	 gone through for purposes of the record? Mr. Emrich? MR. EMRICH: I'm not going to, your Honor. THE ARBITRATOR: Ms. Woodcock? MS. WOODCOCK: No, your Honor. BY THE ARBITRATOR: 	2 3 4 5 6	floor would pay for the walkway. And if a sidewalk had been installed, those people on the ground floor would pay for the sidewalk. A. Correct. Q. Now, it's also my understanding that
2 3 4 5 6 7	 gone through for purposes of the record? Mr. Emrich? MR. EMRICH: I'm not going to, your Honor. THE ARBITRATOR: Ms. Woodcock? MS. WOODCOCK: No, your Honor. BY THE ARBITRATOR: Q. Okay. Ms. Taylor, we're back on the record. 	2 3 4 5 6 7	floor would pay for the walkway. And if a sidewalk had been installed, those people on the ground floor would pay for the sidewalk. A. Correct. Q. Now, it's also my understanding that maintenance of the walkway is going to be incumbent
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	Page 162		Page 163
1	Q. The master.	1	question, your Honor. She's not a lawyer.
2	A. No. I'm sorry. No. No walkway expenses	2	THE ARBITRATOR: I said based on her understanding
3	were dispersed to the master at all, nor will they ever	3	of the documents. She's a board member.
4	be.	4	MR. EMRICH: Okay.
5	Q. Does that include insurance?	5	THE WITNESS: I'm also in the middle of dealing
6	A. Insurance is all paid individually by the	6	with Citizens and Irma. I actually have Irma and Zelda
7	building. Property, casualty, wind, fire, et cetera.	7	close in my mind, also being facetious, sir.
8	Q. Does the master incur any other liabilities	8	Anyway, the buildings' insurance would be
9	aside from insurance casualty that would be associated	9	approached, and obviously a claim would be made for the
10	with the walkway?	10	repair of that. And then depending on building
11	A. No. Zero.	11	deductibles and determination, it would be a cost
12	Q. I'm going to get a little facetious here, if	12	borne, we hope, by insurance. And then it would be a
13	you don't mind, ma'am?	13	question if the owners had to have any responsibility
14	A. Please, go ahead.	14	after an insurance claim was made. The building.
15	Q. So, Hurricane Zelda comes up the coast, and	15	BY THE ARBITRATOR:
16	you're in Naples. Right?	16	Q. So, it's basically building 200. They're all
17	A. The Naples address; closer to Marco Island.	17	on the hook for this walkway if something happens?
18	Q. I know the area very, very well. Okay?	18	A. That would be correct as with any other
19	Hurricane Zelda comes up and blows that walkway away	19	common element. Yes.
20	just like Dorothy in the house, and it lands somewhere	20	Q. Aside from the governing documents that we've
21	in Naples.	21	discussed, meaning the building 200 amended declaration
22	Who is liable based on your understanding	22	and amended bylaws, and then the master association
23	of insurance liability, things like that?	23	amended declaration and amended bylaws, are there any
24	A. The 200.	24	other documents that, to your knowledge, that reflect
25	MR. EMRICH: I object to her answering that	25	the liabilities associated with the walkway being
	white Elementeria. I coject to her unswering that		the machines associated with the wantway comp
		1	- 1.65
	Page 164		Page 165
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	Page 166		Page 167
1	I can't tell you that I remember those	1	go to the definition of voting interest again in the
2	changes. I'm assuming that in Jamie Greusel's records	2	200 bylaws?
3	somewhere are detailed descriptions of what she went	3	BY THE ARBITRATOR:
4	from bylaw Version 2013 to bylaw Version 2018. But	4	Q. So, Ms. Taylor, are you able to see that on
5	that was all done at general counsel recommendation.	5	your screen: Voting interests?
6	So, it was a long process which then, as I explained	6	A. I can read part of it. The problem is the
7	earlier, became halted when Jamie Greusel said to us,	7	view. Just a minute. I got to shut down the view of
8	"I'm also looking at the master board."	8	all the screens. Okay. "Voting interest shall be
9	And I know they were doing something at	9	defined as the arrangement established in the
10	the master board. And I wasn't serving on the master	10	condominium documents." Is this the one you were
11	board at the time, so I can't it was my	11	referring to? 5.21?
12	understanding they were changing the bylaws. But if	12	Q. Right. This is one of the changes that got
13	they didn't, Jamie still gave us counsel to hold off on	13	
14	ours until she had rewritten the master's to make sure	14	adopted?
15	that we tried to stay in sinc with what she considered	15	A. (Witness pausing.)Q. Is this one of the changes that was adopted?
16	to be upcoming master bylaw changes.	16	A. I don't believe I know if that's one of the
17	So, we were going on the advice of general	17	
18	counsel to make all those steps to keep the building as	18	ones, because that doesn't address the simple majority.
19	updated as possible.	19	Q. Okay. Because in the original documents, there was no definition of voting interest for building
20	Q. I don't want you to necessarily tell me what	20	6 6
21	your lawyer said. That's none of my business.	20	200. It only appeared in the declaration of the master bylaws.
22	A. Sorry.	22	5
23	Q. No. I mean, well, I don't want to get into	23	A. And I would say that was probably one she
23	-		suggested. That's the only conclusion I could draw
24 25	specifics.	24	from your information.
23		25	Q. Can you just give me a moment? I'll give
	Page 168		Page 169
1	both counsel an opportunity to ask some questions based	1	THE ARBITRATOR: Okay. This is how I feel about
2	on the stuff I've asked if they want to. I think I got	2	it. I mean, you know, we're not Circuit Court, we're
3	this straight in my mind now. Mr. Emrich?	3	not in the DCA, we're not part of the Supreme Court of
4	MR. EMRICH: No questions, your Honor.	4	the U.S. Supreme Court here. Okay? There was a bit of
5	THE ARBITRATOR: Ms. Woodcock?	5	a surprise from Mr. Emrich's part about the amended
6	MS. WOODCOCK: No questions, your Honor.	6	bylaws.
7	THE ARBITRATOR: Okay. Thank you for your time,	7	MS. WOODCOCK: Understood, your Honor.
8	ma'am. You've been very patient. I appreciate it.	8	THE ARBITRATOR: Mr. Petrella is here. You know,
9	THE WITNESS: Thank you.	9	let's just have it out here today, folks. Make a
10	(Whereupon, the witness was	10	record, and whatever I decide, you know, you go to the
11	excused.)	11	next level.
12	THE ARBITRATOR: Mr. Emrich, do you have any more	12	MS. WOODCOCK: Yes, your Honor. Understood.
13	witnesses?	13	THE ARBITRATOR: Mr. Emrich, call your witness.
14	MR. EMRICH: Yes, I do, your Honor.	14	MR. EMRICH: Yes. Dr. Petrella.
15	THE ARBITRATOR: Okay. Who's next?	15	THE WITNESS: Yes.
16	MR. EMRICH: Mr. Petrella. Or Doctor. I	16	THE ARBITRATOR: Sir, would you please raise your
17	understand he's a doctor. Dr. Petrella.	17	right hand.
18	THE WITNESS: Present.	18	(The oath was thereupon duly
19	MS. WOODCOCK: Dr. Petrella isn't listed as an	19	administered to the witness by the
20	representative of the association of the master	20	Arbitrator.)
21	association on petitioner's witness list. So, I'm	21	THE ARBITRATOR: Okay.
22	going to state an objection to that. But I had talked	22	MR. EMRICH: Your name for the record, sir?
23	with counsel prior, and he stated that he would have	23	THE WITNESS: David Petrella.
24	him near and available to testify, so I'm going to	24	
25	allow it to proceed.	25	



	Page 170		Page 171
1	DAVID PETRELLA,	1	Q. So, it was effective after that meeting, sir?
2	having been first duly sworn, was examined and	2	A. Correct.
3	testified as follows:	3	Q. But you were involved in the vote that was
4		4	taken at that time?
5	DIRECT EXAMINATION	5	A. Correct.
6	By: Mr. Emrich	6	Q. And were you involved in preparing any of the
7	Q. And your address?	7	minutes at that time?
8	A. My official address is a Michigan residence.	8	A. I assisted in supplying notes to management
9	Currently, we have a condominium here at 700 La	9	for the March 12th meeting. Yes.
10	Peninsula Boulevard.	10	Q. The March 12th meeting of 2019?
11	Q. And what role do you play in the master	11	A. Correct.
12	board?	12	Q. And my understanding is that you would have
13	A. I am the current president.	13	also been then involved in the January 2019 meeting of
14	Q. And before that were you on the master board?	14	the master board?
15	A. Yes.	15	A. I was present, yes.
16	Q. And what role did you play on the master	16	Q. And are you familiar, sir, your role with
17	board?	17	regard to the architectural control committee of the
18	A. I was a director from 2018 until such time	18	master board?
19	that I was voted in as president.	19	A. Maybe if you could be more specific?
20	Q. And that was when?	20	Q. Would you you said that you got on the
21	A. July 2019.	21	board in 2018.
22	Q. So, as president you were present at the	22	What part of 2018?
23	July 11 of 2019 meting?	23	A. Most likely it was March of 2018, when we had
24	A. Correct, but I did not assume the presidency	24	the annual board of director elections.
25	until after that meeting.	25	Q. And at any time since you've been on the
	Page 172		Page 173
1	Page 172 board in March of 2018, have there been any changes in	1	Page 173 Q. As to what? I'm sorry. I didn't catch the
1 2		2	Q. As to what? I'm sorry. I didn't catch the last part?
	board in March of 2018, have there been any changes in your bylaws, your declaration documents, any of the documents that govern your association's operation from		Q. As to what? I'm sorry. I didn't catch the last part?A. Prior to Hurricane Irma.
2	board in March of 2018, have there been any changes in your bylaws, your declaration documents, any of the documents that govern your association's operation from what was adopted in August of 2015?	2 3 4	Q. As to what? I'm sorry. I didn't catch the last part?A. Prior to Hurricane Irma.Q. What was the date of that?
2 3	board in March of 2018, have there been any changes in your bylaws, your declaration documents, any of the documents that govern your association's operation from what was adopted in August of 2015? A. Yes.	2 3	Q. As to what? I'm sorry. I didn't catch the last part?A. Prior to Hurricane Irma.Q. What was the date of that?A. For our community, that was September 2017.
2 3 4	board in March of 2018, have there been any changes in your bylaws, your declaration documents, any of the documents that govern your association's operation from what was adopted in August of 2015?A. Yes.Q. So, there have been changes?	2 3 4 5 6	 Q. As to what? I'm sorry. I didn't catch the last part? A. Prior to Hurricane Irma. Q. What was the date of that? A. For our community, that was September 2017. Q. So, was the architectural control committee
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1A. Yes.1my notes here. I had written that you2Q. In looking at let me see if can find it a2to 31. Is that incorrect?	
	objected to 25
	J -
3 minute here, sir. R-31. 3 MR. EMRICH: That's incorrect, y	/es.
4 MS. WARD: Working on that. 4 THE ARBITRATOR: Okay. So,	
5 MR. EMRICH: Okay. Thank you. 5 objection?	
6 (Whereupon, the document was marked 6 MR. EMRICH: Hang on a minute	e. I have to find my
7 as Respondent's Exhibit No. 31 for 7 notes.	2
8 identification.) 8 MS. WOODCOCK: I have that M	Ir. Emrich objected to
9 MR. EMRICH: And, your Honor, just for your 9 25, and then 32.	,
10 edification, this particular document was part of the 10 MR. EMRICH: That's correct. 25	and 32 I objected
11 additional documents that counsel provided earlier last 11 to.	ũ
12 week as part of an amended submission. Or it may have 12 THE ARBITRATOR: Okay. Tha	nk you for correcting
13 been even the week before that, your Honor. 13 my notes.	
14 THE ARBITRATOR: But did you object to those? 14 MR. EMRICH: No, thank you. A	All right.
15 MR. EMRICH: What's that? 15 BY MR. EMRICH:	-
16 THE ARBITRATOR: Did you object to R-25 through 16 Q. So, Dr. Petrella, looking at the	e January
17 31? 17 meeting, my understanding was that t	he project at issue
18 MR. EMRICH: No, I did not. I only objected to 18 had come before the master board; is	that correct?
19 the one document so called legal opinion. 19 A. Yes.	
20 MS. WOODCOCK: We can't hear you, Henry. 20 Q. And at that point it was tabled	. Correct?
21 MR. EMRICH: What was that? 21 A. Yes.	
22 MS. WOODCOCK: We couldn't hear you. 22 Q. And then it came before the m	naster board in
23 MR. EMRICH: I'm sorry. That only dealt with the 23 March of 2019. Correct?	
24so-called legal opinion.24A. Which was the subsequent me	eeting. Correct.
25 THE ARBITRATOR: Let me just clarify something in 25 Q. Right. Now	
Page 176	Page 177
1 THE COURT REPORTER: Can't hear you. 1 months prior, and only now came up	to the master board
2BY MR. EMRICH:2after the January 2019.	
3Q which is R-31 in front of you.3Q. So, what you're telling me is the second sec	
4 THE COURT REPORTER: We can't hear you. 4 you were concerned, ARC review wa	as not in place at that
5 BY MR. EMRICH: 5 time?	
6 Q looking at the notes in front of you on 6 A. Correct.	
7 R-31, Item No. 6 references a discussion: Vote, ARC 7 Q. And that would have been tru	ie in March
8 review, Unit 407, interior blinds. Correct? Do you 8 of 2019. Correct?	
9 see that? 9 A. Correct. And it was at that m	-
10 A. I see that. 11 O discussion occurred whereby the mas	
11Q. And can you tell me anything about that11decided that it was time rather than12particular vote? You had indicated that you didn't12master association make all these dec	_
12particular vote? You had indicated that you didn't12master association make all these dec13believe that ARC was in place at that time?13would be a buffer, and that buffer would be a buffer.	
13believe that ARC was in place at that time?13would be a burler, and that burler we14A. You're breaking up, Counsel. As you turn14Q. 2019 that was not yet in place	
15 your head away from the microphone, you're no longer 15 A. Correct.	
16 Q. All right. I'm trying really hard not to do 16 Q. And the plans then that we're	talking about
17 that. So, what I asked you is were you aware 17 that. So, what I asked you is were you aware 17 here today for the walkway were there	•
18 looking at those notes, those minutes, R-31, that 18 put before this board at that time. Co	
19there's a discussion about a vote from and10put output output a unit unit. Or19A. Correct.	
20 architectural review committee or architectural 20 Q. But there was no ARC review	v done at the time.
21 review regarding Unit 407? I apologize for that 21 Correct?	
22 misstatement. 22 A. Stated.	
A. Yes. I see that, but I would probably need 23 Q. I'm sorry?	
24to see prior minutes, because that may have been24A. Stated.	
25something that had been submitted to the ARC several25Q.So, that's a yes?	



	Page 178		Page 179
1	A. That is correct.	1	A. "You" meaning me personally, or "you" meaning
2	Q. Thank you, Doctor. Now, were you presented	2	the master board?
3	at that time with any kind of an application for	3	Q. Before the master board.
4	architectural review?	4	A. That discussion initiated in January, and it
5	A. No.	5	continued into March.
6	Q. Control review?	6	Q. But the matter was tabled in January. No
7	A. Did you ask another question, Counsel?	7	official action was taken. Correct?
8	Q. Are you unable to answer that question?	8	A. That is correct.
9	A. I thought I did. I said no.	9	Q. And in March of 2009(sic), the plans then
10	Q. I'm sorry?	10	were discussed with you; is that correct?
11	MS. WOODCOCK: He said he did answer. Maybe you	11	A. March of 2019 I think you mean.
12	didn't hear him.	12	Q. Yes. That's what I believe I said.
13	MR. EMRICH: I'm sorry. I didn't hear him. What	13	Do you recall anything about that
14	did he say? He's kind of soft spoken.	14	discussion?
15	MS. WOODCOCK: You can repeat your answer,	15	A. Yes. There was a power point presentation
16	Dr. Petrella.	16	given by Nancy Taylor and Dr. Bob White.
17	THE WITNESS: Repeat the question then so we can	17	Q. What do you recall about that presentation?
18	be certain that we're talking about the same point.	18	A. Very extensive, very detailed, and it
19	BY MR. EMRICH:	19	engendered a great deal of discussion.
20	Q. Was there any application for architectural	20	Q. What was that discussion about?
21	review control filed by the building 200 board at that	21	A. We heard from several unit owners in the 200
22	time?	22	building, you know, requesting that we seriously
23	A. No.	23	consider the proposition, you know, so far as even
24	Q. But a plan did come before your board that	24	though they had bought units 20 years ago when they
25	you reviewed and commented on. Correct?	25	were in their 50s and 60s, that now they were in their
	Page 180		Page 181
1	70s and '80s, and they were no longer able to access	1	was in order.
2	their units because elevators didn't go to their	2	Q. So, is the answer to the question: You did
3	floors.	3	not review the minutes?
4	Q. Was the project that was brought before you	4	A. I did not personally review the minutes.
5	and it was discussed and shown to you a project that	5	Q. And at that time there was some notes made in
6	would connect nine unit owners to the walkway?	6	the file that or in the minutes that the discussion
7	A. You know, my recollection was that no	7	was about the fact this building, this walkway, was
8	specific number was given during that entire	8	going to be ADA compliant. Correct?
9	discussion. I do recall hearing nine units, because	9 10	A. That I can't recall was in the initial description in January, but at the time of the voting
10 11	it's now subsequent to that risen multiple times. But do I have any specific memory of that number? No. I	11	in March, I think it was discussed that it may or may
12	can say it was somewhere between six and nine.	12	not be.
13	Q. Were you aware that the 200 board had had a	13	Q. So, again coming back to what I asked you,
14	special meeting where the owners were asked to vote of	14	did you you would not have looked at the proxy or
15	200 board of 200 condominium association on the	15	the minutes of the board from the 2018 meeting?
16	project?	16	A. That is
17	A. Perhaps not in the detail that you described.	17	MS. WOODCOCK: Objection. Asked and answered.
18	What the master board was informed at the time, that	18	BY MR. EMRICH:
19	they had circulated a proxy, and the proxy passed with	19	Q. Did you look at the letter that had been sent
20	the required vote.	20	to the owners of 200 with regard to proxy vote?
21	Q. Did you review that proxy at any time?	21	MS. WOODCOCK: Mr. Emrich, can you please wait
22	A. No, not personally.	22	until the arbitrator rules on my objection or, I guess,
23	Q. Did you review the minutes of the meeting	23	withdraw your question so we have a clear record?
23 24	Q. Did you review the minutes of the meeting of the special unit owners' meeting?	23 24 25	THE ARBITRATOR: What was the objection again?



	Page 182		Page 183
1	MS. WOODCOCK: Yes.	1	have to repeat the question, and say whatever,
2	THE ARBITRATOR: Yes. It has been asked and	2	whatever.
3	answered, sir.	3	THE WITNESS: Understood.
4	BY MR. EMRICH:	4	THE ARBITRATOR: Go ahead, Mr. Emrich.
5	Q. Did you review and I haven't asked this	5	MR. EMRICH: Thank you, your Honor.
6	one.	6	BY MR. EMRICH:
7	Did you review the letter that had been	7	Q. Now, Dr. Petrella, you mentioned something
8	sent to the owners of building 200 with that proxy?	8	about the July meeting of the master board.
9	A. I was not even aware of the letter, and I	9	Do you recall talking about that?
10	don't think that's the master board's responsibility	10	A. Only relative to my position as a director
11	either.	11	during that meeting.
12	Q. So, the answer is no? Your answer is no?	12	Q. Now, if we put R-22 in front of you, those
13	A. It's no to a question that I "you" is	13	are the minutes from the July 11, 2019 master board.
14	irrelevant.	14	Correct?
15	THE ARBITRATOR: Dr. Petrella, this is the	15	MS. WARD: Can you repeat the exhibit you're
16	arbitrator.	16	referencing, Mr. Emrich?
17	THE WITNESS: Yes, sir.	17	MR. EMRICH: Yes. R-22.
18	THE ARBITRATOR: This would go a lot faster and	18	(Whereupon, the document was marked
19	simpler if you just answer the question without	19	as Respondent's Exhibit No. 22 for
20	commentary. If you know it, you know if. You don't,	20	identification.)
21	you don't. If you wouldn't mind, just answer the	21	MS. WARD: Dr. Petrella, if you need me to scroll
22	question that's asked, sir.	22	to the next page, just let me know and I'll keep
23	THE WITNESS: I'm sorry, your Honor.	23	scrolling for you. Okay?
24	THE ARBITRATOR: That's okay. It just makes life	24	THE WITNESS: Thank you. Okay. Okay. Okay.
25	a lot easier for everyone. This way counsel doesn't	25	
	Page 184	1	D 10 F
	Tage 104		Page 185
1	BY MR. EMRICH:	1	the architectural review committee would have been in
1 2		1 2	the architectural review committee would have been in place; is that correct?
	BY MR. EMRICH:	1	the architectural review committee would have been in place; is that correct?A. My recollection is that it was at this
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	Page 186		Page 187
1	BY MR. EMRICH:	1	recreated?
2	Q. Doctor, you've had an opportunity to look at	2	A. It's not in the written report.
3	R-34, which are the minutes of August 14, 2019, of the	3	Q. So, no official recreation of the ARC
4	master board; is that correct?	4	committee. Correct?
5	A. Correct.	5	A. No official
6	Q. In reviewing those minutes, Doctor, is there	6	MS. WOODCOCK: Objection.
7	any indication that the ARC committee was reconstituted	7	THE WITNESS: recreation of the architectural
8	at that meeting?	8	review committee.
9	A. There is no written indication. Correct.	9	BY MR. EMRICH:
10	Q. So, and those are the official meeting	10	Q. Did that happen when was the next master
11	minutes of the master board?	11	board meeting after the August 2019 master board
12	A. Correct. But there's a reason for that, if	12	meeting?
13	you'd care me to explain that.	13	A. Probably September.
14	Q. We'll let Ms. Woodcock ask you that.	14	Q. Was (audio break) committee was voted on
15	I just want to know if these minutes	15	at that time?
16	include anything that recreates the arc committee of	16	THE COURT REPORTER: We missed the first part of
17	the master board in the August meeting of 2019, of that	17	your question.
18	master board as you indicated previously?	18	BY MR. EMRICH:
19	A. Other than the inference that all the	19	Q. Do you know, as you sit here today, whether
20	committees had been re-established.	20	or not the arc committee was voted on at that meeting?
21	Q. Well, again we could go back to that those	21	A. There's certainly no vote required. Like I
22	minutes, and if we look at page 3 put page 3 up on	22	had said earlier, the ARC was an ad hoc committee that
23	the screen. Committee reports.	23	if indeed they had been submitted an application, then
24	Is there anything in that committee	24	the committee would have been reformed.
25	reports where an architectural review committee was	25	Q. Was an application
	Page 188		Page 189
1			
-	A. Again, I realize this answer becomes a little	1	say PRN. It's an ad hoc committee, and would have been
2	A. Again, I realize this answer becomes a little lengthy, and perhaps more than you care to hear, but	1 2	say PRN. It's an ad hoc committee, and would have been called upon to act when indeed there was an application
2	lengthy, and perhaps more than you care to hear, but	2	called upon to act when indeed there was an application
2 3	lengthy, and perhaps more than you care to hear, but the person who had historically chaired that committee	2 3	called upon to act when indeed there was an application submitted.
2 3 4	lengthy, and perhaps more than you care to hear, but the person who had historically chaired that committee had let me know that he no longer desired to do that;	2 3 4	called upon to act when indeed there was an application submitted. Q. Was there an application for this project for
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	Page 190		Page 191
1	redirect your testimony as appropriate. But I don't	1	(Whereupon, the document was marked
2	want to get into more arguments between counsel and	2	as Respondent's Exhibit No. 24 for
3	witnesses. Would that be okay with you, sir?	3	identification.)
4	THE WITNESS: That's fine with me, because I am	4	BY MR. EMRICH:
5	not the argumentative type.	5	Q. Looking at that document, Doctor, was any
6	THE ARBITRATOR: Okay. So, if we can just please	6	vote taken on this project that day by the master
7	proceed in that manner, I'd appreciate it, because this	7	board?
8	hearing was only supposed to take four hours at the	8	A. The master board doesn't show the vote, no.
9	most. And here we are at about 3:30, and I'm worried	9	But I'm only looking on page one. I've got another
10	about people getting in all the testimony. Okay?	10	copy here on my desk that I'm looking at, and I don't
11	THE WITNESS: All right.	11	see where a vote is reflected. But indeed I have
12	•	12	
13	THE ARBITRATOR: Thank you, sir. BY MR. EMRICH:	13	fairly acute recall on that particular meeting, and I
14		14	had said at that meeting and I believe it's
$14 \\ 15$	Q. Dr. Petrella, when we look at the November		confirmed in your transcripts that you submitted of the
	minutes, there was no vote taken by the master board on	15 16	recording, that indeed we took I felt more
16	this project. Correct?		comfortable if we just revoted on the fact that all the
17	A. That is not correct.	17	conditions were met for the previous approval.
18	Q. Well, let's put	18	Q. You refer back to the July and the March of
19	MS. WARD: We can't hear you, Henry.	19	2019 meetings. Correct?
20	BY MR. EMRICH:	20	A. Well, specifically the March.
21	Q. Let's look at Exhibit 24. Put that up on the	21	Q. Okay. And earlier you testified that no
22	screen.	22	architectural review control vote was given at that
23	Ms. Ward: P-24 or R-24?	23	time approval was given at that time?
24	MR. EMRICH: R-24.	24	A. I did.
25		25	Q. And there would have been no vote as we
	Page 192		D 100
	Tage 172		Page 193
1	looked here today in July for architectural review	1	Page 193 Q. Now, do you recall having told Mr. Meiresonne
1 2		1 2	
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	Page 194		Page 195
1	Q. But as far as the ARC committee of the master	1	A. Certainly.
2	board, they denied his complaint?	2	Q. And it certainly could be considered a
3	A. I don't believe so. No. I think they	3	nuisance to that person in the adjacent building.
4	instructed the ARC to proceed with their findings.	4	Correct?
5	MR. EMRICH: Hang on a minute, your Honor. I'm	5	A. Again, as I had said earlier, it's
6	looking for	6	subjective; but conceivably could, certainly.
7	BY MR. EMRICH:	7	Q. When the Mr. Meiresonne's patio was
8	Q. Dr. Petrella, did who was in charge of the	8	presented to the master board for review, as well as to
9	ARC committee at the time that that sea grape complaint	9	his own building, he had to submit a he had to
10	was made?	10	submit an architectural review committee control
11	A. I'm sorry. Repeat the question, please.	11	committee request as well; is that correct?
12	Q. Who was in charge of the ARC committee at the	12	A. Correct.
13	time of that?	13	Q. And at the time of that particular
14	A. Vida Chenair (phonetic), I believe.	14	application, there was a determination made that the
15	Q. And would you agree with me, sir, that	15	project was not going to be approved by the
16	whoever would put one of those trees into their	16	architectural review committee because it impacted the
17	landscaping could conceivably cause a visual	17	view of the adjacent properly owner, building 300.
18	obstruction to someone who was in an adjacent building;	18	Correct?
19	is that correct?	19	A. No, that is not correct.
20	A. I missed the salient point of your question.	20	Q. Let me see if I can find 23.
21	Q. Someone in an adjacent building who is	21	MS. WARD: Mr. Emrich, you're cutting out. You'll
22	looking towards the building where the sea grape has	22	want to repeat your question.
23	been planted could conceivably have a concern about the	23	MR. EMRICH: Exhibit R-23.
24	presence of that sea grape tree obstructing their view;	24	MS. WARD: All right.
25	is that correct?	25	
	Page 196		Page 197
1	(Whereupon, the document was marked	1	BY MR. EMRICH:
2	as Respondent's Exhibit No. 23 for	2	Q master board?
3	identification.)	3	A. You're not audible, Counselor. Sorry.
4	BY MR. EMRICH:	4	Q. All right. Is that better?
5	Q. According to that document	5	A. Yes. Much better.
6	MS. WARD: We can't hear you.	6	Q. At the time of the November 4th, 2019,
7	BY MR. EMRICH:	7	meeting, was the ARC committee review report done by
8	Q 2019 board of directors meeting of the	8	your committee your architectural review committee
9	master board; is that correct?	9	regarding that patio. Correct?
10	THE COURT REPORTER: I missed the first part of	10	A. Correct.
11	your question.	11	Q. At that time you indicated the committee
12	BY MR. EMRICH:	12	indicated to you, according to your minutes, that
13	Q. Is Exhibit 23 the minutes of the November 4,	13	several that the basis for the objection in
14	2019, master board meeting?	14	opposition of the ARC committee to the patio was that
15	A. They appear to be, yes.	15	it possibly objected(sic) the view of an adjacent
16	Q. The issue (audio break).	16	property owner. Correct?
17		17	A. You know, I don't recall that. There were
	THE COURT REPORTER: Can't hear you.		
18	BY MR. EMRICH:	18	several objections, but I don't recall that as being
19	BY MR. EMRICH: Q particular patio had come before it; is	18 19	several objections, but I don't recall that as being one of them. I think it was asked: Did the
19 20	BY MR. EMRICH: Q particular patio had come before it; is that correct?	18 19 20	several objections, but I don't recall that as being one of them. I think it was asked: Did the neighboring units object to that? That question was
19 20 21	BY MR. EMRICH:Q particular patio had come before it; is that correct?A. I'm only getting the second half of your	18 19 20 21	several objections, but I don't recall that as being one of them. I think it was asked: Did the neighboring units object to that? That question was asked. But I don't think that was an objection by the
19 20 21 22	BY MR. EMRICH:Q particular patio had come before it; is that correct?A. I'm only getting the second half of your question.	18 19 20 21 22	several objections, but I don't recall that as being one of them. I think it was asked: Did the neighboring units object to that? That question was asked. But I don't think that was an objection by the ARC or the board.
19 20 21 22 23	BY MR. EMRICH:Q particular patio had come before it; is that correct?A. I'm only getting the second half of your question.Q. Was that at that meeting, was the ARC	18 19 20 21 22 23	several objections, but I don't recall that as being one of them. I think it was asked: Did the neighboring units object to that? That question was asked. But I don't think that was an objection by the ARC or the board.Q. Could you look at the third page of
19 20 21 22	BY MR. EMRICH:Q particular patio had come before it; is that correct?A. I'm only getting the second half of your question.	18 19 20 21 22	several objections, but I don't recall that as being one of them. I think it was asked: Did the neighboring units object to that? That question was asked. But I don't think that was an objection by the ARC or the board.



	Page 198		Page 199
1	A. Third paragraph states, "Ron Jacobson	1	committed was reinstituted, and you said that you had
2	reported on the ARC recommendation to deny the	2	been you said that there was a reason that the
3	application. He emphasized that the scope of the	3	meeting minutes did not mention the ARC committee.
4	review of the ARC was limited, and that the role of the	4	What was that reason that you wanted to
5	correction ARC was not unanimous, was several	5	say?
6	opponents of the application relying upon their concern	6	A. Simply that the ARC is an ad hoc committee,
7	that the patio would have a negative impact on the	7	and they're only active once an application has been
8	adjacent owner's water view."	8	submitted either by the board of directors or by,
9	Q. So, that was one of the reasons for the	9	certain cases, the individual themselves. But they're
10	refusal of the ARC committee to approve the project.	10	as delineated explicitly in the July 2019 minutes,
11	Correct?	11	those are the steps that need to be taken for ARC
12	A. Because it's written here, I'll say yes.	12	review. And that's why, as I just commented to
13	But, in fact, I had conversations with the chairman of	13	counselor, that the committee was somewhat, you know,
14	the committee at that time, and I think I made my	14	rebuked by me in the November meeting, because they did
15	opinion known to the general membership that the ARC at	15	not abide by those guidelines.
16	this time had probably overstepped its mandate.	16	Q. After the ARC committee was reinstituted by
17	Q. Thank you. I have no further questions,	17	yourself when you became president, who are the members
18	Dr. Petrella.	18	of the ARC committee?
19	MS. WOODCOCK: Dr. Petrella, I just have a few	19	A. It's changed since that time. The ad hoc
20	brief questions for you.	20	committee at one time was made up of the presidents of
21		21	the various buildings. The problem we had was certain
22	CROSS-EXAMINATION	22	presidents never attended. And the other problem is we
23	By: Ms. Woodcock	23	were having to listen to the same opinions of the same
24	Q. Mr. Emrich was asking you questions about the	24	people being that they were either board presidents
25	August 2019 meeting where you testified that the ARC	25	or rather board members and/or presidents of their
	Page 200		Page 201
			idge 201
1	buildings.	1	Q. And do you know how that individual
1 2		1 2	-
	buildings. So, we, in October, had suggested when we were notified that our chairman was going to resign		Q. And do you know how that individual representative is chosen?A. Through elections. The term is two years,
2	buildings. So, we, in October, had suggested when we	2	Q. And do you know how that individual representative is chosen?
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2 3 4 5	buildings. So, we, in October, had suggested when we were notified that our chairman was going to resign from that committee, you know, once this last issue had been addressed, we had strongly recommended that we change the makeup of that, and have the members be non-board members, non-master association directors.	2 3 4 5	Q. And do you know how that individual representative is chosen?A. Through elections. The term is two years, and through a formal submission of an application. And then at our annual member meeting, proxies are collected and votes counted.Q. From the Club at La Peninsula's perspective,
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 buildings. So, we, in October, had suggested when we were notified that our chairman was going to resign from that committee, you know, once this last issue had been addressed, we had strongly recommended that we change the makeup of that, and have the members be non-board members, non-master association directors. Q. In January 2019, are you aware of whether the Club at La Peninsula had a form application for members to fill out to request alterations? A. Being that I was a director only at that time and not and officer, I suspect there was a form that was held by management. But, you know, I would have to I admit I only more recently within the last year have become aware that there was indeed an ARC form. Did that answer what you were asking me? Q. Yes, sir. So, you said that the presidents of the associations of the several associations had been the members of the architectural review committee. Who are the members of the board of the Club at La Peninsula? A. Each building has a representative. So, I 	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	 Q. And do you know how that individual representative is chosen? A. Through elections. The term is two years, and through a formal submission of an application. And then at our annual member meeting, proxies are collected and votes counted. Q. From the Club at La Peninsula's perspective, did the 200 La Peninsula Condominium Association do what was required of it by the master association to have the walkway project approved and constructed? A. Yes. Q. I'm going to show you one of the photographs that's part of composite Exhibit 28. I just want to ask you a particular question about it. Well, a couple questions about it. Do you recognize what's shown in this photograph? A. Yes. Q. In this what is shown in this photograph? Q. Yes. A. That is the water side of the 200 building.



	Page 202		Page 203
1	photograph, do you see is the sea grape tree that	1	REDIRECT EXAMINATION
2	the petitioner complained about depicted in this	2	By: Mr. Emrich
3	photograph?	3	Q. Dr. Petrella, are you able to see those two
4	A. I'm going to be honest with you. I think the	4	photographs?
5	see grape tree one of them, because I know there is	5	A. I am, sir.
6	a large tree that is it's probably been there for	6	Q. Is the sea grape tree that you mentioned as
7	25 years, is actually on common property of the 300	7	being the larger tree the sea grape tree depicted in
8	building adjacent to it. I think that's Mr.	8	the left photograph?
9	Meiresonne's biggest complaint. But there's as you	9	A. It is.
10	look adjacent to the retention pond where there looks	10	Q. And that is one of the trees that he had
11	like there's wild grass off to the right there, that I	11	complained about as it grew as it grew bigger.
12	believe is the sea grape bush that he's referring to	12	Correct?
13	and complaining about it not currently but	13	A. Correct.
14	potentially obstructing his view in future once it	14	Q. And as you indicated, you talked to that
15	matures.	15	board, the 300 board, about trimming that back.
16	MS. WOODCOCK: I don't have any other questions	16	Correct?
17	for Dr. Petrella.	17	A. No. I spoke to the president of that board.
18	MR. EMRICH: I have one follow-up, your Honor.	18	Q. And that is because of the fact that you
19	THE ARBITRATOR: Yes.	19	believe that it, in fact, was a nuisance for
20	MR. EMRICH: Regarding the sea grape tree. I'd	20	Mr. Meiresonne. Correct?
21	like him to look at Photograph No. 12 of P-7. If we	21	A. I wouldn't be judgmental. I would say that I
22	put that put up photograph 12 of P-7 on the board.	22	think he had a reasonable concern.
23	put that put up photograph 12 of 1 7 on the board.	23	Q. Thank you. And the picture in the right
24		24	photograph of that document is the sea grape tree that
25		25	we talked about being planted down to the left of the
	Page 204		Page 205
1		1	
1	retention pond. Correct?	1	before you, as to whether or not it constituted a
2	retention pond. Correct? A. No. That's a different one.	2	before you, as to whether or not it constituted a material change of the condominium properties that were
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1	Page 206		Page 207
1	A. To the best of my knowledge, yes.	1	MS. WOODCOCK: Yes, your Honor.
2	Q. And what about the one on the right?	2	BY THE ARBITRATOR:
3	A. That I can't tell you, your Honor. That's	3	Q. Okay. Doctor, if you would please read to
4	either a replacement of post Irma, post construction,	4	yourself Provision 6.1?
5	or it was a rehabbed sea grape tree that has been	5	A. Okay.
6	there, you know, for some length of time. I can't	6	Q. Now, correct me if I'm wrong, sir, you've
7	answer that.	7	been on the master association board since March
8	THE ARBITRATOR: If someone could please put on	8	of 2018?
9	the screen Petitioner's Exhibit 9, which	9	A. Correct.
10	MS. WARD: I'll take care of that.	10	Q. So, do you agree that as of your time on the
11	(Whereupon, the document was marked	11	board, these would be the 6.1 would be the governing
12	as Petitioner's Exhibit No. 9 for	12	documents that would reflect the governing documents
13	identification.)	13	that were in effect regarding the architectural control
14	THE ARBITRATOR: And go to page 12. If counsel	14	committee?
15	will please state for the record that this is, in fact,	15	A. Yes, sir.
16	the master amended declaration in effect as of May 27,	16	Q. Doctor, to your knowledge, you said that
17	2015? Mr. Emrich?	17	if I can paraphrase you it's an ad hoc committee?
18	MR. EMRICH: It is, your Honor.	18	A. Yes. Let me correct that. Now over the last
19	THE ARBITRATOR: Ms. Woodcock?	19	few months we've made it more formal, because the new
20	MS. WOODCOCK: Yes, your Honor.	20	chairman has taken that position very serious. So,
21	THE ARBITRATOR: Okay. So, there's no	21	they've asked that they report at each meeting.
22	disagreement about that this bit master association	22	Q. Thank you. Given the fact that you've been
23	and this would be in effect as of 2018, Mr. Emrich?	23	on the master board since 2018, and Section 6 of the
24	MR. EMRICH: Yes, your Honor.	24	master declaration covers the ARC committee, based on
25	THE ARBITRATOR: Ms. Woodcock?	25	your knowledge of the association and I mean master
	Page 208		Page 209
1	association, is there any provision that you can point	1	oversee every single daffodil that got planted to
2	me to that makes it an ad hoc committee as opposed to,	2	replace the previous landscaping.
3	say, a mandatory committee?	3	Q. I respect your answer, sir. I'm not talking
4	A. I believe there is, but I can't point you to	4	my questions are not directed towards the sea
5	it. It's optional. We are not mandated to have an	5	grapes.
6	ARC.		grupes.
		6	A. Okay. Okay. I thought that's what
7	MS. WOODCOCK: And just for the record, this	6 7	• •
7 8			A. Okay. Okay. I thought that's what
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8	MS. WOODCOCK: And just for the record, this Provision 6.1 has no reference to and architectural	7 8	 A. Okay. Okay. I thought that's what Q. They are directed towards the walkway. So, with that predicate, that's where they're going, sir.
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	Page 210		Page 211
1	Q. But you're saying the management company	1	Q. Folks, Doctor, I'm going to need another half
2	makes the decision?	2	an hour of your time, but as I told counsel before,
3	A. Yes, sir. No. They don't make the decision.	3	I've got my heating guy here. He's at the door. I
4	They prosecute the decision. So, in other words, if we	4	just got to talk to him for five minutes, because I'm
5	perceive a violation, or even if the management company	5	freezing.
6	perceives the violation, then by our declarations, the	6	(There was a break taken, after
7	first response comes from management.	7	which the deposition was resumed
8	Q. Okay.	8	as follows:)
9	A. And this can be in the form of certified	9	THE ARBITRATOR: I'm sorry for the delay.
10	letter, a letter from an attorney, something like that.	10	Everyone is on mute.
11	But that is initiated by management.	11	MS. WOODCOCK: Yes, sir.
12	Q. Thank you. Just so I have a few facts	12	THE ARBITRATOR: I just had a couple more
13	straight, you were on the board of the master board as	13	
14	of 3/18?	14^{13}	questions. I apologize for the delay. BY THE ARBITRATOR:
15	A. Yes, sir.	$14 \\ 15$	
16		10^{15}	Q. Okay. Doctor, this is the arbitrator again.
10 17	Q. And at some point after 3/18, the directors	17	A. Sorry.
18	or the board members of building 200 brought to the		Q. Sorry for the delay. We're back in March
$10 \\ 19$	master board to vote on the walkway; is that correct?	18	of 2019. The 200 board brought the plans for the
20	A. Yes, sir.	19	walkway to a vote by the master association and
		20	counsel.
21 22	what month and year that was?	21	A. Correct. Yes, sir.
	A. It was first brought up in January of 2019.	22	Q. And do you recall if that was the nine or six
23	Q. And that's when the master board voted to	23	units?
24	okay the walkway project?	24	A. I don't think a number that I recall was ever
25	A. No. That occurred in March 2019.	25	clearly stipulated.
	Page 212		Page 213
1	Q. To your knowledge, did the master board	1	meeting occurred.
2	evaluate the plans brought to them by the 200 board in	2	MR. EMRICH: Your Honor, I'm going to object to
3	conformance with Section 6.1?	3	that testimony. It's not in conformity with the
4	A. Yes. I believe that on the Power Point	4	minutes of that meeting.
5	presentation in March was very instructive. And it was	5	THE ARBITRATOR: Okay. So, sue him for not having
6	quite a lengthy meeting with lots of questions and	6	accurate minutes.
7	answers. Understand that this was the second	7	MR. EMRICH: Your Honor, with all due respect, the
8	go-around. We had already heard most of this in	8	board acts through its minutes and what it approves as
9	January.	9	part of its actions at the board, and there's no
10	Q. Now, at some point and you'll have to fill	10	indication that that happened. He said it was tabled
11	in the date for me, sir, as best you can you did the	11	previously.
12	200 board come back to the master board and ask again	12	MS. WOODCOCK: You're talking about two different
13	for approval of the project? And by "project," I mean	13	meetings.
14	the walkway.	14	THE ARBITRATOR: I beg your pardon, Ms. Woodcock?
15	A. No.	15	MS. WOODCOCK: I said we're talking about two
16	Q. So, the one time the master board approved	16	different meetings.
17	the walkway project was March 2019?	17	THE ARBITRATOR: Well
18	A. Correct. May I interject something, your	18	MS. WOODCOCK: The meeting the vote to approve
19	Honor?	19	was in March.
20	Q. Go ahead.	20	BY THE ARBITRATOR:
0.1	A. In January, even though the minutes are	21	Q. That's your testimony, Doctor? The vote to
21			
22	pretty skinny, it was presented then and asked a	22	approve the walkway project was in March?
22 23	pretty skinny, it was presented then and asked a vote was asked then, and we thought that was premature,	23	A. Yes, sir.
22	pretty skinny, it was presented then and asked a		** ***



	Page 214		Page 215
1	they're inconsistent with the testimony, you can bring	1	questions for the witness. Mr. Emrich, any follow-ups?
2	that point to my attention.	2	MR. EMRICH: Yeah. I do have a couple, your
3	MR. EMRICH: Thank you.	3	Honor. You okay with that?
4	THE ARBITRATOR: How's that sound as a remedy?	4	THE ARBITRATOR: Yeah. Go ahead.
5	MR. EMRICH: I think that's fine, your Honor.	5	
6	THE ARBITRATOR: Okay.	6	RE-REDIRECT EXAMINATION
7	BY THE ARBITRATOR:	7	By: Mr. Emrich
8	Q. Doctor, there's a gazillion exhibits here.	8	Q. Dr. Petrella, I'm going to ask you to look at
9	Do you have access to the exhibits?	9	P Exhibit P-10. Putting that up on the screen.
10	A. Yes. I can dig them out.	10	MS. WOODCOCK: I'm just going to object to any
11	Q. I'm just basically looking for you to	11	questioning about this exhibit to Dr. Petrella as he
12	identify for me the Power Point presentation either at	12	earlier testified that he had not seen this letter.
13	the January or the March 2019 board meeting.	13	THE ARBITRATOR: He testified he hadn't seen it?
14	A. There was no Power Point presentation in	14	MS. WOODCOCK: Correct.
15	January. The Power Point presentation took place in	15	THE ARBITRATOR: Well, let's just see where the
16	March of 2019. And I believe all of those well, not	16	questioning guess, and if he hasn't seen it, he hasn't
17	there was subsequent. The renderings that I had	17	seen it. If he hasn't seen it, I don't think he can
18	asked to be made part of the November 24th, 2020,	18	answer questions about it, but let's see what he says.
19	minutes reflected what was presented at the March 12,	19	Okay?
20 21	2019, board meeting.	20	MS. WOODCOCK: Understood.
21	Q. I'm just trying to match an exhibit number up	21 22	THE ARBITRATOR: Counsel, go ahead.
22	to what you testified to, sir. So, we're talking about R-2?	23	BY MR. EMRICH:
23	A. Yes.	24	Q. I think he's reviewing it. Have you seen this letter?
24	THE ARBITRATOR: All right. I don't have any more	25	A. No.
20	Page 216		Page 217
1	Q. Okay.	1	
		L +	MR EMRICH. Your Honor just trying to speed
2		12	MR. EMRICH: Your Honor, just trying to speed things up, because he's already testified he hasn't
2 3	A. Well, here, let me clarify that. I've seen	2	things up, because he's already testified he hasn't
2 3 4			things up, because he's already testified he hasn't seen these, and we're asking him basically to
3 4	A. Well, here, let me clarify that. I've seen this now during discovery, but prior to the arbitration I have not.	2 3	things up, because he's already testified he hasn't seen these, and we're asking him basically to re-testify again he hasn't seen them.
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1	what action the board of directors of 200 building had	1	MR. EMRICH: I have no further questions, your
2	taken with regard to this project. Did you?	2	Honor. I'm not going to argue with him.
3	A. That's not true.		THE ARBITRATOR: Ms. Woodcock?
4	Q. Well, you indicated earlier when the	4	MS. WOODCOCK: No questions. No more questions
5	arbitrator asked you whether you knew whether or not	5	for Dr. Petrella.
6	this was six whether or not six units or nine units	6	THE ARBITRATOR: Okay, Doctor. Thank you very
7	were being put before the board for approval, and you	7	much for your time. You're excused.
8	said you didn't recall; is that correct?	8	THE WITNESS: Thank you.
9	MS. WOODCOCK: Objection. Mischaracterizes his	9	(Whereupon, the witness was
10	testimony.	10	excused.)
11	THE ARBITRATOR: What he testified to, I wrote it	11	THE ARBITRATOR: Who's next?
12	down. Counsel can ask the question, but I know what my	12	MR. EMRICH: Petitioner Mike Meiresonne.
13	notes say.	13	MS. WOODCOCK: Your Honor, if we may, can we go
14	BY MR. EMRICH:	14	off the record for a minute to talk about housekeeping?
15	Q. I've asked the question: Do you know whether	15	THE ARBITRATOR: Sure.
16	or not the project that was approved by the master	16	(Whereupon, a discussion was held
17 18	board was for six or nine units being affected or	17 18	off the record.)
18 19	involved with the walkway project?	19	THE ARBITRATION: What we're going to do, it's
20	A. I think I had earlier said I think it was up to nine.	20	4:39. I'll let you folks chat tomorrow, whenever, and somebody can reset and re-notice the remainder of the
20	Q. Up to nine?	21	hearing, at which point both counsel could have plenty
22	A. The way it was described. I'm not sure	22	of time with Mr. Meiresonne, and Ms. Woodcock can
23	whether a specific number was indicated. What they dis	23	present her part of the case, too, and have plenty of
24	were the end units, and that's how the presentation	24	time. How does that sound?
25	went.	25	MS. WOODCOCK: Very good, your Honor.
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1	-	1	CERTIFICATE
1 2	MR. EMRICH: Very good.		CEKTIFICATE
		2	
	(Whereupon the arbitration was	2	STATE OF FLORIDA)
3	(Whereupon, the arbitration was	2 3 4	STATE OF FLORIDA) COUNTY OF SAINT LUCIE)
3 4	(Whereupon, the arbitration was continued sine die.)	3 4 5	COUNTY OF SAINT LUCIE)
3 4 5		3 4 5 6	COUNTY OF SAINT LUCIE) I, Janet Hayden, certify that I was authorized
3 4		3 4 5 6 7	COUNTY OF SAINT LUCIE) I, Janet Hayden, certify that I was authorized to and did stenographically report the arbitration, and
3 4 5 6		3 4 5 6 7 8	COUNTY OF SAINT LUCIE) I, Janet Hayden, certify that I was authorized to and did stenographically report the arbitration, and that the transcript is a true and complete record of my
3 4 5 6 7		3 4 5 6 7 8 9	COUNTY OF SAINT LUCIE) I, Janet Hayden, certify that I was authorized to and did stenographically report the arbitration, and
3 4 5 6 7 8 9 10		3 4 5 6 7 8 9 10	COUNTY OF SAINT LUCIE) I, Janet Hayden, certify that I was authorized to and did stenographically report the arbitration, and that the transcript is a true and complete record of my stenographic notes.
3 4 5 6 7 8 9 10 11		3 4 5 6 7 8 9	COUNTY OF SAINT LUCIE) I, Janet Hayden, certify that I was authorized to and did stenographically report the arbitration, and that the transcript is a true and complete record of my
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