

<p style="text-align: right;">Page 1</p> <p>1 STATE OF FLORIDA</p> <p>2 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</p> <p>3 DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES, AND MOBILE</p> <p>4 HOMES</p> <p>5</p> <p>6 IN RE: PETITION FOR ARBITRATION</p> <p>7</p> <p>8 MICHAEL MEIRESONNE,</p> <p>9 Petitioner,</p> <p>10 vs. Case No. 2021-04-5656</p> <p>11</p> <p>12 200 LA PENINSULA CONDOMINIUM</p> <p>13 ASSOCIATION INC., and THE CLUB</p> <p>14 AT LA PENINSULA, INC.,</p> <p>15 Respondents.</p> <p>16 /</p> <p>17</p> <p>18 Zoom Arbitration Conference</p> <p>19</p> <p>20 DATE: Friday, April 1, 2022</p> <p>21 TIME: 10:27 A.M.</p> <p>22 REPORTER: Lory Helland, CER-#3778</p> <p>23 Certified Reporter</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES: Con't</p> <p>2</p> <p>3 BARBARA BALLARD WOODCOCK, ESQ.</p> <p>4 Cole, Scott, Kissane, P.A.</p> <p>5 27300 Riverview Center Boulevard</p> <p>6 Suite 200</p> <p>7 Bonita Springs, Florida 34134</p> <p>8 239-690-7900</p> <p>9 barbara.woodcock@csklegal.com</p> <p>10 Appearing on behalf of the Respondents.</p> <p>11</p> <p>12</p> <p>13 ALSO PRESENT: Cheney Ward - Emrich Assistant</p> <p>14 Matt Darling - Property Managers</p> <p>15 Michael Meiresonne - Respondent</p> <p>16 Nancy Taylor - Respondent for 200 La</p> <p>17 Peninsula Condominium Association,</p> <p>18 Inc.,</p> <p>19 David Petrella - Respondent for The</p> <p>20 Club at La Peninsula, Inc.,</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>																														
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 J.A. SPEJENKOWSKI</p> <p>4 Office of the General Counsel Condominium</p> <p>5 Arbitration and Mediation Program</p> <p>6 Department of Business & Professional Regulation</p> <p>7 2601 Blair Stone Road</p> <p>8 Tallahassee, Florida 32399-1030</p> <p>9 850-414-6867</p> <p>10 Appearing as Arbitrator.</p> <p>11</p> <p>12 HENRY S. EMRICH, ESQ.</p> <p>13 Secrest Wardle</p> <p>14 2055 East Beltline SE</p> <p>15 Suite 600</p> <p>16 Grand Rapids, Michigan 49546</p> <p>17 616-285-0143</p> <p>18 hemrich@secrestwardle.com</p> <p>19 Appearing on behalf of the Petitioner.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">I N D E X</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">WITNESS</th> <th style="text-align: right;">PAGE</th> </tr> </thead> <tbody> <tr> <td colspan="2" style="text-align: center;">MICHAEL MEIRESONNE</td> </tr> <tr> <td>Examination by Mr. Emrich</td> <td style="text-align: right;">7</td> </tr> <tr> <td>Examination by Ms. Woodcock</td> <td style="text-align: right;">49</td> </tr> <tr> <td>Re-examination by Mr. Emrich</td> <td style="text-align: right;">73</td> </tr> <tr> <td>Examination by The Arbitrator</td> <td style="text-align: right;">80</td> </tr> <tr> <td colspan="2" style="text-align: center;">DAVID PETRELLA</td> </tr> <tr> <td>Examination by Ms. Woodcock</td> <td style="text-align: right;">99</td> </tr> <tr> <td>Examination by Mr. Emrich</td> <td style="text-align: right;">109</td> </tr> <tr> <td>Examination by The Arbitrator</td> <td style="text-align: right;">131</td> </tr> <tr> <td colspan="2" style="text-align: center;">NANCY TAYLOR</td> </tr> <tr> <td>Examination by Ms. Woodcock</td> <td style="text-align: right;">132</td> </tr> <tr> <td>Examination by Mr. Emrich</td> <td style="text-align: right;">142</td> </tr> <tr> <td>Examination by The Arbitrator</td> <td style="text-align: right;">151</td> </tr> <tr> <td>Re-examination by Mr. Emrich</td> <td style="text-align: right;">157</td> </tr> </tbody> </table> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	WITNESS	PAGE	MICHAEL MEIRESONNE		Examination by Mr. Emrich	7	Examination by Ms. Woodcock	49	Re-examination by Mr. Emrich	73	Examination by The Arbitrator	80	DAVID PETRELLA		Examination by Ms. Woodcock	99	Examination by Mr. Emrich	109	Examination by The Arbitrator	131	NANCY TAYLOR		Examination by Ms. Woodcock	132	Examination by Mr. Emrich	142	Examination by The Arbitrator	151	Re-examination by Mr. Emrich	157
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1 Friday, April 1, 2022

2 10:27 A.M.

3 * * *

4 COURT REPORTER: Before I swear in the

5 deponent, I would like to confirm that all parties

6 agree to allow me to administer the oath to the

7 deponent over the phone. If there is an objection,

8 please state it now.

9 (No objections.)

10 MICHAEL MEIRESONNE

11 having been first duly sworn, was examined and testified as

12 follows:

13 E X A M I N A T I O N

14 MICHAEL MEIRESONNE

15 BY MR. EMRICH:

16 Q. Give your name for the record, please.

17 A. My name is Michael Meiresonne.

18 Q. And you are the petitioner in this case?

19 A. Yes.

20 Q. Could you tell us -- give us a little background about

21 yourself, please?

22 A. I'm 70 years old. I have been married 42 years. I

23 have four children and six grandchildren. I'm

24 president and owner of Industrial Quick Search, which

25 is an original equipment manufacturer directory

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1 serving over 200 industries, and I don't know what

2 else you'd like to know.

3 Q. That's fine.

4 At some point, Mike, you purchased a

5 condominium in La Peninsula, correct?

6 A. That's correct.

7 MS. WOODCOCK: Objection, leading.

8 CONTINUING BY MR. EMRICH:

9 Q. Did you at some point purchase a condominium?

10 MS. WOODCOCK: Mr. Emrich, I'm going to ask

11 you to wait and for Mr. Meiresonne to wait for the

12 arbitrator to rule on my objection before proceeding.

13 ARBITRATOR: It's sustained. Just ask

14 open-ended questions, sir, for direct examination.

15 CONTINUING BY MR. EMRICH:

16 Q. Did you purchase a condominium in La Pen?

17 A. Yes, I did. I first purchased a condominium in

18 Building 602, which it had an obstructed view outside

19 its bathroom -- or kitchen windows, and when I saw and

20 visited 213, I canceled that contract and I ended up

21 purchasing 213 La Peninsula. In March 2019 is when it

22 went under contract from --

23 Q. Who did you --

24 A. -- Bill Zammer.

25 Q. You purchased it from Mr. Zammer?

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1 A. Yes, I did.
2 Q. And when did you close it?
3 A. We closed in May of 2019.
4 Q. At some point, was this transferred to a trust?
5 A. Yes, it was transferred to a trust in August of 2019.
6 Q. Are you a representative of the trust?
7 A. Yes, I am.
8 Q. At the time of the purchase, were you told anything
9 about the walkway project that is the issue of this
10 petition?
11 A. I received two e-mails from my realtor about a
12 walkway. It was not clear what exactly it was.
13 Q. What was your understanding of what -- from those
14 e-mails of what was being constructed or proposed?
15 A. Basically, I was pretty much -- her first e-mail was
16 saying it was a good thing.
17 The second e-mail explained more of the
18 details behind this walkway, and it was an e-mail from
19 current Board -- she forwarded me an e-mail from the
20 current Board member, Brett Folbrum (phonetic), that
21 basically said -- that was spelled out in the
22 transcript that basically that the nine-unit owners
23 had to agree to it and they had to go through all
24 these different processes to bring it back to the
25 Master Board, and that it would be quite a ways out

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1 because there's a lot of confusion and nothing was
2 really well understood by the people at that Master
3 Board meeting.
4 Q. Following that -- following what you learned at that
5 point, were you ever provided any communications from
6 the 200 Board about what was being proposed?
7 A. I did not hear anything from the 200 Board until I
8 received an e-mail from Nancy Taylor after the Master
9 Board meeting of 11/24/20 where she sent out an e-mail
10 to all the 200 unit owners explaining what had
11 transpired at the Master Board meeting of 11/24/20.
12 Q. So prior to that time, had you seen any photographs,
13 any renderings, anything at all with regard to the
14 project?
15 A. Nothing at all.
16 Q. At some point, you became a Board member at --
17 A. Yes. I was offered a Board position in February of
18 2019, started March of 2019, but it was delayed
19 because of COVID, and then I got on the Board in --
20 I'm sorry, February of '20, and I got on the Board in
21 May of '20 through March of '21.
22 Q. Did you have any other role on the Board other than
23 just a Board member?
24 A. I basically started up -- I had recommended in January
25 of '20 -- or actually, December of '19, 2019, to

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1 basically start a landscape committee, which Nancy
2 Taylor thought was a good idea, and we also used
3 Maureen Daugherty in 2'08, and so we started a
4 landscape committee.
5 Q. You said January '19, did you mean January '20?
6 A. Yeah, January '20.
7 Q. Did you serve any role as an officer on the Board?
8 A. Yes, I was secretary.
9 Q. From the time you got on the Board until November 24th
10 of '20, how many meetings were conducted?
11 A. We only had one formal meeting. We had some other
12 informal meetings, and then we had another one in
13 12/2/20.
14 Q. At any time during those -- the meeting that you
15 referenced or the informal meetings, was the walkway
16 project ever brought up or discussed?
17 A. Never.
18 Q. At some point, then, did you learn that the project
19 was going to go forward?
20 A. I had gotten a call from Frank Apuzzo who testified
21 earlier about the Master Board meeting regarding
22 Taylor and White presenting a walkway project without
23 informing me as a Board member, and he asked me why I
24 wasn't there. I said I wasn't informed about it. So
25 that's how I first found out about it.

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1 Q. What did you do after that with regard to the project
2 in question?
3 A. I tried to find some information about the project. I
4 was told by Bob White that Resorts has all records and
5 I'd have to go to Resorts to get the records, and I
6 was able to go on the Resorts site and find a document
7 that was the proxy, the letter regarding the proxy and
8 the minutes of that meeting. So I was able to do some
9 investigations, and then I tried to find out more but
10 pretty much I was stonewalled by Bob and -- Taylor and
11 White to the point where I ended up having to submit
12 an official record request to try to get documents.
13 Q. So you just referenced the fact that you were able to
14 find some documents on the website for the
15 Association.
16 MR. EMRICH: I'm going to ask that Ms. Ward
17 put up Petitioner's Exhibit 10.
18 MS. WARD: Working on that right now.
19 (Referenced Exhibit 10.)
20 CONTINUING BY MR. EMRICH:
21 Q. I'll ask you to take a look at what has been
22 introduced as Exhibit 10.
23 Is that one of the documents you referenced
24 that you received from Management Resorts?
25 A. Actually, I accessed it on their website and I was

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1 able to download these documents.
2 (Referenced Exhibit 11.)
3 CONTINUING BY MR. EMRICH:
4 Q. And if we put up Exhibit 11, looking at that, is that
5 a copy of one of the documents that you were able to
6 obtain from the website?
7 A. Yes, correct, yes.
8 Q. And what is that?
9 A. That is the proxy that the membership voted on
10 regarding the walkway project.
11 (Referenced Exhibit 12.)
12 CONTINUING BY MR. EMRICH:
13 Q. And then if we put up Exhibit 12, what is that
14 document?
15 A. That shows how people voted at that meeting for that
16 proxy.
17 (Referenced Exhibit 13.)
18 CONTINUING BY MR. EMRICH:
19 Q. And then finally Exhibit 13, what is that?
20 A. I received the minutes as well for that meeting.
21 Q. And was that on the website as well?
22 A. Yes, it was.
23 Q. Based on that -- based on a review of those documents,
24 was there any other information at that time that you
25 had about the project?

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1 A. Well, between -- I got that between 11/24 and the 12/2
2 meeting. Prior to the 12/2 200 Board meeting that
3 they were going to discuss this, Nancy Taylor had sent
4 out an e-mail explaining how this project had
5 developed from the June 18th, '18 meeting.
6 Q. And was that particular document sent in connection
7 with an upcoming 200 Board meeting?
8 A. Yes, it was.
9 (Referenced Exhibit 22.)
10 CONTINUING BY MR. EMRICH:
11 Q. And if we put up Exhibit 22, if we look at Exhibit 22,
12 which appears to be -- is that the e-mail you're
13 referring to?
14 A. Yes, that is the e-mail Nancy Taylor sent out to
15 provide some background for this upcoming meeting.
16 Q. Now, after reviewing those documents, what was your
17 understanding of what had been proposed versus what
18 was going to be apparently built?
19 A. Basically, it's pretty clear from reading the proxy,
20 from my point of view, that in the letter and the
21 other documents, that almost all the requirements that
22 were stated in the letter, the proxy and the minutes
23 were not followed, especially with regards to my unit,
24 because my unit was an initial part of this project.
25 So I was very surprised to see that this had been able

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1 to go through and be approved by the Master Board
2 given all these conditions.
3 In addition, the other point of concern was
4 they had said they would immediately furnish --
5 actually, the minutes of June 18th, say that they
6 would now present the plans to the ARC Committee,
7 which was never done, even eight, nine months later.
8 And then thirdly, is that I had been told
9 on other related projects, project at my patio, which
10 was just a 90-square foot addition to the patio floor,
11 that that was a material change and would need a
12 Master Board approval and community approval, and I
13 was shocked that the Florida statute, which I thought
14 was pretty clear on a major material change, did not
15 require a 75 percent community approval.
16 Q. So going back to, again, the project at hand, based on
17 what you reviewed as to what the Board did and what
18 you reviewed in Ms. Taylor's e-mail to the Board, what
19 is your understanding of what had happened since the
20 original plans had been submitted to the 200 Board?
21 A. One thing more on this --
22 MS. WOODCOCK: Objection, calls for
23 speculation.
24 MR. EMRICH: Well, I asked him to --
25 ARBITRATOR: Hold on, Counsel. We're not

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1 going to go through this again. There's been an
2 objection.
3 You're saying it's speculation, but, as I
4 recall, the question was what was his understanding?
5 Is that the question?
6 MR. EMRICH: Yes, based on his review of
7 what we've just talked about.
8 ARBITRATOR: Then I'll allow the question,
9 because it's his understanding, it's not what someone
10 else may understand.
11 THE WITNESS: My understanding, again, was
12 very confusing, because during this whole period of
13 time that this was being built, our building Board was
14 integrally involved with developing this plan, and the
15 proxy said that the projects would be -- would have to
16 meet final approval of the Board.
17 So I was on the Board. We never did
18 approve this project. So there was so many things
19 wrong that it just seemed like the 200 Board had
20 gotten the proxy pack and then they decided to do
21 whatever they wanted to do and no holds barred in
22 terms of how they were going to do it.
23 CONTINUING BY MR. EMRICH:
24 Q. If we were to look at Exhibit 22, and I want you to
25 look at the last paragraph of Exhibit 22 a minute.

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1 I'm sorry, on the first page of Exhibit 22, if you
2 look at the bottom line, the second sentence of that.
3 A. Yes, it says, "Based on the approval, the six
4 townhouse owners began a process."
5 Well, the approval needed all nine for the
6 proxy, and that was arbitrarily changed by two of the
7 walkway participants, which were also members of the
8 200 Board, which was Bob White and Nancy Taylor.
9 Q. And, again, at any time when you were on the Board,
10 did this project ever come up for a vote with respect
11 to the changed plan?
12 A. There was no discussion in any form during my time up
13 until after the Master Board meeting of 11/24/20.
14 Q. So what happened next?
15 A. At what time?
16 Q. Following your review of Nancy's e-mail and your phone
17 call with Frank on the 24th of 2020, what happened
18 next?
19 A. Well, we had a meeting, a Board meeting that had
20 lasted over two hours on 12/2 -- 12/2/20, and Nancy
21 Taylor then submitted another written document that
22 she read to the membership, and then we ended up
23 having a long discussion among many of the other very
24 confused unit owners at the 200 Building. That
25 basically resulted in a motion to basically have a

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1 vote on this project, which I seconded it, and Nancy
2 canceled that motion, and we didn't even get to vote
3 on it.
4 Q. So there was a proposal made following a discussion
5 that was never voted on?
6 A. That's correct.
7 Q. So when you indicated that Nancy read something into
8 the record, if we look at Petitioner's Exhibit 22 and
9 we go to page 3 of that document, take a peek at that,
10 and is that the document that you're referencing?
11 A. Yes. She read that as well as she sent that out.
12 Q. At this particular meeting, were you still the
13 secretary of the Board?
14 A. Yes, I was.
15 Q. Did you ever prepare minutes of this meeting?
16 A. No. I was instructed not to.
17 Q. Did you at any time secure a recording of the meeting?
18 A. Yes, I did. I recorded the whole meeting.
19 Q. And that particular recording was submitted as part of
20 the amended exhibit list following the last hearing
21 and was introduced as Exhibit 30; is that correct?
22 A. That's correct.
23 MS. WOODCOCK: It hasn't been introduced
24 and the Respondent objects to that exhibit.
25 CONTINUING BY MR. EMRICH:

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1 Q. That particular --
2 ARBITRATOR: Just hold on. We're not going
3 to do this again.
4 There's been an objection, correct? There
5 was an objection from the first hearing. However,
6 he's authenticated, and he recorded -- he made this
7 recording. So what's the basis for your objection?
8 He's authenticated the recording.
9 MS. WOODCOCK: The basis for the objection
10 is that -- well, several objections, such as evidence,
11 there was testimony from Ms. Taylor what had happened
12 at this meeting.
13 There's been lack of foundation regarding
14 the recording. Mr. Meiresonne said he recorded it.
15 He did not testify any -- no lack of foundation what
16 was used to record it. Was it legally recorded
17 pursuant to Court statues regarding a Board meeting?
18 ARBITRATOR: He can record a Board meeting
19 under the Florida statues, I believe.
20 MS. WOODCOCK: Upon notice to the Board.
21 ARBITRATOR: So I'm going to lay a
22 foundation. I'll take it under advisement.
23 In your memos, you can argue that it
24 shouldn't be considered, but he can certainly testify
25 to it.

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1 So, Mr. Emrich, please lay a proper
2 foundation regarding the recording of the meeting.
3 CONTINUING BY MR. EMRICH:
4 Q. You recorded this meeting on your own?
5 A. Yes, I did. I did it on an iPhone.
6 Q. And what did you do with that recording?
7 A. I had it transcribed from a transcription service.
8 Q. And when you say you had it transcribed, are you
9 talking about the entire transcript or portions of it?
10 A. Just a portion of it relevant to the discussion on the
11 walkway.
12 Q. So the actual link itself that you recorded would have
13 been what was submitted as Petitioner's Exhibit 30?
14 A. Yes. Whatever that link is, yes.
15 Q. And then 32 was an actual transcript of those portions
16 of the transcript, correct?
17 A. That's correct.
18 MR. EMRICH: Thank you, your Honor, I don't
19 have any other questions.
20 ARBITRATOR: You're done with the witness?
21 MR. EMRICH: On this particular point, yes.
22 ARBITRATOR: What do you mean "on this
23 particular point"?
24 MR. EMRICH: On the point -- you asked me
25 to lay a foundation regarding --

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1 ARBITRATOR: Okay.
2 MS. WOODCOCK: Same objection, but I
3 understand your ruling that we can address it in
4 written memos.
5 ARBITRATOR: You can address it, and I'll
6 be -- I suspect both parties are going to submit
7 memos.
8 MS. WOODCOCK: That's correct.
9 ARBITRATOR: And you have the transcript
10 transcribed, while we're on the subject, would someone
11 please file a copy of the transcript also?
12 MS. WOODCOCK: I believe Mr. Emrich also
13 has that as a potential exhibit, which Respondents
14 object to as well. We can address it at that time.
15 MR. EMRICH: We've already done that, your
16 Honor, we've already submitted it.
17 ARBITRATOR: We'll deal with housekeeping
18 off the record at the end of the arbitration. Thanks.
19 All right, go ahead.
20 CONTINUING BY MR. EMRICH:
21 Q. So going back to the December 2nd meeting, again, you
22 indicated, Mr. Meiresonne, that no action was taken on
23 a motion that was put before the Board regarding these
24 plans; is that correct?
25 A. That's correct.

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1 Q. What else -- what else did you do with regard -- with
2 respect to the trying to learn what had happened here
3 in connection with the proxy and the minutes and
4 documents regarding the June of 2018 200 Board action
5 did you take to attempt to determine what had
6 transpired?
7 A. I had sent in some official document requests to try
8 to find out the circumstances with ARC since Bob White
9 had been the Master Board's president, the 200
10 Building president, he was the ARC member for the 200
11 Building for seven, eight years, and it made no sense,
12 especially after the plan I had to put through for my
13 patio, that there was no plan submitted as promised by
14 the minutes of the Board.
15 So trying to get those documents, as we
16 know, we have -- we've gotten five documents from
17 Resorts, we've gotten no correspondence through all
18 this. We've gotten very little document production by
19 the 200 Board, whereas I've provided voluminous
20 documents to this Court.
21 So it's been a very difficult process to
22 try to get many of the important facts. For instance,
23 the unit above me was sold at the same time my unit
24 was. That prior owner did not vote for the walkway
25 project, but somehow or another the two -- that unit,

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1 which is 212, did get contacted, did get involved with
2 the walkway project. We don't know how they were told
3 they had to be involved with the walkway project, and
4 then we had an e-mail from that 212, her name is Mary
5 Theilen, said that they --
6 ARBITRATOR: Counsel, what's the relevance
7 to all this testimony now?
8 THE WITNESS: Pardon me?
9 ARBITRATOR: Your question was about
10 documents, Counsel.
11 MR. EMRICH: Yeah, right. I was just going
12 to refocus him to that.
13 CONTINUING BY MR. EMRICH:
14 Q. Going back to your document requests, if we put up
15 Petitioner's Exhibit 24 to start with.
16 MS. WARD: Working on that.
17 MR. EMRICH: Thank you.
18 (Referenced Exhibit P-24.)
19 CONTINUING BY MR. EMRICH:
20 Q. Looking at Exhibit P-24, do you recognize that?
21 A. Yes. That is one of the three official records
22 request forms that I sent the Master Board of La Pen
23 Condo Association for documents.
24 Q. And where did you send that?
25 A. I sent it to Resorts, which is their agent.

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1 Q. Okay.
2 MR. EMRICH: Could we put up P-25?
3 (Referenced Exhibit P-25.)
4 CONTINUING BY MR. EMRICH:
5 Q. Take a look at P-25. What is that?
6 A. That is also another official document request for the
7 200 La Pen Building Association.
8 Q. And, again, where did you send that?
9 A. To Resorts, who is their agent.
10 MR. EMRICH: Would you put up P-26.
11 (Referenced Exhibit P-26.)
12 CONTINUING BY MR. EMRICH:
13 Q. What is that?
14 A. That is another document request to the Master Board.
15 Q. And where was that sent?
16 A. Again, to Resorts, their registered agent.
17 (Referenced Exhibit P-27.)
18 CONTINUING BY MR. EMRICH:
19 Q. And then what about P-27?
20 A. A 200 official document request, again, sent to
21 Resorts.
22 Q. Following you sending those documents to the Resorts
23 group, did you have any discussions with anyone there?
24 A. I had discussions with --
25 MS. WOODCOCK: Objection, hearsay.

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1 ARBITRATOR: Hearsay can be used in these
2 hearings to supplement other testimony.
3 Counsel, you want to lay a foundation for
4 the hearsay, you gotta lay it for the witness and then
5 supplement it.
6 MR. EMRICH: I think we had already heard,
7 your Honor, from Mr. Darling that he had had some
8 conversations with Mr. Meiresonne about this. So that
9 basically is the conversation we want to talk about.
10 ARBITRATOR: Talking about Frank Apuzzo?
11 MR. EMRICH: Frank Apuzzo has also
12 testified.
13 ARBITRATOR: Frank Apuzzo said he doesn't
14 recall P-24, he saw 25, does not recall 26 and 27.
15 MR. EMRICH: I don't think that was Frank
16 Apuzzo, I think that was Mr. Darling.
17 ARBITRATOR: That's Frank Apuzzo, those are
18 my notes.
19 MR. EMRICH: Frank Apuzzo would not have
20 had any role in a document request.
21 ARBITRATOR: I'm sorry, it is Matt Darling.
22 I stand corrected. It's Matt Darling.
23 What's the objection, Barbara?
24 MS. WOODCOCK: The objection is hearsay.
25 ARBITRATOR: So what's the question again,

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1 Counsel?
2 CONTINUING BY MR. EMRICH:
3 Q. Did you have any discussion with Mr. Darling about
4 your document request?
5 ARBITRATOR: That's not hearsay. He's
6 asking if he had a discussion.
7 MR. EMRICH: That's what I did, I asked
8 him.
9 ARBITRATOR: Overruled.
10 THE WITNESS: Yeah, I had -- I did get one
11 response from the 200 Board document request. I have
12 not received any responses from the Master Board
13 document request at all.
14 MS. WOODCOCK: The answer is nonresponsive.
15 ARBITRATOR: You were asked a question
16 whether you had a conversation, the answer's either
17 "yes" or "no".
18 THE WITNESS: Yes, I had a conversation
19 with Matt Darling.
20 ARBITRATOR: Thank you.
21 CONTINUING BY MR. EMRICH:
22 Q. And what was the nature of that conversation?
23 A. The nature of that conversation was my ability to go
24 over and review the documents.
25 Q. And what did you arrange to do with Mr. Darling?

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1 A. Mr. Darling told me he would e-mail me whatever
2 documents that he had.
3 Q. Did you also have a series of e-mail communication
4 with Mr. Darling as well?
5 A. I had many e-mail communications with Mr. Darling,
6 which was reviewed with him at the last hearing.
7 Q. So the answer would be, "yes", you did have e-mail
8 communication with him regarding this particular
9 document request?
10 A. Correct, yes.
11 (Referred to Exhibit 29.)
12 CONTINUING BY MR. EMRICH:
13 Q. And it would -- and if we were to put up Exhibit 29
14 real quickly, would the documents in that exhibit be
15 reflective or be the documents, the e-mail
16 communications you had with Mr. Darling at Resorts
17 International regarding this particular document
18 request?
19 A. Yes. Mr. White told me to go to Resorts and Nancy
20 also said the records were meticulously maintained by
21 Resorts, so that's why I went to --
22 ARBITRATOR: "Yes" or "no", sir?
23 THE WITNESS: Yes, yes.
24 ARBITRATOR: Thank you.
25 CONTINUING BY MR. EMRICH:

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1 Q. So following your discussion with Mr. Darling, what
2 did you receive?
3 A. I received five documents.
4 Q. Can you tell us what they were?
5 A. I can't tell you right off the top of my head. I do
6 have them in a folder somewhere, but I don't know
7 specifically what they were.
8 Q. Okay.
9 A. I could do that after break. I could tell you what
10 those were.
11 Q. So did you receive any documentation that described
12 the project that was -- that had been approved by the
13 200 Board?
14 A. No.
15 Q. Did you ever receive any renderings or photographs of
16 the project that was moving forward?
17 A. As I said earlier, I did receive the -- from the
18 website, I did receive the renderings that was from
19 the June 2018 proxy, had the renderings with those
20 documents.
21 Q. And if we were to look at Exhibit R-1.
22 (Referenced Exhibit R-1.)
23 CONTINUING BY MR. EMRICH:
24 Q. Have you ever seen that document?
25 A. I might have gotten -- I've seen that document. I

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1 don't remember exactly when I received that document.
2 Q. And what is that document?
3 A. That is the proposal that W.J. Johnson sent to the 200
4 Board for the ADA compliance walkway.
5 Q. And the date of that document?
6 A. January 22nd, 2018. It also states that there was a
7 similar proposal done in January of --
8 ARBITRATOR: Sir, sir.
9 THE WITNESS: All right, sorry.
10 ARBITRATOR: I'm going to rein you in.
11 THE WITNESS: All right.
12 ARBITRATOR: Mr. Emrich was told
13 specifically in the order to tell you he had one hour
14 to present the rest of his case.
15 THE WITNESS: All right.
16 MR. EMRICH: Got it.
17 (Referenced Exhibit R-2.)
18 CONTINUING BY MR. EMRICH:
19 Q. If we put up Exhibit 2, Respondent 2, and, in
20 particular, number 32 of Respondent 2, page 32.
21 MS. WARD: In Exhibit R-2, there's only --
22 oh, I'm sorry, you want PDF page 32?
23 MR. EMRICH: 32, yes.
24 CONTINUING BY MR. EMRICH:
25 Q. Showing you what has been introduced in this hearing

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1 as R-32 -- from R-2, and it's page 32 of that
2 document.
3 Have you ever seen this document before?
4 A. Yes.
5 Q. Could you tell us what that is?
6 A. It was the rendering that was along with the proxy
7 proposal.
8 Q. And can you describe for the record what that shows in
9 terms of what this walkway was to -- how this walkway
10 was to connect, what purpose this walkway was to
11 serve?
12 MS. WOODCOCK: Objection. Mr. Meiresonne
13 has no personal knowledge regarding what these
14 renderings were supposed to show. Ms. Taylor, who was
15 actually involved in the presentation in the middle of
16 the renderings testified about this. Mr. Meiresonne
17 has no personal knowledge to testify about these
18 documents.
19 ARBITRATOR: And is she going to be
20 recalled today, Barbara?
21 MS. WOODCOCK: Pursuant to your order, your
22 Honor, you had said that you had some questions, I
23 believe, that you would like to clarify. So we have
24 Ms. Taylor here present for that, and then depending
25 on what you ask her about, I may be calling her as

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1 well, but it kind of depends on what your questions
2 are, your Honor.
3 ARBITRATOR: Well, what I'll do is I'll
4 change the question to something more than based on
5 whatever knowledge he may have acquired what is his
6 understanding of these drawings. Would you object,
7 Ms. Woodcock, to something like that?
8 MS. WOODCOCK: A question of what his
9 understanding of the drawings are, if that's what your
10 Honor is ruling, that's fine.
11 ARBITRATOR: Yes. I think we'll rephrase
12 the question that way.
13 What is your understanding of what these
14 renderings show, sir?
15 THE WITNESS: My understanding is that it
16 is a walkway project consisting of four different
17 areas that would make the building ADA compliant and
18 it included a sidewalk in front of my unit, from my
19 unit down to the elevator, as well as these other four
20 locations -- three locations, excuse me.
21 ARBITRATOR: So that's his understanding,
22 Ms. Woodcock.
23 Okay, Counsel.
24 MR. EMRICH: I'm sorry, what did you say,
25 your Honor?

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1 ARBITRATOR: He testified as to what his
2 understanding is. So I don't see the problem. I
3 mean, we've had testimony on this before, so...
4 MR. EMRICH: Thank you, your Honor.
5 CONTINUING BY MR. EMRICH:
6 Q. Based on that document that you just testified to,
7 Mr. Meiresonne, was that rendering consistent with
8 your understanding of what had been approved by the
9 200 Board back in 2018?
10 A. Yes. That is what was approved.
11 Q. Now -- I'm sorry, what were you going to say?
12 A. No, no, that's what was approved, yes.
13 Q. Now, subsequent to -- going back to your document
14 request, you mentioned that you received -- you only
15 received five documents. Did you receive all the
16 documents that you had requested from the Board?
17 A. No.
18 Q. And so what you had received would have been
19 consistent with what Mr. Darling had previously
20 testified to?
21 A. Yes.
22 Q. Now, at some point, were you able to determine -- did
23 you take any step to determine if this particular
24 project had ever received ARC approval?
25 A. Yes. I tried to get that through the official

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1 document request.
2 Q. And were you provided any information regarding same?
3 A. No response.
4 Q. At some point, there was a transcript of a -- of the
5 Master Board meeting of March 19 of 2020 that was
6 previously submitted as an exhibit in this case, do
7 you recall that transcript?
8 A. Yes.
9 Q. What do you recall about --
10 (Talking over each other.)
11 MS. WOODCOCK: -- objection (inaudible)
12 that exhibit is not admitted and has been objected to.
13 ARBITRATOR: Which exhibit are we talking
14 about, Mr. Emrich?
15 MR. EMRICH: I'm just -- it is Exhibit
16 P-20, your Honor.
17 ARBITRATOR: Hang on a second. Okay. That
18 was objected to?
19 MS. WOODCOCK: Yes, your Honor.
20 ARBITRATOR: Let me look at it. Hang on a
21 second here.
22 MS. WOODCOCK: Sorry, Mr. Emrich, I believe
23 you were referencing P-16, not P-20.
24 ARBITRATOR: P-16 or P-20?
25 MR. EMRICH: P-16, my mistake. 3/12/19.

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1 (Referenced Exhibit P-16.)
2 ARBITRATOR: That was also objected to.
3 MS. WOODCOCK: Yes, your Honor.
4 ARBITRATOR: This is another recording,
5 correct?
6 MR. EMRICH: Yes. It was a recording of
7 the Master Board meeting of March 12, '19 that
8 Mr. Apuzzo talked about and testified to.
9 ARBITRATOR: Okay.
10 I suspect the same objection as before,
11 Ms. Woodcock?
12 MS. WOODCOCK: Yes, your Honor.
13 ARBITRATOR: And these will be dealt with
14 in your memorandums?
15 MS. WOODCOCK: Yes, your Honor.
16 ARBITRATOR: Based on what the objections
17 are, I'll make a ruling, and if it's not admissible, I
18 will look at it. If it's admissible, I'll look at it.
19 Fair enough?
20 MS. WOODCOCK: Understood, your Honor.
21 ARBITRATOR: Mr. Emrich?
22 MR. EMRICH: I would just -- I just want to
23 make sure that we clarify on the record what we're --
24 what you'll be ruling on.
25 ARBITRATOR: Well, it's Exhibit 16, and

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1 Exhibit 16 is provided by a Cloud, which was sent by
2 an e-mail to all parties labeled 3/12/19.
3 MR. EMRICH: Right.
4 ARBITRATOR: Just for your information, my
5 IT department will not allow me to access the Cloud,
6 they will not let me access Dropbox.
7 MS. WARD: I did actually -- I sent a CD to
8 your office with all of these exhibits (sic) on them.
9 It might be on two different CDs because of the
10 second --
11 ARBITRATOR: This one?
12 MS. WARD: That's one of them, yes.
13 ARBITRATOR: Yes, it says Exhibit 30,
14 Petitioner's Exhibit 30.
15 MS. WARD: Okay. So that would have been
16 the second CD that I sent you with the first amended
17 exhibit list, and there was a CD included in the
18 original exhibit list as well, and that would have
19 been labeled Exhibit, you know, like 16, 18 and 20, I
20 believe.
21 ARBITRATOR: Well, here's the point, folks.
22 We're at a hearing. If I'm convinced through the
23 memos that it shouldn't be admitted, then it's not
24 going to be admitted, I'm not going to give it any
25 weight. We'll have the testimony on it now, reserve

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1 the ruling, and I'll make the ruling later. That's
2 the best I can do right now since I don't have any of
3 our motions in front of me.
4 MR. EMRICH: That's fine.
5 MS. WOODCOCK: Understood, your Honor.
6 ARBITRATOR: Okay?
7 MR. EMRICH: Yes.
8 CONTINUING BY MR. EMRICH:
9 Q. With regard to the exhibit that we were just talking
10 about, Exhibit 16, you obtained that document from --
11 or that recording from Mr. Apuzzo, correct?
12 A. Yes.
13 Q. Did you then have a transcript of that recording or
14 portion of that recording made as well?
15 A. Yes.
16 (Referred to Exhibit P-17.)
17 CONTINUING BY MR. EMRICH:
18 Q. And is that Exhibit 17?
19 A. Yes.
20 Q. P-17?
21 A. Yes.
22 MR. EMRICH: And that was submitted, your
23 Honor, with the original exhibit list.
24 MS. WOODCOCK: Over an objection as well.
25 MR. EMRICH: Understood.

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1 ARBITRATOR: Same objection, same ruling.
2 MR. EMRICH: Right.
3 CONTINUING BY MR. EMRICH:
4 Q. And then with regard to the Master Board meeting of
5 November 24th, 2020, did you obtain that -- where did
6 you obtain that particular recording from?
7 A. From Frank Apuzzo.
8 Q. And did you have that --
9 (Referenced Exhibit P-20.)
10 MR. EMRICH: And that, your Honor, is
11 Petitioner's Exhibit 20 that was previously offered
12 over objection by Ms. Woodcock.
13 ARBITRATOR: Same ruling.
14 MR. EMRICH: Thank you.
15 (Referenced Exhibit P-21.)
16 CONTINUING BY MR. EMRICH:
17 Q. And then finally Petitioner Exhibit 21 is a document
18 that -- what is Petitioner's Exhibit 21?
19 MR. EMRICH: Can we put that up on the
20 board?
21 MS. WARD: It is.
22 MR. EMRICH: Okay.
23 CONTINUING BY MR. EMRICH:
24 Q. And is that something you're familiar with?
25 A. Yes. I think it's the Master Board meeting of

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1 11/24/20.
2 Q. When you say -- is it a transcript that you procured?
3 A. Yes, yes.
4 Q. And was that based on the recording that Mr. Apuzzo
5 gave you?
6 A. Yes.
7 MR. EMRICH: And, again, your Honor, that
8 was submitted as Petitioner's Exhibit 21, correct,
9 over an objection.
10 ARBITRATOR: Subject to the objection, not
11 over the objection.
12 MR. EMRICH: I'm sorry, my apologies.
13 Subject to the objection.
14 ARBITRATOR: I just want to make sure
15 Ms. Woodcock doesn't --
16 MS. WOODCOCK: Correct.
17 ARBITRATOR: Okay.
18 MR. EMRICH: Just a minute, your Honor, let
19 me just find my --
20 CONTINUING BY MR. EMRICH:
21 Q. Okay.
22 Mr. Meiresonne, you had an opportunity to
23 observe what has been put up outside of your unit,
24 correct?
25 A. Yes.

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1 Q. And does it differ in any way from what was originally
2 proposed?
3 A. Yes.
4 Q. And how?
5 A. There are actually 19 material changes to the walkway
6 that were made from the renderings.
7 Q. And what are those differences?
8 A. One is that there was six units, not nine units.
9 First walkway east not included. First walkway west
10 not included. Second-floor walkway entrance moved for
11 privacy. This created two more steps to the walkway.
12 It also raised the walkway. The walkway west was
13 moved off the building. The walkway east was moved
14 off the building. The outside columns were moved to
15 center. 208 entrance has three columns versus the
16 one shown in renderings. Columns were changed to T
17 columns.
18 Walkway was changed from five feet wide to
19 four feet wide. The 208 palm tree was removed but was
20 kept in the original drawing. The railings on the
21 walkway are bolted with clamps versus the existing
22 railings are embedded in the floor. Two trees were
23 removed. The railings are higher than the existing
24 railings. They're a different color. They're a
25 different configuration, and the walkway floor is

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1 concrete. Our walkways are concrete versus the
2 walkway floor is aluminum, and, lastly, it is of a
3 different color.
4 Q. Now, you mentioned that the first difference you
5 mentioned had to do with the units that were -- that
6 were connected by this walkway, and, again, you said
7 it was no longer nine units, but six. Can you further
8 expand on that?
9 A. Basically, it's in the testimony on the 12/2 meeting,
10 on Nancy Taylor and Bob White said that once they
11 found out that 208 and 201 did not want to be part of
12 the walkway project, that they decided just not to
13 contact me and proceed with six units and revise their
14 plan.
15 Q. When we looked at the rendering previously, how are --
16 how were the units -- how was your unit and the unit
17 next to you proposed to be connected to this walkway
18 project?
19 A. They were going to add an additional sidewalk along
20 the wall of my unit all the way down to the entryway
21 of the elevator. So I would have a new sidewalk in
22 front of my garden area.
23 Q. And, again, would that have been one of the -- the
24 removal of that walkway, was that something that was
25 changed as well by the plans that were eventually

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1 constructed?
2 A. Yes. That's what I said in my -- was one of the 19.
3 Q. Okay.
4 And would that have been the case with
5 the other side of the building, I guess it would be
6 the east side of the building?
7 A. Yes. I said that also in my 19, that was my number 3
8 thing.
9 MR. EMRICH: Now, I'd like to, at this
10 point, put up -- have Ms. Ward put up Petitioner's
11 Exhibit 23.
12 MS. WARD: There you go.
13 (Referenced Exhibit P-23.)
14 CONTINUING BY MR. EMRICH:
15 Q. I'd like you to just take a quick look at that,
16 Mr. Meiresonne, and tell us if you've ever seen that
17 before.
18 A. I've seen it recently because they submitted some of
19 these with their documents, but it's only been
20 recently --
21 ARBITRATOR: Mr. Meiresonne?
22 THE WITNESS: Yes, sir.
23 ARBITRATOR: He's running out of his hour,
24 okay? Have you seen the document?
25 THE WITNESS: Yes, I saw it -- yeah, I've

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1 seen that document, yes.
2 CONTINUING BY MR. EMRICH:
3 Q. And what is the date of that document, what appears on
4 it?
5 A. September 9th, 2020.
6 Q. And is your understanding that -- what is your
7 understanding what this document is?
8 A. It's changes to the walkway project.
9 Q. And your understanding is that the form or the basis
10 for what was eventually constructed?
11 A. Yes, I think -- yes.
12 Q. There's a reference in that document, if we look at
13 the second paragraph, to some sort of a design
14 document set by Structures, Design and Consulting
15 dated 8/21/2019.
16 Do you see where I'm referring?
17 A. Yes.
18 Q. Have you ever seen any design document dated
19 8/21/2019?
20 A. Not to my recollection, no.
21 Q. Now, in connection with your attempt to determine
22 whether other aspects of the proxy that was voted upon
23 in June of '18 and the minutes as reflected in the
24 minutes of the Board action of June of 2018, were you
25 ever able to ascertain whether or not an ARC Committee

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1 approval was given for this project?
2 A. Yes, I was able to ascertain there was no ARC
3 approval.
4 Q. And what do you base that on?
5 A. By the statement by Bob White.
6 Q. Now, when we -- when we talk about the project in
7 question, there was also some discussion about a patio
8 project that you had initiated at one point, correct?
9 A. Yes. I --
10 ARBITRATOR: What's the relevance of the
11 patio project here, Counsel?
12 MR. EMRICH: It's --
13 ARBITRATOR: What does it have to do with
14 the walkway, the Sea Grapes or --
15 MR. EMRICH: All right. I'll withdraw
16 that.
17 ARBITRATOR: I'm not going to let you go
18 into that. That's not part of this lawsuit.
19 MR. EMRICH: I understand. I'm going to
20 withdraw -- I'll withdraw that question.
21 CONTINUING BY MR. EMRICH:
22 Q. With regard to the Sea Grapes that you've indicated in
23 your petition was an issue, could you go through it
24 for us what your concerns were about that?
25 A. Could you put up the picture?

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1 Q. Yes.
2 MR. EMRICH: Let's go to Exhibit 31,
3 section 300.
4 (Referred to Exhibit 31.)
5 CONTINUING BY MR. EMRICH:
6 Q. What is that, Mr. Meiresonne?
7 A. That is a large Sea Grape tree that blocks my view
8 from my dining room as well as my patio. It's the
9 only tree in the community that is able to do that,
10 and it's a major obstruction of the view.
11 Q. And where is that located?
12 A. That's located in the accompanying building, the 300
13 Building across from my patio.
14 MR. EMRICH: Can we show the next picture?
15 CONTINUING BY MR. EMRICH:
16 Q. What is that?
17 A. That's another Sea Grape tree that was put in to block
18 our building view from that unit owner, and that also
19 is right outside my patio.
20 MR. EMRICH: Put in the -- switch to the
21 next picture, please.
22 CONTINUING BY MR. EMRICH:
23 Q. What is that?
24 A. That is the -- that same Sea Grape tree three years
25 ago, which grows at four to five feet a year.

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1 Q. So, again, did you at some point pursue or attempt to
2 have those Sea Grape trees removed?
3 A. Yes. I did fill out an official document request on
4 the Sea Grapes to see if they were permitted by the
5 required bylaws of the Master Board.
6 Q. And what did you find out?
7 A. That they had no documentation of approval.
8 Q. Any other steps that you took with regard to that, to
9 those Sea Grapes, did you ever take it before the
10 Board?
11 A. I did take it to -- I talked to Dave Petrella about it
12 and he testified to that earlier, and basically, he
13 agreed it was a view obstruction and a nuisance. He
14 said he sent it to -- he filled out the form and sent
15 it to the new ARC Committee, which is -- the chairman
16 of the ARC Committee is right at that unit, and the
17 ARC Committee published a report saying there was no
18 view obstruction.
19 Q. And when did that happen?
20 A. That happened in March 25, 2021. It was presented at
21 the Master Board meeting of 4 -- I can't remember,
22 4/21/21 or -- in April of '21.
23 Q. So, again, the Arbitrator has indicated that the patio
24 project is not something that's before this hearing,
25 but what happened with the patio -- your patio

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1 expansion project impact -- have any impact on you
2 with regard to what the Master Board did regarding
3 your request to remove those Sea Grapes?
4 A. Could you go to the picture of the patio, please?
5 ARBITRATOR: No, we're not going into this.
6 THE WITNESS: Okay. Well --
7 ARBITRATOR: Be quiet.
8 THE WITNESS: Well, the --
9 ARBITRATOR: Be quiet.
10 MR. EMRICH: Hang on, Mike.
11 ARBITRATOR: Be quiet. We're not talking
12 about this patio project. Is that clear, Counsel?
13 MR. EMRICH: It is clear, your Honor.
14 ARBITRATOR: It's not in his petition. If
15 he wants to file another petition about it, fine, he
16 can do that, but we're here on the records request,
17 the walkway and the Sea Grape trees, not the effect
18 that the Sea Grape trees have on his patio.
19 MR. EMRICH: Well, my only point would have
20 been, your Honor, is simply that there was a decision
21 that was made with regard to his patio project that he
22 couldn't expand it because it affected the view of an
23 adjacent property owner which was one of the reasons
24 why he tried to pursue the removal of the Sea Grapes.
25 That's all. That's the only point. We're not arguing

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1 about the decision by the Board in this case about the
2 patio, just trying to demonstrate that there are
3 inconsistent applications of the rules of the Board
4 regarding what's in a view obstruction or not or
5 what's supposed to be considered by the Board.
6 ARBITRATOR: And he can file a petition for
7 selective enforcement on his patio, but in filing a
8 petition for selective enforcement of his patio, it
9 must be of same kind and like regarding enforcement of
10 the rules. Quite frankly, I don't see that same thing
11 between putting in a patio and putting in the Sea
12 Grapes, but you're welcome to file your petition at
13 some future point in time, and whichever arbitrator
14 gets it, can get it and move on at that. We're not
15 talking about a patio today.
16 MR. EMRICH: All right, thank you.
17 CONTINUING BY MR. EMRICH:
18 Q. Finally, Mr. Meiresonne, let's just talk briefly about
19 the request for action in this case. What are you
20 requesting that the Arbitrator do here?
21 A. Remove the walkway, the elevated walkway over my
22 two-bedroom unit.
23 Q. And why is that, sir?
24 A. It's because I had my office in that room and it was a
25 beautiful room that looked out onto the grounds and

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1 blue sky and sun. Now it is covered, it looks like
2 the L tracks in Chicago. I look out that window, that
3 little cove, and I see three big columns with the Ts
4 on -- the T columns and this huge walkway going over
5 my two-bedroom unit to where I just cannot even -- I
6 cannot even work in that room.
7 Every day when we go in and out of our
8 units, right to the left, it's a reminder of this big
9 obstruction that, again, looks like the L tracks in
10 Chicago where I grew up and it just looks terrible,
11 and it really doesn't serve really any purpose other
12 than to devalue my unit and increase value to those
13 units above.
14 MS. WOODCOCK: I'm just going to move to
15 strike that last portion, assumes facts not in
16 evidence. There's zero evidence or testimony about an
17 alleged decrease or increase in value of units.
18 ARBITRATOR: I'm inclined to agree. If you
19 want to bring an action in civil court as to
20 devaluation of your unit, you're welcome to do so, but
21 that's not within my purview here, sir. So you want
22 it removed.
23 THE WITNESS: Yes.
24 ARBITRATOR: What else do you want?
25 THE WITNESS: And then I would like to have

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1 the Sea Grapes removed. I can have a view as
2 indicated by the ARC Committee that everybody should
3 have.
4 ARBITRATOR: Any other questions,
5 Mr. Emrich?
6 MR. EMRICH: No, your Honor, I don't think
7 I have any at this point.
8 ARBITRATOR: Okay.
9 Ms. Woodcock?
10 MS. WOODCOCK: Yes, your Honor.
11 ARBITRATOR: Go ahead, ask them.
12 MS. WOODCOCK: Thank you, your Honor.
13 E X A M I N A T I O N
14 BY MS. WOODCOCK:
15 Q. Mr. Meiresonne, in --
16 MS. WOODCOCK: I'm sorry, Ms. Ward, can you
17 please put up Exhibit P-31 that I think you just had
18 up, if you don't mind.
19 Thank you.
20 CONTINUING BY MS. WOODCOCK:
21 Q. Mr. Meiresonne, this Sea Grape tree here shown in
22 P-31, do you know what property that is located on?
23 A. That is adjacent to my property.
24 Q. Do you know who owns -- what entity owns the property
25 that that tree is located on?

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1 A. No.
2 Q. So you don't know -- would you agree with me, then,
3 that it is not controlled by the 200 Building?
4 A. According to the bylaws of the Master Board, they
5 control all landscape --
6 Q. Mr. Meiresonne, my question for you is: Would you
7 agree with me that this is not on 200 property?
8 A. No, I don't know.
9 Q. You don't know, okay.
10 And so do you agree with me you don't know
11 if it's on 300 La Peninsula property?
12 A. Oh, excuse me. I know it's not on 200, I'm sorry.
13 I'm sorry. It is not on 200. It's on the adjacent
14 building 300.
15 Q. Okay, fair enough.
16 And the testimony is you don't know if the
17 300 La Peninsula Building owns the property that this
18 tree is located on, do you?
19 A. I don't know -- I don't know who controls that
20 circumstance.
21 Q. Mr. Meiresonne, when you purchased your unit in May
22 2019, were these Sea Grape trees there?
23 A. Yes.
24 Q. Do you know when these Sea Grape trees were planted?
25 A. No.

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1 MS. WOODCOCK: Ms. Ward, can you please
2 scroll to the second picture you were showing in the
3 same exhibit? No, the prior one.
4 Yes, thank you.
5 CONTINUING BY MS. WOODCOCK:
6 Q. Mr. Meiresonne, in this photograph, is there a view of
7 the water?
8 A. Yes.
9 Q. You can see the water, correct?
10 A. Yes, but that is from --
11 Q. Mr. Meiresonne, please just answer the question that I
12 ask.
13 A. Right.
14 Q. The tree that's shown in this photograph, let me ask
15 you, when was this photograph taken?
16 A. Last year, to my recollection, to my best
17 recollection, the last year.
18 Q. Did you take this photograph?
19 A. Yes, I did.
20 Q. Does this Sea Grape tree get trimmed?
21 A. I don't know.
22 Q. Well, you said you took this photographs a year ago.
23 Is the Sea Grape tree that same size today?
24 A. I don't know.
25 Q. When was the last time you looked outside of your

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1 window at the --
2 A. Well, I've not been able to look out my windows
3 because we have a million-dollar reconstruction going
4 on now and a lot of my windows are boarded up.
5 Q. Why are your windows boarded up?
6 A. Because they've torn apart my patio due to a bunch of
7 repairs that have to be made in the building.
8 Q. When were your windows boarded up?
9 A. About -- in the last month.
10 Q. So prior to your windows boarded up, when you looked
11 outside your window, was -- had this tree been
12 trimmed?
13 A. I don't -- I don't know. It's still very big.
14 MS. WOODCOCK: Ms. Ward, I'm done with the
15 exhibit. I appreciate you leaving it up.
16 CONTINUING BY MS. WOODCOCK:
17 Q. All right, Mr. Meiresonne, I want to ask you about
18 P-23 that we were looking at earlier. Do you need me
19 to put it up for you? Mr. Meiresonne?
20 A. What?
21 Q. I would like to ask you a question about P-23. Do you
22 need me to put that up for you on --
23 A. Yeah, I don't know what P-23 is.
24 Q. Okay, fair enough. Give me one moment, please.
25 A. I'm not that smart.

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1 MS. WOODCOCK: Thank you, Ms. Ward. I
2 appreciate that.
3 CONTINUING BY MS. WOODCOCK:
4 Q. Mr. Meiresonne, I believe you testified that you had
5 seen this document before but you weren't sure when
6 you received it; is that correct?
7 A. I wasn't sure when I received it after -- I did not
8 receive it prior to the 12/2/20 meeting. So it was
9 after the 12/2/20 meeting and I wasn't sure in what
10 form I received it.
11 Q. Would you agree with me that you received this
12 document prior to filing your petition for non-binding
13 arbitration in this case?
14 A. I'm not certain about that.
15 Q. Are you aware that it's attached as an exhibit to your
16 petition?
17 A. Pardon me?
18 Q. Are you aware that this document is attached as an
19 exhibit to your petition?
20 A. I would think -- I have -- I don't know that per -- I
21 don't know that -- if it is, it is. I don't know of
22 every document that we've included, and I don't know
23 we -- we have filed three or four different things and
24 I don't know what was filed in each instance at which
25 time. There's been different exhibits added. So I'm

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1 not certain.
2 Q. Mr. Meiresonne, you received some records in response
3 to your records request, correct?
4 A. I'm sure you received some information from us.
5 Q. No, my request to you is: You received documents in
6 response to your records request, correct?
7 A. I've received five documents from Matt Darling, if
8 that's what you're referring to.
9 Q. What did you do with the documents that you received
10 in response to your records request?
11 A. I put them in a folder.
12 Q. Anything else?
13 A. I may have sent them to my attorney.
14 Q. Just so -- I want to put this on the record, my
15 objections to these documents, and again, the
16 Arbitrator's ruling, but I just want to just get some
17 information on the record regarding Exhibits P-16
18 through P-21, specifically regarding the
19 transcription.
20 Mr. Meiresonne, you testified that you used
21 a transcription service to have the recordings
22 transcribed. What transcription service did you use?
23 A. If we take a break, I can tell you who it is. I can't
24 remember. It's a -- I think it's -- oh, it's Rev,
25 R-E-V-V (sic).

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1 Q. How did you find that transcription service?
2 A. I looked for it online.
3 Q. Do you know how the transcription service identified
4 who was speaking for purposes of the transcription?
5 A. You give them the different speaker names.
6 Q. So you told the transcription service who was
7 speaking, correct?
8 A. That's correct, in the last one. The first one was
9 not as accurate.
10 Q. What do you mean it was not as accurate?
11 A. Well, I did not -- some of the names got jumbled up in
12 the first one and I did not correct those --
13 Q. Why not?
14 A. -- in all cases.
15 Q. Why not?
16 A. Because I was afraid that it might be, like, I'm
17 changing the transcript, and I was told that later on,
18 you know, I decided that I should, especially the 12/2
19 one, because it was easier to tell. Some of the
20 people at the Master Board, I didn't know their names,
21 but at the 200 Board, I did know all the people who
22 talked.
23 Q. So after you received the transcription back, you had
24 the opportunity to make changes to it?
25 A. Just in terms of the names.

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1 Q. How would you go about making those changes in the
2 names?
3 A. Well, like, for instance, Speaker 1 might be Bob,
4 Speaker 2 might be Nancy, and Speaker 3 might be Mike.
5 They took Mike and put Mike Number 1, and Bob Number
6 3, I would just tell them to switch those names
7 around. You can easily verify that by listening to
8 the audio in terms of whose names are whom.
9 So when I went through, as I listened to
10 the transcript, I wrote down the name of each speaker,
11 when they spoke in order, and identified those names.
12 Q. Have you listened to the audio recordings,
13 Mr. Meiresonne?
14 A. Did I listen to them?
15 Q. Yes.
16 A. Yes.
17 Q. Do you agree with me that there are portions of the
18 audio recordings that are unintelligible?
19 A. There's some because people talk over each other, but
20 if you listen to the audio recordings, you can clearly
21 make it out. These people -- the services do not try
22 to include the garbled conversation, but you can hear
23 it in the audio, and you can make it out if you needed
24 to.
25 Q. The audio recording and transcription of the audio

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1 recording, are they complete and accurate depictions
2 of what is heard at those meetings?
3 A. That's not for me to determine.
4 Q. So do you not know if those are accurate depictions of
5 what occurred at those meetings?
6 A. Well, I don't know what you mean by "accurate
7 depiction".
8 Q. You testified that part of the recordings are
9 intelligible, correct?
10 A. Yes.
11 Q. So --
12 A. Oh, no, excuse me, excuse me, not intelligible,
13 they're -- people are talking over each other. So you
14 have to listen several times very carefully to hear
15 what each person is saying.
16 Q. To your knowledge, are there any portions of the
17 meeting that are recorded and transcribed, are there
18 any portion of those missing from the recording in the
19 transcription?
20 A. Well, in the 12/2/20 recording, I have the full
21 recording, but in the transcription, I didn't include
22 the first 20 minutes that was trying to get a forum
23 and I didn't include some of the calls to order, and I
24 did not include Nancy Taylor reading her statement,
25 but then I started the transcription after she read

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1 her statement.
2 Q. Why is that?
3 A. Because I thought it was a good idea.
4 Q. At any point in these meetings that you recorded, did
5 you advise the Board that you were recording?
6 A. I only recorded one as a Board member. I was a Board
7 member, and when I read the statute, it did not say I
8 had --
9 Q. Mr. Meiresonne, my --
10 ARBITRATOR: Sir --
11 THE WITNESS: Sorry, sorry. I get it. I
12 get it. I'm sorry.
13 CONTINUING BY MS. WOODCOCK:
14 Q. My question to you was: Did you advise the Board that
15 you were recording the meeting?
16 A. No, but I would...
17 Q. Mr. Meiresonne, earlier you testified that there was a
18 time period that you were on the Board of Directors
19 for the 200 Building. Why are you no longer on the
20 Board of Directors for the 200 Building?
21 A. Because I did not want to deal with Nancy Taylor or
22 Bob White anymore.
23 Q. So did you resign from the Board?
24 A. No. I let my term expire.
25 Q. Mr. Meiresonne, when you purchased your unit in May

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1 2019, what was located outside of the bedroom window
2 where you used the -- that you used as an office?
3 A. I actually purchased it in March, I closed on it in
4 May, and what I used -- what was there was a garden
5 area. There was full vegetation there.
6 Q. Isn't it accurate that there was a view of the
7 air-conditioning unit?
8 A. There was bushes in front of the air-conditioning
9 units.
10 Q. Mr. Meiresonne, part of your duties as secretary when
11 you were on the Board was to record meeting minutes,
12 correct?
13 A. That's not correct. I did do minute meetings once and
14 I was informed by Nancy that Resorts would be doing
15 the minutes, as had been done prior.
16 Q. Mr. Meiresonne, when you enter under contract and
17 purchased your unit, did you receive a copy of the
18 Declaration and Bylaws for the 200 Building and the
19 Club at La Peninsula?
20 A. I did receive some documents. It was the old bylaws
21 of the 200 Building.
22 Q. Did you ever ask for all of the governing documents
23 incident to your purchase?
24 A. Yes.
25 Q. Did you ask your realtor?

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1 A. No.
2 Q. Who did you ask for the incident to your purchase?
3 A. Excuse me, you didn't refer to my purchase part. You
4 asked did I ever ask for it, I did ask for them --
5 Q. Let me clarify then.
6 A. -- in my particular document request.
7 Q. Let me clarify, Mr. Meiresonne, because my question
8 for you was: Did you ever request the governing
9 documents for the 200 Building and Master Association
10 incident to your purchase of your unit?
11 A. No.
12 ARBITRATOR: Request from whom, though?
13 MS. WOODCOCK: My question is from anybody.
14 ARBITRATOR: Okay.
15 THE WITNESS: No, they are supposed to be
16 provided in our bylaws by the Board.
17 CONTINUING BY MS. WOODCOCK:
18 Q. My question for you is: Did you ever ask anybody
19 incident --
20 A. No.
21 Q. -- to your purchase of the unit for the governing
22 documents?
23 A. No, I never asked, but they were sent to me.
24 Q. They were sent to you. Who sent them to you?
25 A. Either -- probably -- I don't know exactly what the

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1 procedure is, but the bylaws state that they're
2 supposed to be sent out either by the Board or by
3 Resorts. I don't remember who sent them.
4 Q. Mr. Meiresonne, did you use a title company for your
5 closing?
6 A. I used Jamie Greusel, the 200 Board attorney, for my
7 title work.
8 Q. Did Ms. Greusel ever provide you copies of the
9 governing documents incident to your closing?
10 A. Not -- I don't remember who sent me those documents.
11 Q. When you received those documents, did you read them?
12 A. I don't know exactly when I received them and I don't
13 know exactly when I read them. I have read them.
14 Q. Earlier you testified you received an e-mail from your
15 realtor about the walkway, correct?
16 A. That's correct.
17 Q. When you received that e-mail from your realtor, was
18 that prior to you purchasing the unit?
19 A. It was before I closed on the unit.
20 Q. Before you closed on the unit and after you entered
21 into the contract for purchase?
22 A. Yes. During that period.
23 Q. When you received that e-mail, what did you do?
24 A. I wanted more details and she basically -- she didn't
25 know any really details, and she told me it was -- it

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1 would add value to my unit with probably a really good
2 thing, but she didn't understand what was involved.
3 Q. Did you do any sort of other investigation into your
4 purchase?
5 A. I asked her if she could get more details, and she
6 then asked Brent Clover, who she knew over in this
7 building because I think she sold him his unit, and he
8 sent her an e-mail back describing what had happened
9 at the Master Board meeting, which basically, is
10 reflected in the transcript, and if you'd like, I
11 could read what he wrote.
12 Q. My question is about what you did, Mr. Meiresonne. So
13 did you -- when you got this information, did you
14 contact the seller of the unit?
15 A. No, because my realtor told me that, you know -- my
16 realtor, along with Brent Clover, told me that nothing
17 had been figured out and it needed approval of the
18 nine unit owners before it would move forward and I
19 was one of those unit owners. So it's kind of like,
20 "Hey, you don't have to worry about it because you'll
21 be involved in it down the road."
22 Q. So this was in the time period of March to May 2019,
23 correct?
24 A. This e-mail I got from Brent Clover and Susan
25 McFarland was March 23rd, 2019.

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1 Q. The individual that your realtor reached out to, was
2 he on the Board of Directors for 200 Building?
3 A. He is now, but he wasn't then.
4 Q. At that time, he was not on the Board, correct?
5 A. No, he was not, but he is now.
6 Q. Mr. Meiresonne, you said several times here today that
7 you purchased the property in March of 2019 but didn't
8 close until May of 2019. What is your understanding
9 of what a purchase of a unit is?
10 A. I would have to have my legal representative define
11 that since we're in a legal case right now. I'm not
12 going to give a layman's explanation.
13 Q. So you have no -- fair to say, then, you have no
14 understanding of that?
15 A. Already answered.
16 Q. Mr. Meiresonne, why do you say that you purchased the
17 property in March of 2019?
18 A. I signed a contract in March of 2019 that obligated me
19 to buy it with financial penalties if I do not.
20 Q. When did you pay the money to purchase your unit?
21 A. What?
22 Q. When did you pay the money to purchase your unit?
23 A. I paid -- I made a down payment when I signed the
24 contract.
25 Q. Okay.

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1 And when did you pay the rest of the money?
2 A. I don't know the exact date.
3 Q. Mr. Meiresonne, when you were on the Board for the 200
4 Building, how many directors were on the Board?
5 A. There was three Board members.
6 Q. So it was you, Ms. Taylor and Mr. White, correct?
7 A. Correct.
8 Q. Would you agree with me that actions by Ms. Taylor and
9 Mr. White constituted the majority of the Board of
10 Directors at the time you were on the Board?
11 A. I don't know what actions you're referring to.
12 Q. Any actions.
13 A. I don't -- I don't -- I can't speak to that.
14 Q. My question for you is: Any action by Ms. Taylor and
15 Mr. White --
16 MR. EMRICH: Your Honor, this --
17 CONTINUING BY MS. WOODCOCK:
18 Q. -- on this Board does not constitute a majority of the
19 Board of Directors?
20 MR. EMRICH: I'm going to object, your
21 Honor. I think that calls for a legal conclusion.
22 I'm unaware of any official Board action that she is
23 asking about, and she's asked the question that says
24 "any actions." I think that that is objectionable
25 because it calls for a legal conclusion.

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1 ARBITRATOR: No, she's asking basically the
2 question of what constitutes the majority of three
3 people. She's merely saying that as Board members.
4 MR. EMRICH: But I don't want to argue with
5 you, but she asked whether it constitutes Board
6 action, and my objection is that calls for a legal
7 conclusion, and I haven't heard anything in a question
8 about official -- any official Board action which the
9 bylaws define in this case.
10 ARBITRATOR: Ms. Woodcock, please restate
11 the question.
12 MS. WOODCOCK: Sure.
13 CONTINUING BY MS. WOODCOCK:
14 Q. Mr. Meiresonne, did --
15 MS. WOODCOCK: I'm sorry, your Honor, do
16 you want me to restate the question or rephrase the
17 question?
18 ARBITRATOR: I think it's the same thing,
19 whether you rephrase or restate.
20 MS. WOODCOCK: Okay, thank you, your Honor.
21 CONTINUING BY MS. WOODCOCK:
22 Q. Mr. Meiresonne, while you were on the Board of
23 Directors for the 200 Building, were there any actions
24 taken by a majority of the Board that you disagreed
25 with?

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1 MR. EMRICH: Again, I'm going to object,
2 because it doesn't confine what she's asking -- the
3 Board action that she's asking about pertinent to a
4 particular meeting that has been properly noticed with
5 the proper notice under the statute, and I don't think
6 it has -- again, I don't think it has any relevance to
7 this matter, number one, and, number two, you're,
8 again, asking him a legal conclusion about what
9 certain actions that they might take, whether or not
10 that constitutes Board action, I think that calls for
11 a legal conclusion.
12 ARBITRATOR: No, she's asking: Were there
13 any actions taken by the Board that he disagreed with,
14 period. Overruled. Answer the question.
15 THE WITNESS: I don't know of any actions
16 that were taken by Bob and Nancy outside of what I was
17 informed of that I did not agree with.
18 CONTINUING BY MS. WOODCOCK:
19 Q. Mr. Meiresonne, you testified that at the December
20 2nd, 2020, meeting a motion was made regarding to
21 revoke, that was your testimony, correct?
22 A. Give me that again, please?
23 Q. Sure.
24 Earlier you testified that at the December
25 2nd, 2020, meeting, there was a motion made to revoke

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1 on the walkway, that was your testimony, correct?
2 A. That's correct. Alex Fernandez made a motion.
3 Q. Okay.
4 And what happened with that motion?
5 A. I seconded the motion.
6 Q. So your testimony here today is that you seconded that
7 motion?
8 A. Yes, it's in the transcript, and then it was shut down
9 by the Board and not allowed to proceed.
10 Q. How was it shut down by the Board?
11 A. Listen to the transcript.
12 Q. No, I'm not asking to listen to the transcript. I'm
13 asking you to tell me how it was shut down by the
14 Board.
15 A. They didn't proceed. They changed the subject.
16 Q. Who is "they"?
17 A. I just told you, Bob and Nancy.
18 Q. And then that constituted the majority Board action,
19 correct?
20 A. I'm not -- again, I --
21 Q. Well, Mr. Meiresonne --
22 A. I'm not going to make a legal conclusion.
23 Q. -- you just said the Board. So I'm asking you who and
24 then you said Mr. White and Ms. Taylor.
25 A. I do not know what the parliamentary procedure is for

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1 when someone passes a motion and it's seconded. I
2 thought everybody had to vote on it. So I'm not -- I
3 cannot really give you an opinion on that.
4 Q. I'm not asking for your opinion, Mr. Meiresonne, I'm
5 asking you for what happened.
6 A. We were not able -- the motion was not entertained.
7 Q. This person, Alex, what's his last name?
8 A. Fernandez. He is the president of the Marine
9 Association at La Pen and also a 10-year unit owner.
10 Q. In the 200 Building?
11 A. In the 200 Buildings, thank you.
12 Q. Okay.
13 This time in December 2020, was he on the
14 Board of Directors for the 200 Building?
15 A. No.
16 Q. During your time on the Board of Directors, did you
17 ever have owners who were not on the Board make
18 motions for Board action?
19 A. Yes.
20 Q. And what happened with that?
21 A. They get voted on.
22 Q. By non-directors, motions made by non-directors?
23 A. Yes.
24 Q. Mr. Meiresonne, do you agree with me that in June
25 2018, you were not an owner in this community?

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1 A. Yes.
2 Q. Do you agree with me you had no involvement in the
3 vote that was taken in June 2018?
4 A. Yes.
5 Q. Do you agree with me that the majority of the owners
6 approved a walkway project?
7 A. They --
8 Q. Based on your review of the proxy?
9 A. Well, basically --
10 Q. "Yes" or "no", Mr. Meiresonne?
11 A. It's incomplete. They voted on a proxy with a lot
12 of -- it wasn't just the walkway project, it had
13 conditions to it. The walkway project had conditions,
14 it wasn't open-ended so you could change it any way
15 you wanted. So if you're saying --
16 ARBITRATOR: Sir.
17 THE WITNESS. Okay.
18 ARBITRATOR: You know --
19 THE WITNESS: All right, I'm sorry. You
20 know, I just don't want to mislead.
21 ARBITRATOR: I'm am experienced attorney,
22 I've been doing this for 30 years. I'm not some
23 layman off the street. Counsel asked you a direct
24 question. Can you please answer it.
25 THE WITNESS: Give me the question again.

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1 MS. WOODCOCK: Madam Court Reporter, can
2 you read back what the question was, please?
3 (Requested portion of the record read by the reporter.)
4 THE WITNESS: I agree that there was a
5 proxy that was -- a majority of the people passed a
6 proxy on a walkway project.
7 CONTINUING BY MS. WOODCOCK:
8 Q. Thank you.
9 Mr. Meiresonne, have you ever been offered
10 or told by anyone on the Master Association or the 200
11 Board Association that you could connect your unit to
12 the walkway?
13 A. No.
14 Q. Your testimony here today is that you never had any
15 conversation with anyone from the 200 Board about
16 connecting your unit to the walkway?
17 A. Yes, and that -- yes. I mean -- give me that question
18 again, because I was thinking of something else.
19 Q. Okay.
20 My question for you, Mr. Meiresonne is, I'm
21 breaking it down here into two parts to make it a
22 little bit clearer for you, okay?
23 Have you ever had any conversations with
24 anyone from the 200 Board about the ability to connect
25 your unit to the walkway?

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1 A. No.
2 Q. Have you ever had any conversations with anyone from
3 the Club at La Peninsula Master Board about the
4 ability to connect your unit to the walkway?
5 A. No.
6 Q. Mr. Meiresonne, have ever heard of a company called
7 Fidelity National Title?
8 A. Not that I remember.
9 MS. WOODCOCK: I'm going to ask for a
10 five-minute break, if that's all right, your Honor,
11 and then possibly come back and ask Mr. Meiresonne
12 additional questions. Is that okay?
13 ARBITRATOR: Yeah, we'll go off the record
14 right now.
15 (Off the record 12:16 P.M.)
16 (Back on the record 12:28 P.M.)
17 MS. WOODCOCK: Mr. Meiresonne, I have a
18 couple more questions.
19 CONTINUING BY MS. WOODCOCK:
20 Q. Do you know what date you entered the contract to
21 purchase the unit?
22 A. Pardon me?
23 Q. Do you know the date that you entered the contract to
24 purchase the unit?
25 A. I entered the contract here in Florida.

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1 Q. No, the date.
2 A. Oh, the date. No, I don't know that exactly, sometime
3 in March.
4 Q. Will you agree with me that you entered into the
5 contract to purchase the unit after the March 12,
6 2019, Master Board meeting?
7 A. I don't know that.
8 Q. Mr. Meiresonne, do you know who Maureen Dougherty is?
9 A. Yes, I do.
10 Q. Have you ever had conversation with Maureen Dougherty
11 about the ability to extend the walkway to your unit?
12 A. No.
13 Q. Mr. Meiresonne, earlier you testified, I believe,
14 regarding the November 24th, 2020, Master Board
15 meeting, that you didn't receive notice of it. How do
16 you get notified about Board meetings?
17 A. What has been the practice of Resorts is they send out
18 e-mails, and so many of us at the 200 Building did not
19 get the e-mail notification, and we did not see the
20 posting in the -- when I went down and I looked at the
21 postings in the lobby, it was not there either.
22 Q. When did you go down and look for the posting?
23 A. Right after the meeting.
24 Q. How soon after the meeting?
25 A. Within an hour.

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1 Q. Prior to the meeting, when was the last time you had
2 looked at the board for posting?
3 A. I look at the board whenever I go down to get mail.
4 Q. How often do you get your mail?
5 A. Once a day.
6 Q. The e-mail, isn't it true that you eventually found
7 the e-mail of the notice in a junk folder or spam
8 folder in your e-mail?
9 A. No.
10 Q. Are you aware of any requirements for notices to be
11 e-mailed to owners?
12 A. I don't know if -- no, I do not know of that.
13 MS. WOODCOCK: I don't have any other
14 questions for you, Mr. Meiresonne.
15 ARBITRATOR: Mr. Emrich, do you have any
16 questions briefly for the witness?
17 MR. EMRICH: I do, just a couple of
18 follow-ups, your Honor.
19 ARBITRATOR: Fair.
20 R E X A M I N A T I O N
21 BY MR. EMRICH:
22 Q. Mr. Meiresonne, during the break, did you have an
23 opportunity to look and see what documents you
24 received from Resorts management in regard to your
25 requests?

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1 A. Yes, I did look those up.
2 Q. What did you receive?
3 A. I received a W.J. Johnson letter.
4 Q. What was the date of that?
5 A. It was the one that was shown earlier.
6 Q. The January 2018 letter?
7 A. Yes.
8 Q. Okay.
9 A. The All Florida contract and the All Florida walkway
10 and then the elevated PowerPoint rendering and then
11 the 6/26/18 minutes.
12 Q. What about the documents that accompanied those
13 minutes?
14 A. Yes, it was included.
15 Q. What was included?
16 A. The documents.
17 Q. What was included?
18 A. The vote and the proxy.
19 Q. And what about the notice?
20 A. I'd have to look at -- I would have to look for that.
21 Q. Okay, thank you.
22 So just to clear up the record, we'd be
23 talking about the W. Johnson document that was part of
24 Exhibit R-3 that we put on the board originally,
25 correct?

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1 A. I did not write down the date.
2 Q. Okay.
3 And the elevated PowerPoint presentation
4 was the rendering that you were shown previously that
5 was part of that exhibit.
6 Then the contract, you referenced the --
7 A. All Florida contract.
8 Q. That was the document that was Exhibit 23 that you
9 were asked about, that was dated September 9 of '20?
10 A. That's correct.
11 Q. And then the remaining documents were the documents
12 that were -- would have been marked --
13 MR. EMRICH: Just a second, your Honor, I'm
14 just trying to clean this up for the record.
15 CONTINUING BY MR. EMRICH:
16 Q. Would have been P-11, the limited proxy; P-12, the
17 recording of the vote; and P-13, the minutes of the
18 vote, but you don't recall for sure whether or not you
19 received P-10, which is the notice of the special
20 meeting.
21 A. I'm not sure. I could get check in them if you need
22 to me to.
23 Q. Were there any other documents that you received?
24 A. No, those were the only five documents I received.
25 Q. And your document requests were -- included other

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1 documents that were requested that were not provided?
2 A. That's -- yes.
3 Q. Okay.
4 Ms. Woodcock asked you a question about a
5 photograph taken of the Sea Grape tree adjacent to
6 what you believe was Unit 300, correct?
7 A. Correct.
8 Q. And you indicated you weren't sure when that was
9 taken; is that correct?
10 A. I did identify I thought the date it was taken.
11 Q. Okay.
12 And when we talk about the Sea Grape tree,
13 what is it about the Sea Grape tree that -- do the Sea
14 Grape trees remain the same from year to year or time
15 to time?
16 A. Well, if you bring up that one picture of that Sea
17 Grape tree, you didn't show the lower one that when I
18 moved in --
19 Q. Just answer my question, okay?
20 A. Okay.
21 Q. Does it change from time to time or year to year
22 whenever you take the picture?
23 A. They grow four to five feet a year.
24 Q. So a picture taken two years prior will certainly --
25 typically of a Sea Grape tree, would be different if

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1 it were taken, you know, today?
2 A. Correct. If it's not, you know -- yes.
3 Q. Thank you.
4 You made a comment in response to
5 Ms. Woodcock's questions to you regarding the
6 transcription process that you went through about only
7 providing a portion of the December 2, 2020,
8 transcript of the 200 Board meeting.
9 Do you remember that?
10 A. Yes.
11 Q. And you indicated that you thought it was a good idea
12 that you would only transcribe that portion, correct?
13 A. Yes.
14 Q. What did you mean by that?
15 A. It's that the only relevant -- I only transcribed the
16 relevant part of the meeting that dealt with the
17 walkway project and not the other miscellaneous items
18 that were irrelevant to that issue.
19 Q. You were also asked a question by Ms. Woodcock
20 about -- about the fact that you would have not made
21 any further inquiries beyond what you had talked to
22 your realtor about regarding the walkway project.
23 Do you remember that question?
24 A. Yes.
25 Q. And do you remember your answer? You indicated that

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1 you assumed that you -- because you were involved, you
2 would hear about the project down the road.
3 Do you remember that answer?
4 A. Yes, that's correct.
5 Q. What did you mean by that?
6 A. Well, I meant that based upon what they said -- what
7 Brent Clover said in his e-mail from his notes from
8 the meeting as well as the transcript from the meeting
9 is that the project could not go -- and the proxy, the
10 project could not go forward unless all nine people
11 agreed to what the project was going to be. So I
12 didn't have to worry about it because I was one of
13 those nine. They would have to get back to me. So I
14 just thought it was a dead project, as did many people
15 in the building, because no one got back to them about
16 the project, and we just thought it was a dead
17 project.
18 Q. Did you ever talk to Mr. Zammer about it?
19 A. I sent Mr. Zammer an e-mail in I think March of '21
20 asking him about the project, and his response, if you
21 read his e-mail, he was even confused about it because
22 he said he supported it, and then Nancy said he didn't
23 support it. So I was confused about that.
24 Q. What do you mean Nancy said "he didn't support it",
25 when that statement was made?

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1 MS. WOODCOCK: Objection, hearsay, what
2 somebody else told him somebody told --
3 (Talking over each other.)
4 MR. EMERICH: It's in her statement.
5 ARBITRATOR: Sustained.
6 (Referenced Exhibit P-22.)
7 CONTINUING BY MR. EMRICH:
8 Q. There's an exhibit marked P-22 in the record, you
9 reference a statement made by Nancy Taylor, is that
10 the statement you're referencing that -- where it was
11 indicated that Mr. Zammer had withdrawn?
12 A. Yes.
13 MR. EMRICH: Thank you. I don't have any
14 further questions, your Honor.
15 ARBITRATOR: I have some questions of the
16 witness.
17 Let's start with exhibits that are the
18 records requests. I don't know exactly which numbers
19 they are for Petitioner. We'll bring them up one at a
20 time and this says attached to the petition. Mr.
21 Emrich, do you have the records requests?
22 MR. EMRICH: Sorry about that.
23 ARBITRATOR: Mr. Emrich?
24 MS. WARD: Were you wanting me to have
25 access to the exhibits we produced with the petition

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1 or our Answers to La Peninsula's Request for
2 Production of Documents?
3 ARBITRATOR: What I'm asking for is the
4 four records requests that were made of the
5 Association.
6 MR. WARD: Well, what Mr. Meiresonne sent
7 to the Association, yes, let me pull those up, just
8 one second.
9 ARBITRATOR: Okay, fine.
10 MS. WARD: This is the first one.
11 E X A M I N A T I O N
12 BY THE ARBITRATOR:
13 Q. Sir, can you see this exhibit?
14 A. Yes, I can.
15 Q. Okay.
16 This is a records request dated 12/16/2020
17 to the Master Board, La Peninsula, and I see that at
18 the bottom, there is a certified mail receipt sticker.
19 A. Yes, sir.
20 Q. You have the returned receipt from this document?
21 A. I think I do. I'd have to -- I think I have all my
22 returned -- you know, I'd have to check, I'm not sure,
23 and I might have to then check it online, I'm not sure
24 what, you know -- they did respond to it, so...
25 Q. When you say "they responded", what do you mean by

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1 "they responded"?

2 A. Well, Barbara -- the Respondents presented the 200

3 Board response as a Master Board response in their

4 reply, and that's what they provided in the documents

5 early on.

6 Q. As we sit here today, you cannot tell me when the

7 Board received this document, this request, correct?

8 A. I cannot do that -- I'm not prepared -- I wasn't

9 prepared to give that kind of -- that information. I

10 could probably see if I can find it.

11 Q. We'll supplement the record with that later on. I've

12 got the notes.

13 Turning now to the next one, which is

14 12/17/20. Do you know when the Association received

15 this request?

16 A. No, I do not. Same, I didn't --

17 Q. We'll take care of that later.

18 A. All right.

19 Q. Turning now to this third request dated 4/22/21.

20 A. Right.

21 Q. I don't see a certified mail receipt ticket for this.

22 First of all, did you send this request?

23 A. Yes, I did.

24 Q. Certified mail?

25 A. Yes.

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1 Q. And I guess you can't tell me what date they received

2 it?

3 A. No. I will -- I'll provide to my counsel what I have.

4 Q. And for the fourth request of 4/28/21, was this sent

5 certified mail?

6 A. Yes.

7 Q. Once again, we'll have to figure out what dates the

8 Association received it.

9 A. Right, and I'm thinking that the post office may have

10 electronic records of these kinds of things, but I'll

11 have to check.

12 Q. They do once I provide them with the numbers, that's

13 why I need the tickets.

14 A. Okay. Okay.

15 Q. Now, as it applies to the first request dated

16 12/16/20, were you contacted with -- well, let's

17 change that.

18 Do you recall being contacted regarding

19 this request?

20 A. I was never contacted regarding this request.

21 Q. Regarding your request of 12/17/20, were you contacted

22 regarding providing records for this request?

23 A. No.

24 Q. Concerning your request of 12/22/21, were you

25 contacted by the Association as to providing records

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1 pursuant to this request?

2 A. No.

3 Q. Providing your request of 4/28/21, were you contacted

4 by the Association to provide records pursuant to this

5 request?

6 A. Your Honor, the -- I would have to actually -- I

7 did -- the only correspondence I received on these

8 came basically from my e-mails from Matt Darling, and

9 I would have to get back with you as to -- he sent me

10 the five documents, and I don't remember exactly the

11 date of that e-mail and I can find that e-mail, we

12 have it on the record of my correspondence with him.

13 So I can't really say what -- the documents he gave

14 me, which was really only regarding 200. The Master

15 Board -- the Master Board requests were not answered

16 at all.

17 Nothing was ever -- nothing was ever

18 received, nothing was ever responded to from the

19 Master Board, but from the 200 Board, I did get an

20 e-mail from Matt Darling with those five documents. I

21 don't remember the exact date of that, but we can let

22 you know on that.

23 Q. Okay.

24 ARBITRATOR: Mr. Emrich, what I'm going to

25 ask Petitioner to do at this time is to supplement the

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1 record with the return receipts from Exhibits 24, 25,

2 26 and 27 and the e-mail response to potentially

3 Exhibits 26 and 27.

4 Let me know when you're ready, sir.

5 THE WITNESS: Henry is muted, I think. I

6 can't hear Henry.

7 ARBITRATOR: No one can, he's on mute.

8 MS. WARD: I'm going to run over and see

9 what's going on there.

10 MR. EMRICH: Okay. I was wondering why you

11 couldn't hear me because I didn't see where I muted

12 this thing on my screen, and apparently, I hit the

13 mute button on the pod that we obtained so that you

14 guys could hear us better this time around. I

15 apologize for that.

16 But, anyway, yes, your Honor, we will get

17 that. I believe that the information regarding the

18 service is attached to the petition, but I will

19 confirm that and get what you need, and then also

20 identify the e-mails that we've introduced as part of

21 Exhibit 29 that are specifically responsive to your

22 request that I supplement.

23 ARBITRATOR: Right. So I want the receipts

24 from those record requests, and then to the extent

25 they haven't been filed, any response from either the

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1 Master Association or the 200 Board. I believe there
2 is one response in the record that was discussed.
3 MR. EMRICH: All right.
4 CONTINUING BY THE ARBITRATOR:
5 Q. Now, Mr. Meiresonne, just to clarify, there was a
6 Board meeting on December 2nd, 2020?
7 A. Yes.
8 Q. Now, at that time, which Board are we talking about?
9 A. The 200 Board.
10 Q. And you were the secretary of that Board at that time?
11 A. Yes, I was.
12 Q. And according to your testimony, there was a motion to
13 vote on the project; is that correct?
14 A. Yes, there was.
15 Q. Who made that motion?
16 A. Alex Fernandez.
17 Q. (Inaudible) any information?
18 A. Excuse me, your Honor?
19 Q. What information was present at that meeting regarding
20 the nature of the project?
21 A. Nancy went through a long -- again, part of the
22 record, she read that letter about how the walkway
23 project evolved and there were many upset people at
24 that meeting that didn't know anything about it, and
25 she was trying to explain how and why this thing

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1 evolved.
2 Q. I didn't ask that, sir. We'll move a lot quicker if
3 you answer the question that I ask rather than testify
4 as to what you want to do.
5 Okay?
6 A. Okay.
7 Q. I'm asking what information was presented at that time
8 regarding the nature of the project?
9 A. Nancy Taylor's two-page memo.
10 MR. EMRICH: Your Honor, that's part of
11 Exhibit -- I believe it's 22. Yes 22, P-22.
12 THE WITNESS: Henry, that's the e-mail, not
13 the statement.
14 MR. EMRICH: It's part of P-22, Mike.
15 THE WITNESS: Okay.
16 MR. EMRICH: Just let me handle that.
17 Okay?
18 THE WITNESS: Okay.
19 MR. EMRICH: Thank you.
20 ARBITRATOR: P-22 article starts out with
21 an e-mail?
22 MR. EMRICH: Yes, sir. That was Taylor's
23 e-mail of 11/29, and then the third page of that is
24 the document Mike's referring to.
25 CONTINUING BY THE ARBITRATOR:

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1 Q. And you say this was a letter that was -- what is this
2 document, where it says -- it begins "Nancy Taylor".
3 All right. Okay. What is this document? This is a
4 letter?
5 A. It was a document she read at the Master Board -- I
6 mean, I'm sorry, it was a document she read at the
7 12/2/20 meeting and she then sent it out after the
8 meeting.
9 Q. You previously testified that someone made a motion to
10 vote again on the project and no vote was taken?
11 A. That's correct.
12 Q. And you previously testified that you were instructed
13 not to prepare meeting minutes of this meeting?
14 A. I was told that basically, Resorts is the -- is our
15 vendor who takes care of meeting minutes, but they're
16 also under my preview (sic), if necessary.
17 Q. You were secretary at the time, correct?
18 A. That's correct.
19 Q. Wasn't it your responsibility as secretary to prepare
20 meeting minutes?
21 A. Not according to Nancy Taylor.
22 Q. I didn't ask what Nancy Taylor said, I asked you if it
23 was your responsibility as secretary to prepare these
24 meeting minutes, sir.
25 A. I didn't think so.

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1 Q. Had you prepared meeting minutes for other meetings in
2 the past?
3 A. I did it -- as I testified earlier, I did it earlier
4 and I was told I wouldn't have to do it going forward.
5 Q. Did someone at that meeting actually say "don't
6 prepare meeting minutes"?
7 A. No.
8 Q. Do you have any reason to know why meeting minutes for
9 this meeting were not prepared by RA?
10 A. We did have meeting minutes prepared by Resorts and
11 they were published.
12 ARBITRATOR: Do I have those meeting
13 minutes, Mr. Emrich?
14 MR. EMRICH: I have them -- I think I have
15 them somewhere, your Honor.
16 ARBITRATOR: Okay. If not, supplement the
17 record with a copy of those meeting minutes.
18 MR. EMRICH: All righty.
19 ARBITRATOR: Because I don't see them on
20 your exhibit list, either exhibit lists.
21 MR. EMRICH: Right. I think we just found
22 them just recently.
23 CONTINUING BY THE ARBITRATOR:
24 Q. Mr. Meiresonne, you recorded a number of meetings, a
25 number of Board meetings?

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1 A. I only recorded one.
2 Q. And Mr. Apuzzo recorded other meetings?
3 A. Yes.
4 Q. What was the date of meeting that you recorded?
5 A. 12/2/20.
6 Q. And Mr. Apuzzo recorded what meeting?
7 A. He recorded 3/19/19 meeting, the 11/4/19 meeting and
8 the 11/24/20 meeting, and he's recorded other meetings
9 as well.
10 Q. The first one you spoke of, what was the date again,
11 3/19 what?
12 A. 3/19/19, I think that's where the -- is that 3/19
13 correct? I'm not sure.
14 MR. EMRICH: Your Honor, it's 3/12/19, and
15 that's found at Petitioner's Exhibit 16.
16 ARBITRATOR: I'll figure out the dates
17 later when I go back through the exhibits.
18 MR. EMRICH: Okay.
19 Just answering your question, sir.
20 ARBITRATOR: Thank you.
21 CONTINUING BY THE ARBITRATOR:
22 Q. Are these certified copies of these recordings, sir?
23 A. Pardon me?
24 Q. These recordings have transcripts of the recordings of
25 these meetings, do you have them certified?

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1 A. No, I do not.
2 Q. You testified at some point there were 19 material
3 changes from the project as what we call the
4 renderings. You know what I mean by the "renderings"?
5 A. Yes, sir.
6 Q. As opposed to the as-built?
7 A. Yes, sir.
8 Q. How did you identify those 19 changes?
9 A. We have pictures that show them in the exhibits. Some
10 of them are pretty straightforward, like the nine
11 units and the six units, you know, and the east first
12 floor and the west first floor were taken out.
13 Q. Thank you, I got it now.
14 ARBITRATOR: Mr. Emrich, you're going to
15 write a memo and you're going to ask me to say that
16 these are the 19 changes. I'm going to need to
17 reference to the exhibit numbers as -- for the
18 witness's testimony.
19 MR. EMRICH: We will make those references
20 as we have as we move forward in the proceeding.
21 CONTINUING BY THE ARBITRATOR:
22 Q. Let's move over to the Grape trees now, Sea Grapes,
23 sir.
24 A. Yes, sir.
25 Q. You're taking exception to two large Sea Grapes,

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1 correct?
2 A. That's correct.
3 Q. Okay.
4 The large Sea Grape number 1, you say
5 blocks your view of the Gulf, correct?
6 A. That's correct.
7 Q. Now, you bought this -- how many times before you
8 bought this unit did you go down and look at this
9 unit?
10 A. I came here one time.
11 Q. When was that?
12 A. That was the same day I looked at Unit 602 to make a
13 final determination if I wanted to buy it or not, and
14 I came over to this Unit 213 and it had been newly
15 renovated where 602 was not renovated --
16 Q. I didn't ask you if it was renovated, I just asked you
17 what dates you came down to the units.
18 A. I only -- it was -- it was -- no, it was in March
19 sometime. It was a day in March, the same day that we
20 came and we gave an offer the same night that we came
21 and looked at the unit.
22 Q. March of 2018 or '19?
23 A. 2019, March of 2019.
24 Q. Did you go in the backyard?
25 A. Not really, because -- we looked out there, but, you

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1 know, and, again, if we were able to show what this
2 area looked like from the other side, it was -- we
3 did not --
4 Q. Did you go out to the backyard, sir?
5 A. We went and looked out the backyard, yes.
6 Q. Okay.
7 As to Sea Grape tree number 1, was it there
8 at the time?
9 A. It was cut in half. One of them was, like, very low.
10 Q. Was it there at the time?
11 A. Yes, it was.
12 Q. How about Sea Grape tree number 2, was it there at the
13 time?
14 A. Yes.
15 Q. So both Sea Grape trees were there before you bought
16 the unit, correct?
17 A. That's correct.
18 Q. Thank you, sir.
19 Mr. Meiresonne, you testified that you got
20 essentially five documents from which association gave
21 you those documents?
22 A. The 200 Board.
23 Q. And approximately, what was the date that those
24 documents were provided to you?
25 A. They were provided -- it could be February, but I'd

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1 have to look at what e-mail it came in on. February
2 2020, around then. I can't give you exact date, I'd
3 have to look.
4 Q. That's okay.
5 How do you know Sea Grape trees grow four
6 to five feet a year?
7 A. I did the research on the University of Florida
8 website, and I can actually see it.
9 Q. You can go back to the -- what we generally called the
10 renderings pictures.
11 A. Yes, sir.
12 (Referenced Exhibit R-3.)
13 MR. EMRICH: Part of R-3, your Honor.
14 ARBITRATOR: Correct.
15 MR. EMRICH: Ms. Ward has just put them up
16 on the screen.
17 ARBITRATOR: Let's go through them one at a
18 time, sir, if you don't mind.
19 There are four pictures here?
20 MS. WARD: I'm sorry, are we talking about
21 the first four pictures from R-2?
22 MR. EMRICH: No, we're talking about the
23 four pictures at 32, 33, 34 and 35.
24 MS. WARD: Okay.
25 (Referenced Exhibits 32, 33, 34 and 35.)

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1 ARBITRATOR: Hang on a minute. Can we go
2 back -- there are pictures, the right side today,
3 right side proposed.
4 Yeah, okay.
5 CONTINUING BY THE ARBITRATOR:
6 Q. Right side today. Did you take this picture, sir?
7 A. No. This was done by the 200 Board back in 2018 or
8 '17.
9 Q. Well, do you know what day they're talking about?
10 A. This was done at the same time the renderings were
11 done, I think, but I can't testify to that, but that's
12 what's part of the renderings.
13 Q. Okay.
14 If we can go to right side proposed, you
15 testified earlier today that there were a whole bunch
16 of landscaping that was removed. Is that evidenced
17 here in this picture or not?
18 A. No. It's to the west of there.
19 Q. So it's to the right of there that --
20 A. Yeah.
21 MR. EMRICH: That's not his unit, your
22 Honor.
23 ARBITRATOR: I know it's not.
24 CONTINUING BY THE ARBITRATOR:
25 Q. You own a corner unit, an end unit, correct?

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1 A. Right, correct.
2 Q. Okay.
3 ARBITRATOR: If we could go to I think it's
4 the third renderings, so to speak. Actually, yeah,
5 that -- no, the one before.
6 CONTINUING BY THE ARBITRATOR:
7 Q. Does this depict your unit at the end here?
8 A. Yes. I mean, it shows where my unit is, yes.
9 Q. Would you agree there's no landscaping there now in
10 this picture?
11 A. Well, they don't show -- they don't show even the
12 sidewalk around the building. They don't show
13 anything. There's nothing after -- after the
14 sidewalk, that's all landscaped and -- the sidewalk
15 probably from the building, it's an oval sidewalk that
16 goes around between the two units down below and it's
17 probably 25 feet from the building, and all that's
18 landscaped in there.
19 Q. The five documents that you did at some point receive
20 I believe in February of 2000 and --
21 A. '20.
22 Q. '20, we went through them.
23 MR. EMRICH: Actually, I think it's '21.
24 ARBITRATOR: I think it is '21.
25 CONTINUING BY THE ARBITRATOR:

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1 Q. Which of your four records requests do those documents
2 respond to?
3 A. I would have to figure that out.
4 MR. EMRICH: Why don't we just go to the
5 record, if I might, your Honor.
6 ARBITRATOR: Well, that -- so let's just
7 make it easy on everyone.
8 CONTINUING BY THE ARBITRATOR:
9 Q. You have five documents, one of them is identified
10 just R-3, one of them is identified as P-23, one of
11 them is identified as P-11, 12, and 13, and then there
12 are two others which I didn't write down. So I've got
13 the January 2018, which is R-3. I've got the All
14 Florida letter, which is P-23. Then I've got the
15 6/26/18 minutes and that also includes the renderings
16 and the proxy vote. So it's P-11 --
17 MR. EMRICH: It did not include the
18 renderings.
19 ARBITRATOR: It did not include the
20 renderings.
21 MR. EMRICH: I don't believe -- no, wait a
22 minute, it did include the renderings.
23 THE WITNESS: It did.
24 ARBITRATOR: It did.
25 MR. EMRICH: Yeah, my bad.

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1 ARBITRATOR: So I just need the other two.
2 What's the names of them?
3 THE WITNESS: Well, there's the W.J.
4 Johnson initial document that kind of spelled out the
5 ADA walkway.
6 ARBITRATOR: Date.
7 THE WITNESS: 2018 or whatever.
8 MR. EMRICH: January 11, 2018, your Honor.
9 THE WITNESS: And then there was the All
10 Florida document.
11 MR. EMRICH: He already got that, he
12 already got that.
13 THE WITNESS: Okay, all right.
14 MR. EMRICH: Then there were the minutes
15 from the June 26, 2018, 200 Board meeting, and the
16 proxy that preceded that that was voted on and
17 reflected in those minutes, the recording of the
18 proxy, and then he wasn't certain, he didn't know if
19 he had gotten the special notice correspondence of the
20 meeting, the notice of the meeting, special meeting
21 that went with that proxy, which is -- I believe it's
22 P-10.
23 ARBITRATOR: Right, okay.
24 Give me just one second, folks.
25 I have no further questions for you, sir.

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1 Thank you for your time.
2 THE WITNESS: Thank you, sir, your Honor.
3 MS. WOODCOCK: Your Honor, may I just -- I
4 don't have any questions for Mr. Meiresonne, but I
5 just want to clarify with you, you've asked some
6 questions about the renderings to Mr. Meiresonne --
7 ARBITRATOR: Right.
8 MS. WOODCOCK: -- about what they show and
9 things like that when he was not present or around the
10 community at the time, and we heard ample testimony
11 from Ms. Taylor at the -- or the first part of the
12 hearing about what those renderings were. I just
13 wanted to make sure your Honor recalls that and are
14 aware of that.
15 ARBITRATOR: I think I know where you're
16 going, and if I could just paraphrase it. I believe
17 that Ms. Taylor, according to my notes, called it the
18 conceptual -- it was a concept, is that where you're
19 going?
20 MS. WOODCOCK: Yes, your Honor.
21 ARBITRATOR: Okay.
22 So I get where you're going with that.
23 MS. WOODCOCK: Thank you, your Honor.
24 ARBITRATOR: Okay. We're done,
25 Mr. Emerich, with your part of the case?

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1 MR. EMRICH: Yes, sir.
2 ARBITRATOR: Ms. Woodcock, do you need to
3 take that break now or in 15 minutes or what?
4 MS. WOODCOCK: Your Honor, could we just
5 take a 10-minute break? Ms. Taylor has an appointment
6 that she needs to go to this afternoon. So I'd like
7 to kind of move things along here. If we could just
8 take a 10-minute break, that should be sufficient?
9 ARBITRATOR: Sure, okay, 10 minutes.
10 MS. WOODCOCK: Thank you, your Honor.
11 (Off the record 1:17 P.M.)
12 (Back on the record 1:27 P.M.)
13 MS. WOODCOCK: Respondents will call
14 Dr. Petrella. I think we need somebody to swear
15 Dr. Petrella in.
16 D R. D A V I D P E T R E L L A
17 having been first duly sworn, was examined and testified as
18 follows:
19 ARBITRATOR: Thank you, sir. Thanks for
20 coming, Doctor.
21 E X A M I N A T I O N
22 D R. D A V I D P E T R E L L A
23 BY MS. WOODCOCK:
24 Q. Good afternoon, Dr. Petrella.
25 Have you had any conversations with

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1 Mr. Meiresonne regarding Sea Grape trees?
2 A. Yes.
3 Q. How many?
4 A. Multiple.
5 Q. When you say "multiple", can you give an estimate
6 of two to five --
7 A. Three to five.
8 Q. Do you recall when you had those conversations with
9 Mr. Meiresonne?
10 A. I'm sorry, was that when?
11 Q. Yes.
12 A. Probably in the year 2020, primarily, and then again
13 in the spring of 2021.
14 Q. Dr. Petrella, what do you recall about the nature of
15 those conversations with Mr. Meiresonne?
16 A. Mr. Meiresonne was concerned about the obstruction of
17 his view. On one occasion, he actually asked me, and
18 I complied, to come into his unit and look out at his
19 view and see for myself if, indeed, his view was
20 compromised.
21 Q. And what did you see on that occasion?
22 A. You know, it's so very subjective insofar as the large
23 tree that is in the 300 common area could obstruct
24 part of his view of the Gulf, not of the river, not of
25 the extension of Tigertail, but of the Gulf, and you

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1 could not see the Gulf from all areas of his living
2 room. So I commented and joked with him a little bit
3 about that saying, "Yes, it's not a hundred percent,
4 but, you know, you have to take into consideration the
5 location of the unit", which is tucked back as it is.
6 On other occasions, pointed out, and I
7 think we testified about this at our last session, and
8 the other portions, as long as they were maintained,
9 and I think what Mike's concern was that they would
10 not be properly maintained and they could potentially
11 block his view, but at that time, they did not
12 obstruct his view. The only one that partially
13 obstructed his view was the large tree on the 300
14 Building common area property that's been there, I
15 think, since the construction of that building.
16 Q. Do you recall having any conversations with
17 Mr. Meiresonne about the 200 Building walkway?
18 A. Yes.
19 Q. How many conversations did you have with
20 Mr. Meiresonne --
21 A. I had two --
22 Q. -- about the walkway?
23 A. Two that I specifically recall.
24 Q. Let me ask the question before you answer,
25 Dr. Petrella.

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1 Okay?
2 A. Sure.
3 Q. Do you recall when those conversations were?
4 A. Yes. The first was in early December or late November
5 of 2020, and the second was later on in December. I
6 can't give you the exact date, but I'm going to say it
7 was probably right before the holidays.
8 Q. And what were the nature of those conversations?
9 A. The initial conversation was that he was not able to
10 attend the 11/24/20 Master Board meeting, and that he
11 had not been notified, and I went through the
12 procedure with him, well, you know, there's a notice,
13 it's posted, and a -- although not required, a
14 broadcast e-mail was sent out by the management
15 company, and he had told me at the time what he
16 thought happened was that they sent it to one of his
17 other e-mail address that he did not check on a
18 regular basis, and he thought that's where that had
19 ended up.
20 We then got on the discussion about
21 the contents of that 11/24/20 meeting and the whole
22 issue of the walkway, and I had told him at that time
23 that if he wanted to, he could -- he was approved to
24 hook up to the walkway. He could still be part of
25 that project, and actually, I was a bit surprised that

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1 he acted as though he was surprised, and he sounded
2 very encouraging and said, "Oh, I didn't know that I
3 could still do that and, okay", he was going to pursue
4 that.
5 The second conversation I had with him was
6 approximately two, maybe three weeks later at the
7 most, and at that time, I asked him how things were
8 going, and he said he decided not to participate with
9 the project, and nothing more was said after that.
10 We exchanged some e-mails in the spring of
11 2021, but I couldn't tell you what the content of
12 those were offhand.
13 Q. Thank you, Dr. Petrella.
14 Did the 200 Building or the 200 Association
15 follow all of the steps required by the Master
16 Association in getting approval for the walkway
17 project?
18 A. Yes.
19 Q. Do you know whether the Master Association sought
20 legal counsel about the walkway project?
21 A. Relative to -- well, the simple answer is "yes".
22 Q. Do you know what type of counsel was asked of the
23 counsel? That was a terrible question. Let me reask
24 it again.
25 Do you know what was asked of the Master

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1 Association's attorney?
2 ARBITRATOR: Hang on a second. You may be
3 asking the witness to disclose attorney/client
4 privilege here. If Mr. Emrich wants to go into that,
5 I'm going to let him go into it.
6 MS. WOODCOCK: Understood, your Honor, and
7 we are asked -- we're limiting the disclosure of the
8 attorney/client privilege communication to this
9 particular request and situation regarding the
10 walkway.
11 ARBITRATOR: Got that. I just want to make
12 sure that you know that if you ask this question
13 about, you know, what counsel told them or what
14 transpired with counsel about the walkway, that I'm
15 going to have to let Mr. Emrich go into that.
16 MS. WOODCOCK: Understood, your Honor.
17 ARBITRATOR: Okay, just want to make sure.
18 MR. EMRICH: Let me -- may I be heard on
19 this, your Honor? Because one of the things that
20 concerns me here is that prior to this hearing,
21 Ms. Woodcock provided what extensively was this
22 counsel's opinion on this. It was a one-sentence
23 statement. There was nothing that was submitted to
24 the attorney in support of that, as to what the facts
25 were as to what the specific requests were, and so I

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1 don't think I'm in a position to be able to adequately
2 cross-examination him if he's allowed to answer that.
3 ARBITRATOR: Well, if he's allowed -- she's
4 asking the question, okay? And based on what you just
5 said, then you can ask him. Okay, it was one
6 sentence, but then what went into -- what was the
7 basis for it. Was there anything else said. I mean,
8 I question everybody as soon as the question was
9 asked, okay? So I basically said you're opening the
10 door, you're opening up a can of worms here. So as
11 the cross-examiner, you're going to get a lot of
12 latitude from me about what was said, what went on,
13 things like that. That's why I brought up the
14 question. That's why I cautioned everyone. I don't
15 know how much fairer I can be. Now that this has been
16 heard, Ms. Woodcock, do you still want to ask this
17 question?
18 MS. WOODCOCK: No, your Honor, I'm going to
19 withdraw the question. We're not going to get into
20 it.
21 ARBITRATOR: Now, the last question I had
22 that he answered was, "Yes, they sought legal counsel
23 on the walkway project". You're withdrawing your
24 previous question?
25 MS. WOODCOCK: Yes, your Honor.

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1 ARBITRATOR: Okay, please go on.
2 CONTINUING BY MS. WOODCOCK:
3 Q. Dr. Petrella, in your last -- or when Mr. Emrich was
4 questioning you regarding in the last hearing, there
5 was mention of amendment to the Master Association
6 documents. Are you aware of an amendment to the
7 Master Association documents?
8 A. Yes.
9 Q. What is that amendment related to or what is it about?
10 A. Prohibitive vehicles in the community.
11 Q. And when that was made, if you recall?
12 A. I think it was recorded in August of 2020, but it was
13 passed by the Board of Directors I believe in May of
14 2020.
15 Q. Does the amendment that was being referenced in the
16 first part of this hearing, is unrelated to the Master
17 Board power or mannerisms of approving changes to the
18 sub-association structures, correct?
19 A. The answer is, "yes", I want to make sure I understand
20 your question. The amendment was only a change in our
21 rules and regulations and that affected what we call
22 prohibitive vehicles on the property.
23 Q. On the March 12th, 2019, Master Association meeting --
24 MR. EMRICH: Which meeting, Ms. Woodcock?
25 MS. WOODCOCK: March 12th, 2019.

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1 CONTINUING BY MS. WOODCOCK:
2 Q. At that meeting, were requirements put in place of
3 what the 200 Building was required to do to meet
4 approval with the Master Association?
5 A. Yes.
6 Q. And what were those requirements?
7 A. The requirements were approved engineered drawings
8 that the renderings that were presented on March 12th,
9 2019 would -- the project would reasonably be similar
10 to those renderings and that all county permits and
11 approvals had to be obtained.
12 Q. And did the 200 Building comply with those
13 requirements?
14 A. Yes.
15 Q. And the November 24th, 2020, meeting, was the meeting
16 notice posted in the normal place that the Master
17 Association could put meeting minutes?
18 A. Yes, otherwise management would not have proceeded
19 with the meeting.
20 Q. Did you hear Mr. Meiresonne's testimony earlier that
21 when he went to look at the board within an hour after
22 the meeting, that it was -- the notice was no longer
23 there, it was not there? Did --
24 A. I heard that --
25 Q. -- you hear that testimony?

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1 A. I heard that --
2 Q. Let me ask the question, Dr. Petrella.
3 A. Sorry, I thought you were done.
4 Q. Okay.
5 Did you hear that testimony?
6 A. Yes.
7 Q. Do you have any knowledge of why potentially that
8 notice was not on the board when Mr. Meiresonne went
9 to see?
10 A. Because I think we're talking about two different
11 things. The board of statute is, as you know,
12 requires posting of meeting notice 48 hours at least
13 prior to the Board meeting. That notice has
14 traditionally been posted on the outdoor protected
15 meeting notice board at the clubhouse, which is kind
16 of a center part of the entire community.
17 The additional notices, just like the
18 broadcast e-mails, are issued as a courtesy to the
19 membership, but it's not required. Now, I don't know
20 what happened in the 200 Building on their bulletin
21 board, why -- or if we did or didn't have a notice
22 there.
23 MS. WOODCOCK: I don't have any other
24 questions for Dr. Petrella.
25 ARBITRATOR: Mr. Emrich?

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1 MR. EMRICH: Yes, I have a couple
2 questions, your Honor.
3 EXAMINATION
4 BY MR. EMRICH:
5 Q. Dr. Petrella, I wasn't quite clear on your answer to
6 the question as to whether the tree that -- the Sea
7 Grapes tree adjacent to Building 300 blocked or
8 interfered with the Gulf of -- Mike Meiresonne's view
9 of the Gulf of Mexico or not. Did it or did the not?
10 A. I would say it partially did if you were seated in a
11 certain position in his living area.
12 Q. Did you at any time go out on the patio and look?
13 A. Oh, yes.
14 Q. So clearly, you would have been looking right down
15 towards the Gulf and that tree would have been right
16 between the patio and the Gulf, correct?
17 A. Portions of the patio were, indeed, obstructed by the
18 tree.
19 Q. Okay, thank you.
20 Now, you also indicated that you felt that
21 the 200 Board has followed all of the appropriate
22 steps here for this particular -- the approval of this
23 particular project, the original approval, correct?
24 A. Yes, sir.
25 Q. What are those steps?

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1 MS. WOODCOCK: Objection, asked and
2 answered. That's exactly the question I asked
3 Dr. Petrella.
4 MR. EMRICH: I'm asking him to tell us.
5 ARBITRATOR: You asked him if they followed
6 the steps, he said "yes". Now he's asking what steps
7 were followed? Go ahead. Mr. Emrich, go ahead.
8 CONTINUING BY MR. EMRICH:
9 Q. What steps were followed?
10 A. We obtained confirmation that the 200 Building Board
11 had building approval to proceed with the project.
12 When the project was then presented at the Master
13 Association, not only the Board members, but we let
14 the community participate into question and answer
15 summary, and we approved the project as proposed with
16 the parameters that I described to Ms. Woodcock.
17 Q. So we're taking about two separate Board meetings
18 where this approval came up for a vote; is that
19 correct, before the Master Board?
20 A. No, the --
21 Q. There was a March --
22 A. I'm sorry.
23 MS. WOODCOCK: Let him answer, please,
24 Mr. Emrich.
25 CONTINUING BY MR. EMRICH:

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1 Q. Okay, go ahead.
2 A. Technically, that's not correct.
3 Q. What do you mean, "technically, it's not correct"? Is
4 it correct in some respect?
5 A. It's correct in some respects because the project
6 approval was granted on March 12th, 2019.
7 Q. And so you're indicating that that was based on what
8 was approved by the 200 Board, correct?
9 A. Yes.
10 Q. As you sit here today, do you know specifically what
11 was approved by the 200 Board on June 26 of 2018?
12 A. What I knew is that they had a proxy that satisfied
13 the requirements of their declaration.
14 Q. So that was going to be my next question. As far as
15 you were concerned, whatever had been passed by the
16 200 Board was based on the proxy that had been
17 submitted by the Board to the members, correct?
18 A. Yes.
19 Q. And so your expectation, then, at least on March 12th,
20 was that that particular proxy was based on a certain
21 set of plans; is that correct?
22 A. Yes.
23 Q. And, again, did you ever review those plans at the
24 March 12th meeting?
25 A. As I said earlier, the renderings were presented and

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1 the initial engineered drawings, and that's the reason
2 why we put the restrictions on that it was an
3 approval, but an approval pending satisfaction of the
4 restrictions that we had also approved.
5 Q. So, again, looking at -- if we look at R-3 and we look
6 at the photograph or the renderings from R-3, if we
7 put those up on the board, the renderings.
8 MS. WARD: You said that was R-3?
9 MR. EMRICH: R-3.
10 MS. WARD: This is what you're talking
11 about, you want these computer-generated things?
12 MR. EMRICH: Yes.
13 MS. WARD: Okay. They're up there.
14 MS. WOODCOCK: Nothing's being shared.
15 MR. EMRICH: I'm not seeing them.
16 MS. WARD: Oh, I'm sorry.
17 CONTINUING BY MR. EMRICH:
18 Q. Does this look like the renderings that you're
19 referring to?
20 A. Yeah. You know, I couldn't swear this was every line
21 detail the same, but it's very similar, let's, I
22 guess, agree to that.
23 Q. And correct me if I'm wrong, but these renderings show
24 a walkway along the bottom -- or along the ground
25 level of each side of the building; is that correct?

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1 A. I guess, yes. I mean, my interpretation of the
2 drawing, yes.
3 Q. So your review that was made on March 12th of 2019
4 would have been based on plans that included a walkway
5 along the ground floor of either side of that building
6 that would connect the bottom units or ground floor
7 units to the elevator as well, correct?
8 A. It was not a prerequisite, if that's what you're
9 asking.
10 Q. Well, I'm asking you what the plans were that were
11 submitted that you based a vote on, sir.
12 MS. WOODCOCK: I'm going to object.
13 THE WITNESS: This is only part --
14 MS. WOODCOCK: Hold on, Dr. Petrella. I'm
15 going to object, this is asked and answered in
16 Dr. Petrella's primary testimony.
17 ARBITRATOR: Let me look at my notes.
18 You're saying the first part of the hearing?
19 MS. WOODCOCK: Yes, sir.
20 ARBITRATOR: What's the meeting date we're
21 presently talking about?
22 MR. EMRICH: We're talking, your Honor,
23 about the March 12th, 2019, Board meeting that he's
24 testified to the plans were brought before the Board
25 for the Master Board for their initial approval and

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1 that he testified all of the steps were followed by
2 the Board, and that's what I'm trying to understand
3 exactly what those steps were, and he's explaining
4 what was presented and what was approved.
5 ARBITRATOR: My notes from -- my notes from
6 the prior hearing do talk about the 3/19 meeting, but
7 it's talking about the ARC wasn't in effect at the
8 time. He was not present with the review at this
9 time, and the March 2019 (inaudible) by Nancy Taylor.
10 To the extent we had to bifurcate this hearing, I'm
11 inclined to let him answer the question in light of
12 the fact that he testified just today on Direct
13 Examination that the steps were followed, okay? But,
14 Mr. Emrich, just talk to him about the steps that were
15 followed --
16 MR. EMRICH: I am, your Honor.
17 ARBITRATOR: -- to the Direct Examination
18 that was offered today, you know, stick to the subject
19 matter, sir, please.
20 MR. EMRICH: I am, your Honor, that's what
21 I'm trying to do.
22 ARBITRATOR: Okay, thank you very much.
23 MR. EMRICH: Thank you.
24 CONTINUING BY MR. EMRICH:
25 Q. So, again, Dr. Petrella, looking at those renderings,

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1 do those renderings indicate that the plans that were
2 passed by the 200 Board at the time of the March 12th,
3 2019 Master Board review included the walkway along
4 the building on the ground level on either side of the
5 elevator tower that's in the left portion of that
6 rendering connecting those units to the elevator?
7 A. (Inaudible).
8 MS. WOODCOCK: I'm sorry, Mr. Emrich, can
9 you repeat the last part of your question? It cut out
10 on my end.
11 CONTINUING BY MR. EMRICH:
12 Q. As you look at this rendering, does it appear to you
13 that the plans that you reviewed at that time, March
14 12, 2019, included a walkway along the ground floor on
15 either side of the elevator that connected the ground
16 floor units to the elevator tower?
17 A. I'm looking at one image. I'm not looking at the
18 multiple images that were presented, but that said,
19 obviously, that this was what was presented on March
20 12th, 2019, and then represented at the November 24th,
21 2020, meeting, then the answer is "yes".
22 Q. And so that is your assumption, that it was the same
23 plans that would have been approved on November 24th?
24 A. Correct.
25 MR. EMRICH: Is someone talking in the

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1 background?
2 MS. WARD: I did not have myself on mute, I
3 apologize. I'm going to put myself on mute now.
4 MR. EMRICH: Thank you.
5 CONTINUING BY MR. EMRICH:
6 Q. What you're saying now is that you're assuming -- your
7 answer to the question I just asked you is, if those
8 same plans were presented in November of 2020, then as
9 far as you're concerned, they would have been what was
10 approved back on March 12th of 2019; is that what you
11 said?
12 A. That is correct.
13 Q. Okay, thank you.
14 So if we look at the first part of R-3, the
15 document from the Johnson group dated January of 2018,
16 R-3 --
17 MR. EMRICH: It's the W. Johnson proposal.
18 MS. WARD: Okay. It's not R-3. It's R-2.
19 ARBITRATOR: It is R-2.
20 MR. EMRICH: Let's put R-2 up. I'm sorry.
21 MS. WOODCOCK: Just to clarify for the
22 record, it's not R-2 either.
23 THE WITNESS: It's R-1.
24 MR. EMRICH: Okay, R-1. Put it up.
25 January 22nd, 2018.

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1 CONTINUING BY MR. EMRICH:
2 Q. Do you recall -- would this be part of what you would
3 have reviewed as well at the March Master Board
4 meeting?
5 A. I don't specifically recall seeing this document. I
6 could not testify to that, but I assume if that was
7 part of the package submitted, then, yes.
8 Q. And if you would take a look at that document and read
9 the first paragraph, and then tell me when you're
10 done.
11 A. (Witness complies.) I'm done.
12 Q. What does that document say about ADA-compliant
13 walkways?
14 A. Well, that it would be ADA compliant, yes.
15 Q. Okay.
16 And was that because it connected all of
17 the units that were part of the project to the
18 elevator tower?
19 A. I think it's clear what it says, "the design intent is
20 to connect the two-story portions of the building via
21 ground level."
22 (Referred to Exhibit R-33.)
23 Q. And the reason I ask that is, if we go to R-33, and we
24 go to the second page of R-33, which are the minutes
25 from the March 12th, 2019, Master Board meeting, you

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1 talk about the Building 200 walkway; is that correct?
2 A. Yes.
3 Q. And, in fact, just looking at Section F under
4 "Building 200 walkway", it states in the first
5 sentence that "a discussion of ADA compliant access to
6 elevators for those units without access."
7 So, again, would that be consistent with
8 what we just talked about as to the plan that was
9 presented and approved by the Master Board meeting,
10 one that connected all of these walkways to the
11 elevators, correct?
12 A. I would presume so.
13 Q. And then there's a couple of other paragraphs
14 discussing the matter where one of your Board members
15 wants to delay any motion to approve the plans until
16 the modifications are done and resubmitted, and,
17 again, that motion was defeated and these plans were
18 approved and the authorization to go forward pursuant
19 to the conditions that you previously testified to,
20 correct?
21 A. Yes.
22 Q. And so just so I'm clear, as I heard you, a key
23 determination in what you were deciding on was to
24 follow what the 200 Board members had approved; is
25 that correct?

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1 A. Yes.
2 Q. And I think when we last talked to you, a question
3 came up as to whether you had ever seen a proxy or the
4 minutes from the June 2018 meeting and you had not; is
5 that correct?
6 MS. WOODCOCK: Asked and answered.
7 CONTINUING BY MR. EMRICH:
8 Q. Have you had a chance to look at that since?
9 A. No.
10 MR. EMRICH: So let's put Exhibit 11 up on
11 the board. Let's start with Exhibit 10, I'm sorry.
12 ARBITRATOR: Which Exhibit 11?
13 MR. EMRICH: P-10, I'm sorry.
14 CONTINUING BY MR. EMRICH:
15 Q. Take a look at that, Dr. Petrella, if you would,
16 please.
17 A. (Witness complies.) I have seen this document before.
18 Q. And what is that?
19 A. A letter to the 200 Building residents discussing the
20 proposal to construct the walkway.
21 Q. And it's about a special meeting that's been called
22 for that proposal, correct?
23 A. Yes.
24 Q. And a proxy that's been issued for the Board members
25 to vote upon at that special meeting, correct?

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1 A. You said the proxy is included.
2 Q. All right.
3 And as you read that, does that, again,
4 appear to be consistent with what you have looked at
5 today as to what the Master Board would have approved
6 in March of 2019?
7 A. Obviously, it would be -- my assumption that it would
8 be the same series of renderings, but I don't know
9 because I didn't see it at the time.
10 Q. Okay.
11 Let's go to the next -- let's go to P-12.
12 Okay, I'm sorry, P-11. Take a look at that,
13 Dr. Petrella. Have you seen that before?
14 A. I think this was shown at our last session.
15 Q. And so that's the proxy that would have been voted on
16 at the 2000 -- June 2018 meeting, correct?
17 A. Yes.
18 Q. And that, again, is consistent with the renderings
19 that you looked at earlier that connect all those
20 units that were referenced in the renderings, the
21 ground units as well as the second-floor units,
22 correct, with walkways to the elevator tower, correct?
23 A. I think it's the other way around. The proxy is
24 referencing the renderings -- not the renderings,
25 referencing the proxy -- I know what you mean and I

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1 don't disagree.

2 Q. So the answer to my question would be "yes", it does

3 reflect what's referenced in the renderings that were

4 approved; is that right?

5 A. If those, indeed, were the ones that were attached,

6 yes.

7 Q. And you indicated that it was important that whatever

8 you were approving was what the Board members -- I'm

9 sorry, what the Association members, the 200

10 Association members had approved pursuant to that

11 proxy; is that correct?

12 A. Well, if you're referencing the renderings, I think,

13 you know, the answer then becomes that it was

14 reasonably similar. I think that was our discussion.

15 Q. I'm just simply -- you talked about following the

16 steps and you indicated that it was important to make

17 sure that whatever you approved was consistent with

18 what the proxy, the duly executed or voted on proxy

19 was -- an access or path, correct?

20 A. That is not entirely correct.

21 Q. What isn't correct about it?

22 A. We never referenced the proxy in the March meeting

23 when we were provided with both in January of 2019.

24 And with a PowerPoint presentation in March of 2019

25 was a description of the project and the renderings of

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1 the project, the rough engineered drawings of the

2 project, and the project was then approved pending the

3 items that I stated earlier.

4 Q. So you're saying that you did not -- even though you

5 said earlier that one of the steps you wanted to make

6 sure was that the proxy that was duly executed and

7 voted upon had been followed by the 200 Board, and so

8 you're telling me now that you never looked at the

9 proxy?

10 A. I'm telling you I did not look at --

11 MS. WOODCOCK: Objection, mischaracterizes

12 his testimony.

13 ARBITRATOR: Hold on a second. What's your

14 objection?

15 MS. WOODCOCK: The objection is

16 mischaracterization of the testimony.

17 ARBITRATOR: Mr. Emrich, which testimony

18 are you referencing here?

19 MR. EMRICH: I'm talking about his

20 testimony today when he said what the steps were that

21 he went -- that the 200 Board went through and he

22 indicated that one of the things that he wanted to

23 make sure that the proxy that had been voted on by the

24 200 Building owners was followed by the 200 Board with

25 regard to the project that was being presented to them

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1 at the March of 2019 Master Board meeting.

2 ARBITRATOR: So essentially, what you're

3 getting at is here, the unit owners of the 200

4 Building were present with -- everyone keeps calling

5 them renderings. I'll continue to use that word.

6 Those renderings depict two walkways. One is what I

7 will call a ground-floor walkway, that's on the ground

8 floor, and the other one is on what I will call the

9 first floor, which is an evaluated walkway, and this

10 proxy reflects that both were as dedicated to that

11 vote based on those depictions. Is that what you're

12 getting at?

13 MR. EMRICH: Not entirely, your Honor.

14 What I'm getting at is that the proxy is very specific

15 in what it says, what a walkway it says that it's

16 going to -- that it's referencing and that are to be

17 connected and that they connect all of the walkways on

18 that side of the building. So it would include the

19 ground-floor renderings, and what Dr. Petrella has

20 said, he has said that he wanted to make certain that

21 what they were approving was what the 200 Building

22 owners had approved.

23 ARBITRATOR: Right.

24 MR. EMRICH: And that's what I'm asking,

25 and that refers to the renderings that I just asked

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1 him about, which clearly showed the ground-floor

2 walkways because those clearly connect, for example,

3 213 is on this particular list of documents, a list of

4 units that are to be connected. They are part of that

5 ground-level connection. So that's what was approved

6 by building owners in 200, and what he said he would

7 supposedly wanted to make sure that they were

8 approving.

9 If you look at the minutes in P-13, they

10 reflect the same thing. We can put P-13 up on board

11 for a minute. What the Board did was pass what was

12 presented in that proxy.

13 ARBITRATOR: Okay. Well, you want to

14 rephrase the question, because I think by now the

15 witness is lost.

16 MR. EMRICH: All right.

17 CONTINUING BY MR. EMRICH:

18 Q. So, Dr. Petrella, as we look and reflect upon what

19 you've testified as the steps having been followed,

20 what you reviewed and passed upon on March 12th of

21 2019 was what you wanted to make sure was what the

22 building owners approved; is that correct, at that

23 special meeting, correct?

24 A. In the broadest sense, correct.

25 Q. In fact, the declaration and the bylaws that we were

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1 presented with, the amended declaration bylaws
2 specifically discusses that that is what a limited
3 proxy can accomplish; is that correct?
4 MS. WOODCOCK: Objection, calls for a legal
5 conclusion.
6 CONTINUING BY MR. EMRICH:
7 Q. If you know?
8 ARBITRATOR: I'll allow it, because if he
9 knows, he knows. If he doesn't, he doesn't.
10 THE WITNESS: You know, I think you
11 misunderstood my earlier answer. So if -- go ahead
12 and please ask me the same question again and I'll see
13 if I can combine the two and clarify that because I
14 never said anything about viewing proxies earlier.
15 CONTINUING BY MR. EMRICH:
16 Q. Well, but basically --
17 (Talking over each other.)
18 A. (Inaudible) -- if you wanted to do what was approved
19 by the 200 Building, and that information was provided
20 to us by the management. They said they had gone
21 through all the proper steps.
22 Q. And what I'm exploring, I'm not trying to make this
23 difficult, what I'm exploring is what the steps were,
24 and so that's why I asked you and you just answered my
25 question, because what you just said is that your

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1 expectation was that what you were approving on March
2 12th of 2019 was what the Building owners had approved
3 at that special meeting based on that proxy, correct?
4 A. Yes, I don't disagree with that.
5 Q. All right. Thank you.
6 And I'm not suggesting that you guys didn't
7 approve that on March 12th, '19, because what I'm
8 trying to understand is to make certain and understand
9 what exactly you approved on March 12th, '19, and so
10 now you've answered the question, and I appreciate
11 your patience.
12 A. Okay, thank you.
13 Q. All right.
14 Now, I just got a couple more questions and
15 I will finish.
16 You also indicated that when this matter
17 came before you for a final review on March 24th of
18 2020, the Master Board, your expectation would have
19 been that what was presented to you for approval was
20 the same plan that had been presented back and
21 approved by your Board back on March 12th of 2019; is
22 that what I heard you say?
23 A. There were certain requirements that had to be met.
24 So it was not necessarily -- well, certainly, wasn't
25 what had been presented in 2019, because now we had

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1 certified engineered drawings, we had county permits,
2 and the renderings were similar. I think they were
3 upgraded, but they were similar.
4 Q. But your understanding and your expectation was that
5 those plans that came before you on November 24th of
6 '20 on the Master Board would have been the same plans
7 that that had been -- or the same project, if you
8 will, that had been approved in that proxy and that
9 Board action at that special meeting in June of 2018,
10 correct, what the owners approved?
11 MS. WOODCOCK: Asked and answered.
12 CONTINUING BY MR. EMRICH:
13 Q. Correct?
14 ARBITRATOR: It's been asked and answered,
15 sir.
16 CONTINUING BY MR. EMRICH:
17 Q. Just one last question before I finish, you would
18 agree with me, sir, that a project that would have
19 only connected six of the units and would not have
20 included the ground-floor walkways that were approved
21 by the Master Board at the March 2019 meeting, would
22 not have been the same plans that would have been put
23 before you in November 24th of 2020 irrespective of
24 whether it was part of the engineering drawings, what
25 was approved by a permit or anything of the sort,

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1 correct?
2 A. That was a long question, Counselor.
3 Q. All right. Let me break it down.
4 What you would have approved in November of
5 2020 -- or 24, 2020, was a final plan that the 200
6 Board brought before you; is that correct?
7 A. Yes, to the best of my recollection, yes.
8 Q. And you indicated that there would have been
9 engineering drawings, there would have been a permit,
10 and there may have been some final renderings,
11 correct?
12 A. Yes.
13 Q. What your expectation was that whatever was in front
14 of you and what you thought that you were passing upon
15 was based on what had been approved originally by the
16 Master Board in terms of the concept and the plan that
17 was approved by the 200 Building owners pursuant to
18 the proxy that was issued for that special meeting,
19 correct?
20 A. You've wound a lot of information in the second half
21 of that question as well. Yeah, I guess in general
22 terms, yes.
23 Q. Thank you.
24 And final question, again, you would agree
25 with me that if the plan that was brought before you

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1 as part of what you talked about that you would have
2 looked at only connected the second-floor units, no
3 longer connected the lower ground floor units on
4 either side, it would no longer comply with what was
5 passed by the proxy pursuant to the proxy in June of
6 2018, correct?
7 A. No, I disagree with that.
8 Q. Why do you disagree with me on that?
9 A. Because there was no stipulation ever that all nine
10 units had to hook up. I think, again, it was
11 reasonably similar to what was presented originally,
12 and as I earlier testified, Mike had the opportunity
13 to hook up if he wanted to. That was his choice.
14 Q. I'm not asking about that. I'm asking about what was
15 approved, what was approved did not comply with what
16 was passed pursuant to the proxy of the special
17 meeting in 2018. I mean, I don't want to go through
18 this again showing you that the ground-floor units
19 were not part of what was built, correct?
20 A. And I'm not -- again, my interpretation of that proxy,
21 I can't say with what I know if that, indeed,
22 satisfied that to the letter.
23 Q. Well, if we look at Section 6 under what was passed in
24 the minutes, which are on the board, I want you to
25 read -- I want you to read the first couple of

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1 sentences of that for us.
2 A. (Witness complies.) I can read it and see that it
3 includes all nine units.
4 Q. And it includes the walkway and on the ground floor,
5 correct?
6 A. Well, if they're part of the nine units, yes.
7 Q. So, again, that's what the proxy that was presented to
8 the Building owners in 2018 was passed. That is the
9 proxy that was passed, that was what the Board voted
10 on; is that correct?
11 MS. WOODCOCK: Objection, asked and
12 answered, calls for a legal conclusion.
13 ARBITRATOR: Mr. Emrich --
14 MR. EMRICH: I have no further questions,
15 your Honor.
16 ARBITRATOR: Okay.
17 Ms. Woodcock, do you have any questions for
18 the witness?
19 MS. WOODCOCK: Yes, your Honor.
20 Actually, no, your Honor, no questions for
21 Dr. Petrella.
22 ARBITRATOR: Doctor, I'll just take a
23 moment of your time. I want to make sure my notes are
24 correct on something that you said a couple minutes
25 ago, if you don't mind.

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1 (Off the record 2:29 P.M.)
2 (Back on the record 2:30 P.M.)
3 ARBITRATOR: We're back on the record.
4 E X A M I N A T I O N
5 BY THE ARBITRATOR:
6 Q. Doctor, at some point in your testimony a couple
7 moments ago and in a couple other times, you said, at
8 least according to my notes, the project that was
9 approved by the Master Board was "reasonably similar"
10 to what was voted on by the unit owners of Building
11 200.
12 Do I have that correct?
13 A. Yes, sir.
14 Q. Now, without belaboring the point, that would include
15 consideration of the renderings that were given to
16 Building 200 Board, the proxy -- and the proxy
17 authorizing that vote as opposed to what was actually
18 built on the ground?
19 A. I think the proxy was something that predated Master
20 Association's involvement. We were assured by
21 management they had approved this project. Now, you
22 know, the details of the project, again, I was just a
23 director at the time. I was not the Board president,
24 but I was in the November 2020 meeting, and when
25 reviewing the information we had from March of 2019

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1 and comparing that with that of November of 2020,
2 everything appeared similar, the renderings appeared
3 similar, and then we had detailed engineered drawings,
4 and the permits and everything was there, and that met
5 the requirements of the Master Association.
6 Q. So based on your reasoning, if an association says,
7 "Well, we're going to build a wall here and we're
8 thinking about a five-foot wall", but then they go out
9 and build a 15-foot wall, that's okay?
10 A. No.
11 ARBITRATOR: Thank you. I have no further
12 questions.
13 MR. EMRICH: Nor do I.
14 ARBITRATOR: Thank you for your time,
15 Doctor.
16 THE WITNESS: Thank you.
17 MS. WOODCOCK: Respondents call Nancy
18 Taylor.
19 N A N C Y T A Y L O R
20 having been first duly sworn, was examined and testified as
21 follows:
22 E X A M I N A T I O N
23 N A N C Y T A Y L O R
24 BY MS. WOODCOCK:
25 Q. Were you present this morning during Mr. Meiresonne's

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1 testimony where he stated that you instructed him not
2 to take meeting minutes when he was secretary of the
3 Board?
4 A. Yes, I was present.
5 Q. Did you ever give Mr. Meiresonne that instruction?
6 A. I would have told him that following normal policy
7 with Resorts management is Resorts keeps the basic
8 minutes and that's where we record any actions, votes,
9 etcetera, but we do not do detailed minutes, and thus,
10 it has been practice that Resorts keeps those for us,
11 and those are the minutes we vote on at subsequent
12 meetings.
13 (Off the record 2:34 P.M.)
14 (Back on the record 2:41 P.M.)
15 CONTINUING BY MR. EMRICH:
16 Q. Ms. Taylor, prior to when we went on a break, I was
17 going to ask you, there's been a lot of back and forth
18 and testimony about the proxy that was voted on by the
19 200 membership. From the 200 Board's perspective,
20 what was voted on by the membership?
21 MR. EMRICH: Your Honor, I'm going to
22 object to that. The proxy speaks for itself, and the
23 minutes that were passed based on that proxy speak for
24 themselves. I don't think it's appropriate to have a
25 witness comment or try to explain away what the actual

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1 records of the Board action reflect.
2 MS. WOODCOCK: There's been plenty of
3 testimony --
4 MR. EMRICH: I've made an objection, your
5 Honor.
6 MS. WOODCOCK: I understand. I'm
7 responding to your comment.
8 MR. EMRICH: But the Arbitrator has always
9 indicated to me that I can't say anything until he
10 rules on the objection.
11 MS. WOODCOCK: Okay, that's fine.
12 MR. EMRICH: What's good for the goose is
13 good for the gander.
14 MS. WOODCOCK: May I respond to
15 Mr. Emrich's comments?
16 ARBITRATOR: You're not going to need to,
17 Counsel.
18 MS. WOODCOCK: Thank you, your Honor.
19 ARBITRATOR: What I'm going to do is this.
20 I'm going to allow the question and the response,
21 then, Mr. Emrich, take it easy there, sir, you can
22 cross-examine her on it and you can bring out through
23 documents or other questions what I may call
24 impeachment testimony, okay? This way, everybody take
25 a deep breath, calm down, and we'll just get through

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1 this without any more fireworks.
2 MR. EMRICH: I'm very calm, your Honor.
3 It's just my nature.
4 ARBITRATOR: I understand, sir.
5 MR. EMRICH: I'm a litigator.
6 ARBITRATOR: Ms. Woodcock, if you would
7 please repeat the question and the witness will be
8 able to answer without any objection, sir.
9 MS. WOODCOCK: Thank you, your Honor.
10 CONTINUING BY MS. WOODCOCK:
11 Q. Ms. Taylor, my question was: What was the membership
12 voting on via the proxy?
13 A. The membership was voting to allow the construction of
14 a walkway to the nine potential units that were
15 numbered in the proxy. It was listed that the
16 townhome owners would pay for them, and it was listed
17 that the Board would have final approval because we
18 knew that changes and alterations would develop with
19 engineering and we wanted the ability to have that
20 flexibility to respond to engineering and county code
21 requirements.
22 Q. Was there anything attached to the proxy that was
23 voted on?
24 A. No. There were communications that were sent out as
25 explanations. There was e-mails. There was a lot of

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1 discussion at meetings, but there was not a legal
2 document attached to the proxy, as far as I
3 understand.
4 Q. So are you familiar with the renderings that have been
5 talked about a lot in the testimony, correct?
6 A. Yes, very familiar with all of them.
7 Q. The renderings, were those attached to the proxy?
8 A. No, and, in fact, I'd like to clarify that the
9 renderings has two or three iterations. There was the
10 ones I call the blue ones, which have the bright blue
11 background, and those were the very early ones that we
12 had someone draw up for us to try to give an early
13 representation of what we thought it would look like,
14 then we had the actual pictures that were done where
15 you have a picture of the building with no walkway and
16 then a picture of the building with a
17 computer-generated walkway across it, and those were
18 to give a better idea of what we believed they would
19 physically look like using the building rather than
20 those more indecipherable blue drawings that we had.
21 And then finally at the end, we had the
22 actual very detailed engineering drawings developed by
23 our engineer which were the basis for the permitting
24 and the final review by the Master Board.
25 Q. But none of those were attached to the proxy?

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1 COURT REPORTER: I didn't hear an answer.
2 THE WITNESS: No.
3 CONTINUING BY MS. BALLARD:
4 Q. I'm showing you on the screen what is Respondent's
5 R-2.
6 A. Yes.
7 Q. And this shows the photographs that you were
8 referencing that were made of what would potentially
9 be shown, correct?
10 A. Correct.
11 Q. And then also attached to R-2 is some drawings. Is
12 this what you're referring to as the blue drawings?
13 A. Yes.
14 Q. And you also referenced the engineer drawings, final
15 engineer drawings?
16 A. Yes.
17 (Referenced Exhibit R-7.)
18 CONTINUING BY MS. WOODCOCK:
19 Q. I'll show you what is R-7. Are these the drawings
20 that you're referencing?
21 A. Yes.
22 Q. In June of 2018, how many directors were on the Board
23 of Directors?
24 A. Three.
25 Q. And who were they?

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1 A. Robert White, myself, Nancy Taylor, and William
2 Zammer.
3 Q. And Mr. Zammer was the owner of Unit 213 at the time,
4 correct?
5 A. Yes.
6 ARBITRATOR: Barbara, can you hold your
7 question just one moment?
8 (Off the record 2:49 P.M.)
9 (Back on the record 2:50 P.M.)
10 ARBITRATOR: Go ahead.
11 CONTINUING BY MS. WOODCOCK:
12 Q. When the walkway was constructed, were all county
13 permits and county requirements complied with?
14 A. Yes, everything.
15 Q. In the proxy that was voted on, is there any reference
16 to the proposed walkway being ADA compliant?
17 A. No.
18 Q. The final engineer drawings that we looked at in R-7,
19 why were changes made in those final drawings compared
20 to the initial conceptualization that is in R-2?
21 A. Two parts. The most obvious being that where the
22 county would give us a code compliance instruction, we
23 abided. So if the railings were supposed to be a
24 certain height, if the railings were supposed to have
25 so much space between bars, those things were done to

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1 be a hundred percent code compliant.
2 The other things were things that were done
3 to try to make the walkway as easily fitting into the
4 environment as possible. That's why we did a narrower
5 walkway. We also changed the number of columns
6 underneath to minimize the impact of columns
7 underneath in front of other units. We also changed
8 the bed of the walkway in order to eliminate any
9 sound. So the aluminum, the other structure and
10 concrete layers of padding were to make it so that
11 when someone walks on it, there was no rattling.
12 And those were changes that were not --
13 especially, say, the aluminum bed, were not made with
14 any huge change of the walkway's purpose, but to make
15 them all a better fit within the building.
16 Q. The changes that were made in the final engineer
17 drawing, were those agreed to by you and Bob White?
18 A. Yes, but mostly, those were things that were agreed to
19 because we needed to have compliance with the code and
20 the engineering's recommendations. We secured the
21 services of a very good engineer and we weren't about
22 to second-guess him on things that would make this a
23 sound, better structure.
24 Q. And did you and Bob White constitute a majority of
25 the Board of Directors?

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1 A. Yes, we did.
2 Q. And the proxy that was voted on by the membership gave
3 the Board control to make the final renderings --
4 A. Yes.
5 MR. EMRICH: I object to that.
6 CONTINUING BY MS. WOODCOCK:
7 Q. -- correct?
8 MR. EMRICH: I object to that. That's not
9 what the proxy -- that's not what the proxy or the
10 minutes that were based on that proxy say.
11 ARBITRATOR: I'd say that requires a legal
12 conclusion on the part of the witness, because what
13 has happened here is that I don't think there's any
14 debate about whether this was going to be material
15 alteration, and as the amended bylaws, is it 2.9 or
16 2.6, it must be the members of the Association by
17 majority vote to approve the material alterations.
18 It's not vested in the Board. So while -- what the
19 witness may think that is, I don't believe that the
20 governing documents support that legal conclusion,
21 because that's even in some of the materials I wrote.
22 So if the witness wants to testify what she
23 thinks that proxy does, I'll let her testify about
24 what she thinks, but the governing documents control
25 here.

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1 MS. WOODCOCK: Well, I would ask you to
2 allow her to testify about what she thinks because you
3 allowed Mr. Meiresonne to testify about what he
4 thought.
5 ARBITRATOR: And part of the good part and
6 bad part of bench trials or hearings like this is you
7 do not get to argue the law and the memos, and as a
8 trier of fact, I can give a witness' weight what I
9 want it to be, and that's going to be her opinion,
10 that's her opinion. I'm going to let her answer the
11 question, Mr. Emrich, and just like I said before, you
12 can cross-examine her. Okay?
13 MR. EMRICH: Even though it calls for a
14 legal conclusion?
15 ARBITRATOR: I'm going to let her testify.
16 MR. EMRICH: I understand, I heard. Thank
17 you.
18 ARBITRATOR: Bring it out on
19 cross-examination. Okay?
20 MR. EMRICH: Thank you.
21 ARBITRATOR: Ms. Woodcock? Barbara, please
22 state the question again.
23 MS. WOODCOCK: I'm afraid I don't remember
24 what the question is.
25 Madam Court Reporter, can you possibly read

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1 back what the question was?
2 (Requested portion of the record read by the reporter.)
3 MS. WOODCOCK: So then the question was
4 already answered. I don't have any other questions
5 for Ms. Taylor.
6 E X A M I N A T I O N
7 BY MR. EMRICH:
8 Q. Ms. Taylor, to follow up on what the Arbitrator just
9 stated, it would be true that the final plans that
10 were taken -- that were utilized to construct this
11 walkway were not the plans that were submitted at the
12 initial 2018 meeting, correct, when the Board -- when
13 the Building owners voted on this plan and voted on
14 the proxy; is that correct?
15 A. I'm not following that question, I'm sorry. What the
16 Building owners voted on were the two renditions, the
17 blue pictures and the other pictures, and obviously,
18 the very last picture -- or the last rendition, R-7,
19 which was the engineering (inaudible) were not
20 available until after an engineer made them.
21 MR. EMRICH: Let's put Exhibit 13 on the
22 board.
23 MS. WARD: P-13?
24 MR. EMRICH: P-13, I'm sorry, P-13.
25 CONTINUING BY MR. EMRICH:

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1 Q. If we look at Exhibit 13, we look at "New Business:
2 Discuss and vote on Altering the Common Elements to
3 Construct Walkways Connecting units 201, 202, 203,
4 208, 209, 210, 211, 212 and 213 to the Elevator"; is
5 that correct? Did I read that correctly?
6 A. Yes, you read it correctly.
7 Q. And that was the plan that was passed in June of 2018,
8 correct?
9 A. You didn't read it all, but, yes.
10 Q. The plan that was eventually -- the project that was
11 eventually built did not include a walkway connecting
12 at least three of those units; is that correct?
13 A. That is because when you complete --
14 Q. I don't want to know "because". Is that correct,
15 "yes" or "no"?
16 A. I'm going to say "no".
17 Q. You're saying that the plan that was passed in -- on
18 the walkway that was put up connected all of the units
19 that -- as mentioned in those minutes?
20 A. With the full proxy language, yes.
21 Q. I'm talking about what the minutes and what was passed
22 by the Board in 2018. I just want to know, was the
23 project that was put up, did that connect all of the
24 walkways that said that it would connect in those
25 minutes, that's the plan that was passed in those

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1 minutes as reflected in those minutes, "yes" or "no"?
2 A. The walkways that were connected were the ones that
3 followed the entire proxy direction.
4 Q. That's not my question. My question is: Was the
5 walkway --
6 A. Sir, I don't know what to do. I disagree with your
7 question.
8 Q. Was the walkway that was put up, did it connect all
9 nine units with walkways as it said in those minutes
10 in that proxy, "yes" or "no"?
11 A. The gesture was there to connect them all, but three
12 declined.
13 Q. So the answer is it did not connect all nine walkways,
14 correct?
15 A. It did not connect all nine walkways per the --
16 Q. For all nine units.
17 A. -- the proxy.
18 Q. So, again, what was put up did not comply with what
19 was passed in 2018 as far as what units were to be
20 connected to this walkway, correct?
21 MS. WOODCOCK: It's been asked and
22 answered.
23 THE WITNESS: You are reading part of a
24 proxy, not --
25 MS. WOODCOCK: Hold on, Nancy, hold on one

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1 second. The Arbitrator will rule on my objection,
2 please.
3 ARBITRATOR: Mr. Emrich, I got it the first
4 time, and the document does speak for itself, and I
5 don't think it's in dispute that three of the units
6 were not connected as provided for and voted on from
7 the proxy. Therefore, since there's no dispute about
8 that evidence --
9 MR. EMRICH: Okay, thank you.
10 ARBITRATOR: -- I don't see the necessity
11 repeating of the question at this time. It's already
12 been established by prior testimony in facts in the
13 case.
14 MR. EMRICH: All right, thank you. I won't
15 ask it again.
16 CONTINUING BY MR. EMRICH:
17 Q. My next question, then, is: As I understand in
18 reading what is contained in Exhibit P-22, which was
19 presented to the Board, the Master -- I'm sorry, to
20 the 200 Board prior to the December 2nd, 2020,
21 meeting, along with what you read, indicated that the
22 Board -- that the Board never voted on the new plan;
23 is that correct?
24 ARBITRATOR: Which Board? We have two
25 Boards.

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1 CONTINUING BY MR. EMRICH:
2 Q. The 200 Board never voted on the new plan; is that
3 correct?
4 A. There was not a new plan.
5 Q. The 200 Board never voted on the walkway that was
6 connected that only connected six units; is that
7 correct?
8 A. There was no new plan. The other three units could be
9 connected at any point during that process --
10 MR. EMRICH: Your Honor, she's not
11 answering my question.
12 THE WITNESS: I'm trying.
13 MR. EMRICH: No, you're not.
14 ARBITRATOR: I know things get heated
15 during a heat period, okay? He didn't ask you if it
16 was a new plan. He asked you something else. So
17 please repeat your question, sir, and if you could
18 please answer the question that's asked of you, ma'am.
19 CONTINUING BY MR. EMRICH:
20 Q. Did the 200 Board ever vote on the walkway that was
21 constructed that only connected the six units on the
22 second floor?
23 A. Yes.
24 Q. When?
25 A. At the original vote.

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1 Q. You're claiming that that original vote was what
2 controlled the ultimate walkway construction?
3 A. Yes.
4 Q. So, again, coming back to what I asked you: Did you
5 ever go back to the Board and ask them or have them
6 vote on the project that was put up that only
7 connected six of those units and not all nine of them,
8 "yes" or "no"?
9 A. Say that again.
10 Q. Did the 200 Board ever vote on the project that was
11 put up, any plans for the project that was put up that
12 only connected the six units?
13 A. Yes. We approved the plan as approved by the Master
14 Board to proceed, and at that time, it was six units.
15 Q. I'm not asking about what the Master Board. I'm
16 asking when -- whether or not the 200 Board approved
17 the plan that was put up?
18 A. Given that we had the flexibility we believed to
19 include them if the owners wanted to participate, then
20 we worked forward with the plan as approved by the 200
21 Owners.
22 Q. Okay.
23 So you did not go to the 200 Building
24 Owners with the plans that were changed to not only --
25 to only include six of the nine units, correct?

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1 MS. WOODCOCK: Objection, asked and
2 answered.
3 MR. EMRICH: No, it's not, your Honor. She
4 keeps ducking the question.
5 THE WITNESS: Your words that there was a
6 second plan. My contention, we were always on the
7 original plan.
8 ARBITRATOR: Mr. Emrich, you know, you can
9 ask the witness what information the owners of
10 the building had in front of them when they took the
11 vote and then you can ask, you know, how, what was
12 built made differ or may be the same from the
13 information which they voted on, and I think that may
14 alleviate some of this problems that we're having
15 here.
16 MR. EMRICH: Your Honor, with all due
17 respect, the minutes of what was voted on very
18 specifically say that it was a walkway that was going
19 to connect nine units, and we've heard repeated
20 testimony that the project that was put up did not
21 connect all units. I don't understand how someone
22 could not answer a simple question that indicates that
23 what was put up was not what was referred to or passed
24 by the original Board.
25 We can argue what that meant. That's all

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1 fair. We can -- Ms. Woodcock and I can argue about
2 the legal effect of that. But you, yourself,
3 indicated that it's not something that the Board is in
4 a position to do when you make a material change to
5 the common areas surrounding this building, and at the
6 end of the day, this was never voted on.
7 The plan that was put up was never voted on
8 by the building owners of the 200 unit because -- of
9 the 200 Building because it only connected six of
10 those units.
11 ARBITRATOR: Then perhaps --
12 MS. WOODCOCK: Your Honor, may I briefly
13 respond?
14 ARBITRATOR: Sure.
15 MS. WOODCOCK: Mr. Emrich said himself just
16 in his lengthy argument that he made repeated
17 testimony about the same subject. It's been asked and
18 answered numerous times throughout all of this all-day
19 hearing and the previous all-day hearing where
20 Ms. Taylor testified, I believe, for about three
21 hours.
22 ARBITRATOR: So what I'm going to suggest,
23 Mr. Emrich, is this: You're on cross-examination,
24 you're allowed to ask closed-end questions, right?
25 MR. EMRICH: Yep.

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1 ARBITRATOR: So the way I've done it before
2 it, isn't it true that the proxy says X, Y, Z, which
3 is a simple "yes" or "no" question, and isn't it true
4 that as built is X, Y, Z, simple "yes" or "no"
5 question, right?
6 MR. EMRICH: Well, if that's what it takes,
7 I think that's what I was asking. Maybe not as simple
8 as you put it, but that's what I was asking.
9 ARBITRATOR: Oh, I'm a simple man. You can
10 ask anybody. They accuse me of it all the time, sir.
11 CONTINUING BY MR. EMRICH:
12 Q. Ms. Taylor, isn't it true that the walkway that was
13 passed -- that the walkway project that was passed by
14 the Board of Directors on June 26, 2018, states that
15 the walkway is to connect Units 201, 202, 203, 208,
16 209, 210, 211, 212 and 213 to the elevator; is that
17 correct?
18 A. Yes.
19 Q. And isn't it correct -- isn't it correct, Ms. Taylor,
20 that the walkway as constructed only connects six of
21 those units to the walkway?
22 A. Yes.
23 Q. Thank you.
24 Ms. Taylor, have you given any notice to
25 the new Board about today's proceeding?

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1 MS. WOODCOCK: Objection, totally outside
2 the scope of representation -- or the scope of Direct.
3 ARBITRATOR: Sustained.
4 MR. EMRICH: Let me just have a moment,
5 your Honor, if we might, and I may be done.
6 CONTINUING BY MR. EMRICH:
7 Q. Final question, and I'll finish.
8 Isn't it true, Ms. Taylor, that the
9 project -- the walkway that was constructed that only
10 connected six of those nine units was never approved
11 by your Board of Directors? "Yes" or "no"?
12 A. Yes, it was approved.
13 MR. EMRICH: Thank you, no further
14 questions.
15 ARBITRATOR: Ms. Woodcock?
16 MS. WOODCOCK: No further questions for
17 Ms. Taylor.
18 ARBITRATOR: I just have a few things to
19 clarify with you, ma'am, if you don't mind, a few more
20 minutes.
21 THE WITNESS: Sure.
22 EXAMINATION
23 BY THE ARBITRATOR:
24 Q. At some point in your testimony a couple moments
25 ago -- you doing okay?

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1 A. I'm fine, thank you.
2 Q. At some point in your testimony just a couple minutes
3 ago, I don't know if I wrote this down correctly, but
4 the original vote controls walkway construction.
5 Do you recall saying that?
6 A. Yes. I meant the original vote on the proxy, yes,
7 that's what I was trying to convey, my belief.
8 Q. And by the vote, you mean the unit owners' vote?
9 A. Yes.
10 Q. Now, unit owners vote, do you remember when that was?
11 A. June 26, 2018.
12 Q. At the time that the unit owners voted by proxy, what
13 visual or pictorial representations as to the walkway
14 did they -- was disbursed to them, what did they have
15 in front of them to look at?
16 A. I believe that they had what I called the blue
17 drawings, which were the drawings that we had gotten
18 originally that were just not clear enough, and then
19 we had the pictures with the representation of what a
20 walkway would look like. I believe that was included,
21 but we are talking about something upwards of four
22 years ago. So please bear with me if I would be
23 mistaken on that, but I believe that's what they had.
24 Plus the verbal explanations of what we were doing.
25 ARBITRATOR: Can Counsel agree at this time

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1 what exhibit represents the blue drawings?
2 THE WITNESS: Pardon?
3 MR. EMRICH: I think from Petitioner's
4 standpoint, your Honor, we put them up on the board as
5 part of, I believe it was R-3 and there are four blue
6 pictures of that -- we've been looking at.
7 MS. WOODCOCK: That's not correct, it's not
8 R-3, it's R-2.
9 MR. EMRICH: R-2, whatever.
10 MS. WOODCOCK: That's what he's asking,
11 Mr. Emrich, is which exhibit it is.
12 MR. EMRICH: Okay. R-2. Excuse me,
13 Ms. Woodcock, I was wrong.
14 ARBITRATOR: Okay.
15 So can I put in my notes that there's a
16 stipulation between the parties at this time that R-2
17 represents what we've been calling the renderings; is
18 that correct?
19 MS. WOODCOCK: The initial rendering.
20 THE WITNESS: The initial, the first
21 renderings were the blue drawings.
22 ARBITRATOR: It's basically eight
23 documents, four pictures and four -- someone have R-2,
24 put it up on the screen just so I know what it is.
25 Okay, so it is R-2, that's what I figured

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1 it was. Okay, thank you. I'm done with that.
2 CONTINUING BY THE ARBITRATOR:
3 Q. At some point, Ms. Taylor, you would agree that the
4 renderings, what we've been calling R-2, which is what
5 the unit owners had when they did the vote, right?
6 A. Yes.
7 Q. Those show the elevated walkway, and when I talk about
8 the walkway, I'm not talking about the one on the
9 ground floor, I'm talking about the elevated walkway.
10 Okay?
11 A. Yes.
12 Q. It depicts, based on from what I can see, that walkway
13 built being up against the building, correct?
14 A. The blue one did, but the pictures that we did do not
15 show that turn tighter to the building, it more
16 reflected the extension across from the pad of the
17 (inaudible) to the center elevator tower. It's a
18 depth thing. I didn't believe it looked like they
19 would hug the wall in the non-blue drawings.
20 Q. But I'm talking about the blue drawings.
21 A. The blue drawings were the first pass at it when we
22 thought that -- sorry. I'm sorry.
23 Q. Do the blue drawings reflect the walkway being up
24 against the building?
25 A. Yes.

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1 Q. What were the reasons that the walkway was moved three
2 foot out from the building?
3 A. In order to hug the building the way the blue drawings
4 had initially shown, we would have windows in front of
5 unit owners and tighter into the corners and the unit
6 owners had expressed reluctance to having any walkways
7 placed right in front of their windows. So by
8 extending it out from the exits from the townhomes
9 across that expanse right over to the elevator tower,
10 we kept those walkways from hugging the building and
11 being right on owners' windows.
12 Q. So if the walkway had been built hugging the building,
13 it would have still been code compliant, do you know?
14 A. Yes, because we would have complied with all the codes
15 on railing height, railing distance, material,
16 etcetera, structural integrity.
17 Q. Were you ever a member of the Master Board?
18 A. I am now, but I was not at that time.
19 Q. You weren't at that time?
20 A. No.
21 Q. In 2020, were you a member of the Master Board?
22 A. I served as a treasure, as an ex officio, and I
23 probably would have to ask David Petrella if he
24 remembers when I was -- actually took the position. I
25 think it might have been -- wait, I have a two-year

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1 term. So I went on in '21. Sorry, the years blend.
2 Q. So you weren't there -- you weren't a member of the
3 Master Board for the November 24th, 2020, Master Board
4 meeting?
5 A. No.
6 Q. Do you have any reason to believe that the minutes of
7 that meeting are generally not correct?
8 A. I believe the minutes are generally correct. They
9 were approved. I believe that David Petrella believed
10 that they were correct.
11 Q. Did the Board of 200 ever receive written approval for
12 the walkway project?
13 A. I don't believe we got written approval. I believe
14 that the approval that was given at the meetings and
15 then reflected in the minutes served as the approval
16 process.
17 Q. When you mentioned that -- we talked about separating
18 the walkway from the building as represented in the
19 renderings as opposed to what got built, the reasons
20 for that, and you also talked about fewer columns and
21 the bed of the walkway. Who made those decisions and
22 when were they made?
23 A. Those were recommendations from our engineer on how to
24 make the walkway a better situated, structurally
25 sound, quiet structure, and we abided by those.

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1 ARBITRATOR: I don't have anything. Does
2 anybody want to follow up with the witness just based
3 on what I asked?
4 MS. WOODCOCK: No, your Honor.
5 ARBITRATOR: Mr. Emrich?
6 R E X A M I N A T I O N
7 BY MR. EMRICH:
8 Q. So when you say "quiet", that's what you referenced in
9 your earlier testimony last time about privacy
10 concerns, about moving it away from the building?
11 A. No, quiet and privacy were two distinct issues.
12 Q. What were the privacy concerns that you were concerned
13 about and changed plans based on?
14 A. That if we had the buildings hug -- if the walkway
15 hugged the building, they would be mounted onto the
16 windows of a number of units and they did not wish to
17 have that.
18 Q. Additionally, there were some steps that were put on
19 the walkway on the second-floor level that went down
20 to the elevator on the -- I guess it would be the west
21 side of the elevator tower.
22 Do you recall that?
23 A. You mean the two steps that are on both sides of the
24 walkways?
25 Q. All right, on both sides of the walkway, yes.

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1 A. Yes, there were two steps added because we did not hug
2 the building. We did not have the necessary feet of a
3 walkway to not have the steps. So we went with the
4 shorter walkway and the two steps.
5 Q. So, again, those were something that were added after
6 the original June 2018 meeting; is that correct?
7 MS. WOODCOCK: Objection.
8 MR. EMRICH: I'm just trying to understand
9 when they were added.
10 MS. WOODCOCK: I'm still stating my
11 objection, Mr. Emrich, asked and answered and it's
12 outside the scope of what the Arbitrator asked about.
13 ARBITRATOR: I'm inclined to agree with
14 her, Mr. Emrich. I went through just a couple of
15 things and I think that those steps were covered in
16 the prior hearing.
17 MR. EMRICH: All right. Thank you. I have
18 no further questions.
19 ARBITRATOR: Ms. Taylor, thank you very
20 much for your time.
21 THE WITNESS: Thank you.
22 MS. WOODCOCK: Nothing further from the
23 Respondent, your Honor.
24 ARBITRATOR: Okay. So we're done?
25 MS. WOODCOCK: Yes, your Honor.

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1 MR. EMRICH: Yes.
2 ARBITRATOR: Why don't we go off the
3 record. I'd like to talk to the lawyers for a little
4 bit, if that's okay.
5 COURT REPORTER: Would you like to order
6 the transcript?
7 MR. EMRICH: Yes.
8 MS. WOODCOCK: No.
9 (Arbitration concluded at 3:24 P.M.)
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1 STATE OF MICHIGAN)
2 COUNTY OF OAKLAND)
3 Certificate of Notary Public
4 I certify that this transcript is a complete, true,
5 and correct record of the testimony of the witness held in
6 this case.
7 I also certify that prior to taking this deposition,
8 the witness was duly sworn or affirmed to tell the truth.
9 I further certify that I am not a relative or an
10 employee of or an attorney for a party; and that I am not
11 financially interested, directly or indirectly, in the
12 matter.
13 In witness whereof, I have hereunto set my hand this
14 12th day of April, 2022, at Rochester Hills, Michigan,
15 County of Oakland, State of Michigan.
16
17 *Lory A Helland*
18
19 LORY A. HELLAND, CER-#3778
20 Notary Public, Oakland County, Michigan
21 My Commission Expires: 02/15/26
22
23
24
25

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