

Transcript Summary

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Kathleen Peggi Transcript Summary

Continental Inn Sandside, Inc., David Nash, David Walls, Cheryl Foster, And Charles Grinnell v.

Continental Inn Condominium Of Key Emerald Beach, Inc., And Katie Von Schnettk

Transcript Synopsis

The testimony of Kathleen Peggi provides a detailed account of her experiences and interactions as a property manager for Sandside, a role she held from July 2020 until March 2024. Peggi discusses her responsibilities, including managing rental units, coordinating with cleaning staff, and handling guest relations. She describes her professional relationships with key figures such as Cheryl Foster, David Nash, and Kimmeron Lisle, emphasizing the strictly business nature of these interactions. Peggi recounts an incident involving a confrontation with Kimmeron Lisle over a missing package, which led to her filing a police report due to feeling threatened. She details her communication with Sandside board members following the incident and her subsequent ban from the association property. Peggi also addresses her employment status post-ban, noting her transition to part-time work at a gift shop. Throughout the deposition, Peggi clarifies her limited involvement in Sandside's operations after March 2024 and her lack of firsthand knowledge about current business affairs. Her testimony highlights the challenges and dynamics within the Sandside management structure and her personal experiences during her tenure.

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Admissions & Acknowledgements

Deposition Introduction and Ground Rules

Presence at Injunction Hearing

- Kathleen Peggi was present at court for an injunction hearing but was not called to testify. [5:24 - 6:3](#)

Confirmation of Mental Clarity

- Kathleen Peggi confirms she has no memory issues and is not under the influence of substances affecting her ability to tell the truth. [8:20 - 9:6](#)

Lack of Preparation for Testimony

- Kathleen Peggi did not prepare for her testimony and intends to tell the truth. [9:19 - 10:24](#)

Document Handling and Exhibits

No Pre-Deposition Discussion of Facts

- Kathleen Peggi confirms no substantive discussion of facts with Mr. Coburn before the deposition. [10:7 - 10:19](#)

Submission of Police Report and Documents

- Ms. Peggi acknowledges that she submitted a police report and other documents as part of the deposition. [12:20 - 13:5](#)

Lack of Document Submission

- Kathleen Peggi admits she did not bring any documents related to instructions from Sandside regarding communications with Continental Inn. [13:21 - 13:23](#)

Photograph Taken for Safety

- Kathleen Peggi acknowledges taking a photograph of a cooler and fishing gear for safety reasons, which was later deleted. [14:10 - 15:20](#)

Employment History and Role at Sandside

End of Employment with Sandside

- Kathleen Peggi confirms she is no longer an employee of Sandside as of July 2024. [15:10 - 15:20](#)

Transfer of Company Phone

- Kathleen Peggi gave the company phone to Cheryl Foster upon ceasing work at Sandside. [15:21 - 15:23](#)

24/7 On-Call Duty

- Kathleen Peggi was on call 24/7 and kept the company phone with her at all times. [16:17 - 16:22](#)

Use of Personal Phone for Business

- Kathleen Peggi admits she may have occasionally used her personal phone for Sandside business, but typically used the company phone. [18:16 - 19:4](#)

Failure to Review Personal Cell Phone

- Peggi did not review her personal cell phone for communications related to the deposition notice. [19:22 - 20:3](#)

Communication Practices and Devices

Lack of Document Submission

- Peggi did not provide documents related to pictures or videos of Continental Inn common areas. [20:18 - 20:24](#)

Lack of Documents for March 2020 Incidents

- Kathleen Peggi did not have any documents or communications related to incidents with Continental Inn board members in March 2020. [21:6 - 21:11](#)

No Electronic Communications on Personal Phone

- Kathleen Peggi did not check her personal phone for electronic communications, believing her work was done on the company phone. [21:21 - 22:2](#)

Non-use of Personal Email for Business

- Kathleen Peggi does not recall using her personal email for Sandside business. [23:9 - 23:13](#)

No Document Check in Personal Email

- Kathleen Peggi did not check her personal Gmail for documents related to the deposition. [23:14 - 23:18](#)

Employment Duties and Responsibilities

Employment Transition Post-COVID

- Kathleen Peggi did not return to her previous position after COVID, choosing instead to work for Continental Sandside in a management role. [25:13 - 25:25](#)

Pay Increase at Sandside

- Peggi acknowledges her pay increased over the years at Sandside. [26:23 - 27:2](#)

Employment Start Date and Unemployment Period

- Kathleen Peggi started working for Sandside in July 2020 after being unemployed from March to June due to COVID. [27:12 - 28:2](#)

Operational Contacts and Management

Emergency Cleaning Duties

- Kathleen Peggi admits to cleaning units in emergencies when called upon. [31:9 - 31:13](#)

Non-involvement in Reservations and Marketing

- Kathleen Peggi was not involved in taking reservations or marketing for Sandside or its individual units. [32:7 - 32:15](#)

Monitoring Arrivals and Departures

- Kathleen Peggi monitored arrivals and departures using a reservation system on her computer but did not know the software's name. [32:16 - 33:4](#)

Reservation Process Acknowledgment

- Kathleen Peggi acknowledges that reservations were made by two reservationists, and she only had access to the chart. [33:12 - 33:15](#)

Non-use of Online Platforms

- Kathleen Peggi admits she never accessed Airbnb or VRBO for her duties as property manager. [34:8 - 34:11](#)

Work Environment and Conditions

Non-return of Company Computer

- Kathleen Peggi did not return the company computer to Sandside after ceasing employment. [35:7 - 35:10](#)

Role in Guest Relations

- Kathleen Peggi acknowledges her role involved significant public relations work with guests, beyond just property management. [36:19 - 37:1](#)

Employment Duration and Staff Fluctuation

- Kathleen Peggi confirms her employment duration at Sandside from July 2020 to March 2024 and the fluctuating number of cleaning staff. [38:16 - 39:1](#)

Hourly Wage at Departure

- Kathleen Peggi confirmed her hourly wage was \$24.61 when she left Sandside in March 2024. [39:18 - 39:23](#)

Schedule and Time Off

Absence Coverage by Cleaning Staff

- Kathleen Peggi admits that there was no other property manager on staff to cover her absence, and sometimes a cleaning staff member, Casey Trenkle, would take over her duties. [40:14 - 40:25](#)

Vacation and Sick Leave Details

- Kathleen Peggi confirms she did not take sick time and only took vacation days, during which Cheryl or licensed cleaning girls managed the property. [42:6 - 42:24](#)

Decision-Making and Reporting

Autonomy in Decision Making

- Kathleen Peggi had the autonomy to make decisions as a property manager and only reported to Cheryl Foster in emergency situations. [44:19 - 45:5](#)

Access to Units

- Kathleen Peggi had access codes to all units she managed. [45:6 - 45:10](#)

Performance Evaluations

- Kathleen Peggi did not undergo any performance evaluations at Sandside. [45:17 - 45:19](#)

Raises Received

- Kathleen Peggi received two or three raises during her employment at Sandside. [45:20 - 46:1](#)

Association Board and Property Access

Interaction Responsibility with Cheryl and David Nash

- Kathleen Peggi acknowledges her responsibility to interact with Cheryl and David Nash as the property manager for Sandside. [47:15 - 47:17](#)

Knowledge of Board Membership

- Kathleen Peggi acknowledges knowing Kimmeron is on the association's board of directors but lacks details on her position. [48:18 - 49:3](#)

Ban from Association Property

- Kathleen Peggi was banned from the association property effective March 20, 2024. [49:20 - 49:22](#)

Post-Ban Property Access

- Kathleen Peggi confirms she has not been on the association property since being trespassed on March 20, 2024. [50:10 - 51:5](#)

Inability to Access Property Post-Trespass

- Kathleen Peggi acknowledges she was unable to access the property after being trespassed. [51:6 - 52:6](#)

Post-Employment and Legal Matters

Failure to Meet Statutory Requirements

- Peggi admits she could not fulfill statutory requirements as a property manager after March 20, 2024. [52:3 - 52:6](#)

Limited Communication with Cheryl Foster

- Kathleen Peggi has not had any substantial conversations with Cheryl Foster about the property since June/July 2024. [53:7 - 54:10](#)

David Nash's Involvement in Court Hearings

- Kathleen Peggi acknowledges David Nash took her to court hearings in Marathon and Tavernier. [53:11 - 54:17](#)

Limited Communication with Freddie Foster

- Kathleen Peggi has not had any substantial conversations with Freddie Foster since June/July 2024. [53:18 - 54:24](#)

No Business Discussions with Kimmeron Lisle

- Kathleen Peggi did not discuss Sandside business with Kimmeron Lisle. [55:19 - 55:25](#)

Communication with Kimmeron Lisle

- Kathleen Peggi acknowledges using her work phone for texts with Kimmeron Lisle and not checking her personal phone for such messages. [56:20 - 57:10](#)

Incident with Kimmeron Lisle

Property Management Practices

- Kathleen Peggi confirms she did not take photographs while on the property as a manager. [57:18 - 57:24](#)

Receipt of Photograph of Missing Package

- Kathleen Peggi acknowledges receiving a photograph of a package with an insulin pump sent from FedEx, which was later missing. [58:9 - 58:18](#)

Receipt of Banning Letter

- Kathleen Peggi confirms receiving a letter banning her from the property. [59:18 - 59:19](#)

Denial of Door Damage

- Kathleen Peggi denies causing damage to the bifold door in the laundry room, attributing its condition to poor maintenance. [60:1 - 60:6](#)

Interaction with Ms. Lisle

- Peggi explains the unwritten rule of not speaking with Ms. Lisle, indicating it was due to Lisle's lack of response. [61:1 - 61:8](#)

February 1, 2024 Package Incident

- Kathleen Peggi confirms she came to the office on February 1, 2024, looking for a package and arrived around 9:00 a.m. [62:23 - 63:3](#)

Acknowledgment of Missing Package

- Kathleen Peggi acknowledges the importance of a missing package containing an insulin pump and medication for Mr. William Witt in Unit 29. [63:16 - 64:19](#)

Package Delivery and Confrontation

Package Handling Policy

- Kathleen Peggi acknowledges that Kimmeron Lisle returns packages and mail if guests aren't registered with her. [65:7 - 66:2](#)

Missing Package Incident

- Kathleen Peggi acknowledges that a guest's package was missing and she was asked to check with Kimmeron Lisle about it. [66:16 - 67:11](#)

Confrontation with Kimmeron Lisle

- Kathleen Peggi recounts a confrontation with Kimmeron Lisle over a missing package containing an elderly gentleman's insulin pump and medication, leading to a threatening encounter. [68:22 - 70:18](#)

Clarification on Confrontation Tone

- Kathleen Peggi clarifies that Kimmeron Lisle did not shout or yell during their confrontation over a missing package. [71:3 - 71:13](#)

Confrontation with Kimmeron Lisle

- Kathleen Peggi describes a confrontation with Kimmeron Lisle where she felt threatened and decided to leave the office. [72:19 - 74:18](#)

Police Report and Legal Proceedings

Witnessed Assault Confirmation

- Kathleen Peggi confirms witnessing a vicious assault, not just seeing a picture of it. [75:14 - 75:23](#)

Communication with Board Members Post-Incident

- Kathleen Peggi contacted four out of five Sandside board members after the incident, informing them about the confrontation with Kimmeron Lisle. [75:24 - 77:19](#)

Police Report Filing

- Kathleen Peggi made a police report due to feeling terrified after an interaction. [78:10 - 79:9](#)

Visit to Police Station

- Kathleen Peggi confirmed she went to the police station on February 1, set up an appointment for February 3, without any suggestion from others. [79:15 - 80:18](#)

No Charges Against Ms. Lisle

- Kathleen Peggi did not express a desire to press charges against Ms. Lisle when speaking to the police. [80:10 - 80:18](#)

Meeting with State Attorney

- Kathleen Peggi was taken to the State Attorney's Office for a meeting with the state attorney after making a report. [80:21 - 81:2](#)

Interaction with Officer Niemiec

- Kathleen Peggi acknowledges walking Officer Niemiec around the property while he was looking for Kimmeron Lisle. [82:18 - 83:1](#)

Decision on Pressing Charges

- Kathleen Peggi did not decide whether to press charges against Ms. Lisle; she did not express a desire not to press charges. [84:16 - 85:5](#)

State Attorney's Decision on Ms. Lisle

- Kathleen Peggi acknowledges hearing that the state attorney of Monroe County declined to charge Ms. Lisle with any crime. [85:22 - 85:25](#)

Post-Incident Communication and Employment

David Nash's Role Confirmation

- Kathleen Peggi confirms David Nash is not an officer or director of the association. [87:5 - 87:7](#)

No Contact with Board Members

- Kathleen Peggi has had no conversations with association board members since February 1, 2024. [87:8 - 87:11](#)

No Lawsuit Discussions

- Kathleen Peggi has not discussed the lawsuit with Sandside officers or directors. [87:21 - 88:4](#)

Lack of firsthand knowledge about Sandside's current affairs

- Kathleen Peggi admits she has no firsthand knowledge about the current business affairs of Sandside. [89:5 - 89:13](#)

Non-inquiry about job responsibilities

- Kathleen Peggi did not inquire about taking over Michelle Rutger's job responsibilities after she left Sandside. [91:7 - 91:11](#)

Limited Off-Site Work and Lack of Inquiry

- Kathleen Peggi acknowledges limited off-site work and lack of inquiry for more work at Sandside. [91:14 - 91:24](#)

Examination Topics

Deposition Introduction and Ground Rules

Title	Examination Topics
Introduction of Counsel	Introduction of Kevin Yombor representing Continental Inn and association. 5:11 - 5:14
Previous Deposition Experience	Kathleen Peggi's previous experience with depositions. 5:15 - 5:23
Deposition Ground Rules	General ground rules and expectations for the deposition process. 6:4 - 7:20
Deposition Protocols	Discussion on the importance of truthful testimony and clarifying the source of information. 7:21 - 8:14
Preparation for Deposition	Kathleen Peggi describes her preparation for the deposition, including reviewing personal life events. 9:7 - 9:18
Notice of Deposition Documents	Discussion about the Notice of Deposition and related documents. 9:25 - 11:17

Document Handling and Exhibits

Title	Examination Topics
Document Submission Requirements	Discussion about the documents Ms. Peggi was required to bring to the deposition. 11:18 - 12:14
Documents Related to Ms. Lisle	Ms. Peggi confirms she has no additional documents or communications concerning Ms. Lisle. 13:6 - 13:13
Job Responsibilities at Continental Inn	Discussion about Kathleen Peggi's responsibilities regarding taking photographs or videos at Continental Inn. 13:14 - 14:9

Employment History and Role at Sandside

Title	Examination Topics
Company Phone Details	Discussion about the status and model of the company phone used by Kathleen Peggi. 15:24 - 17:2
Exclusive Use of Company Phone	Kathleen Peggi confirms the company phone was for her exclusive use. 16:3 - 16:16
Company Phone Number	Kathleen Peggi does not recall the phone number of the company phone. 16:23 - 17:2
Conducting Business on Personal Phone	Discussion about whether Kathleen Peggi conducted Sandside business on her personal phone. 17:3 - 17:5
Personal Phone Number and Privacy	Exchange regarding Kathleen Peggi's personal phone number and privacy concerns. 17:6 - 17:25
Duration of Personal Phone Number	Discussion about the duration Kathleen Peggi has had her personal phone number. 18:1 - 18:15
Communication with Continental Inn	Peggi's uncertainty about communicating with Continental Inn's officers or directors via cell phone. 19:5 - 19:7
Business Communication Practices	Peggi's communication practices with Kimmeron Lisle were strictly business-related. 19:8 - 19:14

Communication Practices and Devices

Title	Examination Topics
Text Message Maintenance	Peggi's practice of maintaining and deleting text messages on her personal cell phone. 20:4 - 20:17
Photographs on Personal Phone	Discussion about taking photographs on personal phone at Continental Inn property. 20:25 - 21:5
Document Production Clarification	Clarification on not producing documents from personal cell phone. 21:12 - 21:20
Email Usage at Sandside	Kathleen Peggi's use of email addresses for conducting business at Sandside. 22:3 - 22:22
Email Address and Usage	Discussion about Kathleen Peggi's email address and its use. 22:24 - 23:8
Residence and Property Ownership	Kathleen Peggi's residence and property ownership details. 23:19 - 24:13

Employment Duties and Responsibilities

Title	Examination Topics
Employment History with the Association	Kathleen Peggi's employment history with the association from July 2018 to March 2020 as a reservationist. 24:14 - 24:25
Duties as a Reservationist	Kathleen Peggi's duties as a reservationist included taking reservations and handling related bookwork both online and over the phone. 25:1 - 25:12
Work Environment Preference	Peggi discusses her preference for outdoor work at Sandside compared to desk work at the association. 26:1 - 26:11
Job Role Comparison	Peggi contrasts her role as a reservationist at the association with her position as property manager at Sandside. 26:12 - 26:16
Property Manager License	Peggi confirms she has a property manager license obtained many years before working at Continental. 26:17 - 26:22
Consistent Role at Sandside	Peggi confirms she was always the property manager during her tenure at Sandside. 27:3 - 27:5
Unknown Predecessor	Peggi does not know who was the property manager before her at Sandside. 27:6 - 27:8
Start Date at Sandside	Peggi recalls when she first started working for Sandside. 27:9 - 27:11
Sandside Operations	Discussion about Sandside's operations and management of rental units. 28:3 - 28:21
Property Manager Responsibilities	Kathleen Peggi describes her duties and responsibilities as a property manager at Sandside. 28:22 - 29:19
Duties and Responsibilities	Kathleen Peggi discusses her duties and responsibilities at Sandside. 29:20 - 31:25

Operational Contacts and Management

Title	Examination Topics
Professional Relationships	Kathleen Peggi describes her professional relationship with Cheryl Foster and David Nash. 30:1 - 31:7
Roles of Cheryl and Freddie Foster	Kathleen Peggi clarifies the roles of Cheryl Foster and Freddie Foster at Sandside. 31:14 - 31:25
David Nash's Role	Discussion about David Nash's role at Sandside. 32:1 - 32:6
Accessing Reservation System	Discussion on how Kathleen Peggi accessed Sandside's reservation system. 33:5 - 33:11
Reservationists at Sandside	Details about the reservationists at Sandside and their roles. 33:16 - 34:7
Access to	Kathleen Peggi had login information for Sandside's reservation systems. 34:12 - 34:14

Reservation Systems	
Usage of Reservation Information	Peggi used the login information to access reservation sheets for departures and arrivals. 34:15 - 34:19
Accessing Reservation Chart	Peggi confirmed accessing a chart via the reservation system. 34:20 - 34:21
Online Access to Chart	Peggi accessed the reservation chart online. 34:22 - 34:24
Use of Company Computer	Peggi used a company computer for accessing reservation information. 34:25 - 35:6

Work Environment and Conditions

Title	Examination Topics
Device Usage on Property	Peggi did not carry the computer around the property, using a phone instead. 35:11 - 35:13
Storage of Computer	Peggi stored her computer at home while working at Sandside. 35:14 - 35:16
Pre-Work Routine	Peggi accessed reservation information at home before going to Sandside. 35:17 - 35:22
Use of Computer in Duties	Discussion on the use of a computer for accessing reservations as part of her duties. 35:23 - 36:6
Guest Communication	Peggi's communication with guests was primarily problem-solving and answering everyday questions. 36:7 - 36:18
Access to Units	Details about the electronic locks and the process of providing access codes to guests. 37:2 - 37:11
Guest Communication and Reservationist Role	Discussion on guest communication and reservationist's role in providing access codes and check-in/check-out times. 37:12 - 38:2
Sandside Employee Count	Details about the number of employees at Sandside, including reservationists and cleaning staff. 38:3 - 38:15
Sandside Employee Count	Discussion about the number of employees at Sandside. 39:2 - 40:3
Work Schedule	Kathleen Peggi worked five days a week and was on call 24 hours. 39:5 - 39:9
Compensation Structure	Kathleen Peggi was compensated on an hourly basis. 39:10 - 39:12
Starting Hourly Pay	Kathleen Peggi did not recall her starting hourly pay at Sandside. 39:13 - 39:17
Employment Status	Kathleen Peggi was paid as a W-2 employee. 39:24 - 39:25

Schedule and Time Off

Title	Examination Topics
Exclusive Employment	Kathleen Peggi did not work for any other company while at Sandside. 40:1 - 40:3
Work Schedule	Discussion about Kathleen Peggi's work schedule and its variability. 40:4 - 40:13
Licensed Property Manager	Identification of Casey Trenkle as a licensed property manager covering for Peggi. 41:1 - 41:6
Use of Outside Contractors	Use of outside contractors for cleaning during the first year of Peggi's tenure. 41:7 - 41:11
Contractor Cleaning Services	Discussion about the use of contractors for cleaning services at Sandside from 2020 to 2021. 41:12 - 42:5
Time Off and Coverage	Kathleen Peggi discusses her time off and who covered her responsibilities at Sandside. 42:25 - 43:18

Decision-Making and Reporting

Title	Examination Topics
Reporting Duties	Kathleen Peggi reported cleaning staff performance to Cheryl or David Nash. 45:11 - 45:16
Complaint Procedure	Kathleen Peggi would contact Cheryl or David Nash if she had a problem, but she never had any complaints. 46:2 - 46:17
Knowledge of Association's Board	Discussion about Kathleen Peggi's knowledge of the association's board of directors and her interactions with them. 46:18 - 48:2

Association Board and Property Access

Title	Examination Topics
Association Operations and Structure	Kathleen Peggi discusses her lack of knowledge about the association's operations and board structure. 48:3 - 49:10
Answering Context	Discussion about answering questions related to Sandside. 49:11 - 49:14
Association Roles Inquiry	Inquiry about David Nash or Cheryl Foster's roles in the association. 49:15 - 49:19
Property Manager Role	Kathleen Peggi's role as a property manager for Sandside units. 49:23 - 50:9
Property Manager Rules	Discussion on Key Emerald Beach rules for property managers. 50:10 - 50:19
Transition of Management to Casey	Discussion about the new manager, Casey, taking over responsibilities. 51:10 - 52:14

Post-Employment and Legal Matters

Title	Examination Topics
Uncertainty About Management Transition	Peggi discusses her lack of knowledge about Casey's takeover as property manager. 52:7 - 52:14
Lack of Communication Post-Employment	Peggi describes her lack of communication with Cheryl Foster and others after leaving Sandside. 52:15 - 53:4
Timeline of Events	Discussion about the timeline of events in 2024. 53:5 - 54:6
Professional Relationships	Kathleen Peggi describes her relationships with Cheryl Foster, David Nash, and Freddie Foster as strictly professional. 54:1 - 54:15
Acquaintance with Kimmeron Lisle	Kathleen Peggi confirms she knows Kimmeron Lisle. 54:16 - 54:18
Acquaintance with Kimmeron Lisle	Kathleen Peggi's acquaintance with Kimmeron Lisle through a city committee. 54:19 - 54:23
Working Relationship with Kimmeron Lisle	Kathleen Peggi's working relationship with Kimmeron Lisle at Sandside. 54:24 - 55:18
Communication Frequency with Kimmeron Lisle	Frequency and nature of communication between Kathleen Peggi and Kimmeron Lisle. 56:1 - 56:13
Casual Conversation	Casual greeting and inquiry about the weekend. 56:14 - 56:15

Incident with Kimmeron Lisle

Title	Examination Topics
Guest Communication	Discussion about communication regarding Sandside guests' needs. 57:11 - 57:17
Self-Description as	Discussion on whether Kathleen Peggi referred to herself as the 'eyes and ears' of

'Eyes and Ears'	Sandside. 57:25 - 58:2
Directive to Take Photographs	Inquiry about whether Kathleen Peggi was directed to take pictures of property guests or employees. 58:3 - 58:6
Photograph Taking and Sending	Kathleen Peggi's testimony on not taking or sending photographs. 58:19 - 59:3
Complaints About Behavior	Kathleen Peggi denies receiving complaints about her behavior on the property. 59:4 - 59:10
Emails Regarding Behavior	Discussion about emails concerning Kathleen Peggi's behavior on the property. 59:11 - 59:16
Property Behavior Communications	Discussion about communications regarding Peggi's behavior on the property. 59:20 - 59:25
Bifold Door Condition	Details about the condition and mechanics of the bifold door in the laundry room. 60:7 - 60:24
Deposition Break	Break requested during deposition proceedings. 61:9 - 61:24
Bifold Door Issue	Discussion about the bifold door not being fixed before Kathleen Peggi left Sandside. 61:25 - 62:5
Interactions with George Freitag	Kathleen Peggi's interactions with Mr. George Freitag were limited to casual greetings. 62:6 - 62:14
Mail and Package Deliveries	Kathleen Peggi has no knowledge of Kimmeron delivering mail or packages to Sandside owners or guests. 62:15 - 62:22
Entry into Association Office	Kathleen Peggi discusses her unusual entry into the association office. 63:4 - 64:9
Reason for Office Visit	Kathleen Peggi explains her reason for entering the office was to inquire about a package. 63:10 - 64:15
Package Location	Discussion on why the package was left outside the office. 63:20 - 64:23
Package Delivery Timing	Kathleen Peggi describes the delivery timing of the package. 63:24 - 64:3
Michelle's Remote Work	Explanation of Michelle's remote work situation in Minnesota. 64:4 - 64:6
Office Entry History	Kathleen Peggi does not recall her last entry into the office before February 1, 2024. 64:7 - 64:9
Office Visits and Lost Items	Kathleen Peggi discusses her infrequent visits to the office and a specific instance of checking lost and found. 64:10 - 64:19
Office Entry and Desk Description	Kathleen Peggi describes her actions upon entering the office and approaching the reservation desk. 64:20 - 65:5

[Package Delivery and Confrontation](#)

Title	Examination Topics
Interaction with Kimmeron Lisle	Kathleen Peggi recounts her interaction with Kimmeron Lisle regarding a missing package. 65:16 - 66:5
Working Relationship with Kimmeron Lisle	Kathleen Peggi discusses her working relationship with Kimmeron Lisle. 66:6 - 66:15
Guest and Package Details	Discussion about the guest, Mr. William Witt, and details about the package. 67:12 - 67:24
Previous Lawsuit	Discussion about previous lawsuit between Sandside and the association in 2019. 67:25 - 68:3
Settlement Agreement Terms	Settlement agreement terms prohibiting package delivery to the association's office. 68:4 - 68:11
Package Inquiry	Inquiry about the package sent to the association's office and guest registration. 68:12 - 68:21
Conversation with Ms. Lisle	Details of the conversation with Ms. Lisle regarding the package for Mr. William Witt. 69:19 - 70:1
Break Request	Break requested by Kathleen Peggi after recounting the confrontation. 70:19 - 71:2

Office Layout Description	Description of the office layout during the conversation with Kimmeron Lisle. 71:14 - 72:18
Visibility and Distance in Office	Details about the visibility and distance between Kathleen Peggi and Kimmeron Lisle during the conversation. 71:19 - 72:18
Office Door Status	Information about the door status when Kathleen Peggi entered the office. 72:12 - 72:18
Sequence of Events During Confrontation	Discussion of the sequence of events during the confrontation with Kimmeron Lisle. 72:19 - 74:18
Confrontation with Kimmeron Lisle	Discussion of the confrontation with Kimmeron Lisle, including Peggi's reaction and actions during the incident. 74:19 - 75:13

Police Report and Legal Proceedings

Title	Examination Topics
Post-Incident Communication	Kathleen Peggi discusses her communication with Sandside board members following a confrontation incident. 75:24 - 77:19
Work Continuation Post-Incident	Kathleen Peggi continued her regular work schedule until March 2024 despite the incident. 77:20 - 78:9
Proximity to Police Station	Discussion about the proximity of the condo to the police station. 79:10 - 79:14
Filing Police Report	Kathleen Peggi's actions and decisions regarding filing a police report were self-initiated. 79:19 - 80:9
Unmentioned Topic	Discussion on whether a certain topic was ever brought up. 80:19 - 80:20
Unknown Investigating Officer	Kathleen Peggi does not know who the initial investigating officer was. 80:21 - 80:23
Speculation on Investigating Officer	Kathleen Peggi speculates that Joe Burden might have been the initial investigating officer and acknowledges knowing Officer Nicholas Niemiec by reputation. 80:24 - 81:11
Uncertainty of Officer Visit	Kathleen Peggi confirms she does not know if Officers Niemiec or Burden visited the association after her report. 81:12 - 81:23
Meeting with Police Officer	Discussion about meeting Key Emerald Beach police officer Nicholas Niemiec at the association. 81:24 - 82:17
Timing and Actions During Police Interaction	Kathleen Peggi describes the timing and her actions during the interaction with Officer Niemiec. 83:2 - 83:11
Communication with Guests	Kathleen Peggi did not inform guests about the police officer's presence. 83:12 - 84:15
Officer Niemiec's Presence	Kathleen Peggi has no knowledge of Officer Niemiec's actions or presence after the incident. 83:17 - 83:25
Document Signing	Kathleen Peggi did not sign any document stating she did not wish to pursue charges against Ms. Lisle. 84:2 - 84:15
Awareness of Ms. Lisle's Arrest	Discussion about Kathleen Peggi's awareness of Ms. Lisle's arrest and how she heard about it. 85:6 - 86:12

Post-Incident Communication and Employment

Title	Examination Topics
Post-February 2024 Communications	Kathleen Peggi discusses her lack of communication with Ms. Lisle and limited interaction with association board members since February 1, 2024. 86:8 - 86:20
Work History	Discussion about Kathleen Peggi's work history with Sandside and another entity. 86:21 - 87:4
Post-Trespass Communication	Kathleen Peggi confirms no communication with the association since being trespassed. 87:12 - 87:17
Communication with Freddie Foster	Kathleen Peggi has not talked with Freddie Foster about the lawsuit. 87:18 - 87:20
Current property manager and	Discussion about the current property manager of Sandside and the transition after Peggi left. 88:5 - 89:4

transition	
Source of Information	Kathleen Peggi receives information about Sandside from cleaning staff but is not closely connected to them. 89:14 - 90:2
Current Employment Status	Kathleen Peggi currently works part-time at a gift shop and has not pursued a career as a property manager. 90:3 - 90:18
Deposition Break	A break was taken during the deposition for the attorneys to review their notes. 90:19 - 91:2
Reasons for Not Wanting Reservations	Kathleen Peggi discusses her reasons for not wanting reservations. 91:12 - 91:13
Departure from Sandside	Kathleen Peggi begins to discuss her departure from Sandside. 91:25 - 91:25

Transcript Reference

Citations	Transcript Extractions
5:11 - 5:14	<p>11 Q. My name is Kevin Yombor. I represent the</p> <p>12 Continental Inn and association.</p> <p>13 How are you doing this morning?</p> <p>14 A. I'm just fine. Thank you.</p>
5:15 - 5:23	<p>15 Q. Good, good, good. Okay.</p> <p>16 All right. Have you ever given your -- have</p> <p>17 you ever given testimony before or have you ever given a</p> <p>18 deposition?</p> <p>19 A. One time a long, long time ago.</p> <p>20 Q. All right. Do you recall the context of that</p> <p>21 deposition?</p> <p>22 A. I don't, I don't. It was so many years ago</p> <p>23 and I don't even know what it was about at this time.</p>
5:24 - 6:3	<p>24 Q. And I believe you also provided testimony at</p> <p>25 an injunction hearing in this case, maybe about nine</p> <p>1 months ago. Do you recall that?</p> <p>2 A. I didn't -- I was there at court. I was to be</p> <p>3 called, but I wasn't called.</p>
6:4 - 7:20	<p>4 Q. Okay. All right. So I'm going to go over</p> <p>5 some general ground rules here, some general questions.</p> <p>6 I ask these of everybody, so don't take any personal</p> <p>7 offense to them.</p> <p>8 But can you please state your name for the</p> <p>9 record and spell it just for the record.</p> <p>10 A. Kathleen Iland Peggi. Kathleen,</p> <p>11 K-A-T-H-L-E-E-N. Iland, I-L-A-N-D. Peggi, P-R-I-C-E.</p> <p>12 Q. Okay. And during this deposition -- you're</p> <p>13 doing a great job so far -- I'm going to ask you</p> <p>14 questions, and if you wouldn't mind just giving me the</p> <p>15 courtesy to please complete my question, and then</p> <p>16 answer. Because we have Ms. Smithe here that's</p> <p>17 writing everything down. And then I'm going to give you</p> <p>18 the same courtesy of finishing that answer. Is that</p> <p>19 fair?</p> <p>20 A. Yes.</p> <p>21 Q. Generally, in conversations, it's very common</p> <p>22 for individuals to kind of interrupt or butt in. You</p> <p>23 may assume, you know, where I'm going, and I may assume</p> <p>24 I know where you're going, but because Ms. Smithe is</p> <p>25 taking a record of this, we need to both exercise</p> <p>1 patience and diligence and not talk over each other.</p> <p>2 Okay?</p> <p>3 A. I understand.</p> <p>4 Q. Well, when you do answer, I do need you to</p> <p>5 verbally answer, so if I see you nodding your head or</p> <p>6 shaking your head or making a sound like uh-huh or</p> <p>7 unh-unh, I may ask you, is that a "yes" or is that a</p> <p>8 "no." I'm not trying to be rude. Again, Ms. Smithe</p> <p>9 has to write down everything you say. Okay?</p> <p>10 A. Yes.</p>

	<p>11 Q. If you do not understand any of my questions, 12 please seek clarification. It's completely normal for 13 me to ask a confusing question. But if you do answer a 14 question, I'm going to assume you understood it. Is 15 that a fair assumption? 16 A. Yes. 17 Q. Okay. If you need me to rephrase from a 18 question in any way, please ask me to rephrase. All 19 right? 20 A. All right. Yes.</p>
7:21 - 8:14	<p>21 Q. During this deposition, there may be times I 22 ask you a question where you don't know the answer to 23 the question. "I don't know" is a completely fine 24 answer. I want you to be aware of that. Okay? 25 A. Yes. 1 Q. We're just here to learn what it is you know 2 and what it is you don't know. So if you don't know 3 something, just please tell us. Okay? 4 A. Yes. 5 Q. There may be a time where you say you know 6 something but maybe you got that information secondhand 7 or thirdhand from another individual, to the extent you 8 are able to, please clarify, perhaps, where you got that 9 information. For example, if someone -- I'm going to 10 try to follow up questions in some of your answers with 11 these questions, but, you know, if you got the 12 information from somewhere, please let us know about 13 that. All right? 14 A. All right.</p>
8:15 - 8:19	<p>15 Q. All right. And you understand that your 16 obligation to tell the truth today is no different than 17 if you were in a court of law in front of a judge or a 18 jury; right? 19 A. Yes.</p>
8:20 - 9:6	<p>20 Q. Okay. Are you on -- do you have any issues 21 with your memory in any way? 22 A. No. 23 Q. Okay. Do you take any prescription drugs on a 24 daily basis that may impact your memory? 25 A. No. 1 Q. You're not under the influence of any alcohol 2 or narcotics that could affect your memory? 3 A. No. 4 Q. You're not under the influence of anything 5 that may impact your ability to tell the truth, are you? 6 A. No.</p>
9:7 - 9:18	<p>7 Q. All right. What did you do to prepare for 8 today's deposition? 9 A. I read over some of the dates of different 10 things that have happened in my life over the years. I 11 didn't really do a lot of preparing for it. I know 12 pretty well in my mind what I'm about to say. 13 Q. Okay. When you say you reviewed dates of 14 events that occurred over your life, what is it you mean 15 by that?</p>

	<p>16 A. First marriages, times coming to the United 17 States. Different -- different companies that have been 18 owned. Just general happenings in my life.</p>
9:19 - 10:24	<p>19 Q. Okay. What did you do to prepare to provide 20 testimony concerning the events that are at issue 21 here in this lawsuit? 22 A. I didn't prepare for any of that. I know what 23 happened, and I'm about to tell the truth, so there was 24 no preparation for that. 25 Q. Okay. Did you review any documents? 1 A. No. 2 Q. All right. Did you speak with anybody? 3 A. No. 4 Q. You did not speak with Mr. Coburn in any way 5 before your deposition? 6 A. No. 7 Q. How is it, then, that you were told to show up 8 at your deposition here today at Mr. Coburn's office? 9 A. I -- it was written on the paperwork that I 10 got from the court, or from the subpoena, but I did come 11 in yesterday and he generally told me what a 12 videoconference was. We didn't go over any -- any -- 13 whatsoever questions or answers or anything like that 14 about the case. 15 Q. Okay. So yesterday you had a conversation 16 with Mr. Coburn, and it just generally concerned how the 17 deposition is to proceed, but there was no substantive 18 discussion of facts? 19 A. That's right. 20 Q. Okay. Thank you. 21 So you did receive a Notice of Deposition; 22 right? 23 A. Yes. 24 Q. All right. Do you have a copy of it?</p>
9:25 - 11:17	<p>25 Q. Okay. Did you review any documents? 1 A. No. 2 Q. All right. Did you speak with anybody? 3 A. No. 4 Q. You did not speak with Mr. Coburn in any way 5 before your deposition? 6 A. No. 7 Q. How is it, then, that you were told to show up 8 at your deposition here today at Mr. Coburn's office? 9 A. I -- it was written on the paperwork that I 10 got from the court, or from the subpoena, but I did come 11 in yesterday and he generally told me what a 12 videoconference was. We didn't go over any -- any -- 13 whatsoever questions or answers or anything like that 14 about the case. 15 Q. Okay. So yesterday you had a conversation 16 with Mr. Coburn, and it just generally concerned how the 17 deposition is to proceed, but there was no substantive 18 discussion of facts? 19 A. That's right. 20 Q. Okay. Thank you.</p>

	<p>21 So you did receive a Notice of Deposition; 22 right? 23 A. Yes. 24 Q. All right. Do you have a copy of it? 25 MR. YOMBOR: Dale, do you have a copy of it in 1 your office at all? If not, I can share my screen 2 and pull it up. 3 MR. COHEN: Yes, she should have it there. 4 THE WITNESS: I have one, yes. 5 BY MR. YOMBOR: 6 Q. Okay. And if you look, it should be a 7 three-page document. 8 A. Yes. 9 Q. I'm looking at what's called a Cross Notice of 10 Taking Zoom Deposition, and it's -- it was filed by 11 Cole, Scott, Kissane, Mr. Ehrlich's office. You may 12 have a Notice of Deposition filed my office. 13 Can you clarify what document it is that you 14 have in front of you? 15 A. I have the one here that says Subpoena for 16 Deposition Duces Tandem [verbatim] Kathleen Peggi. A 17 case number. Sixteenth Court.</p>
10:7 - 10:19	<p>7 Q. How is it, then, that you were told to show up 8 at your deposition here today at Mr. Coburn's office? 9 A. I -- it was written on the paperwork that I 10 got from the court, or from the subpoena, but I did come 11 in yesterday and he generally told me what a 12 videoconference was. We didn't go over any -- any -- 13 whatsoever questions or answers or anything like that 14 about the case. 15 Q. Okay. So yesterday you had a conversation 16 with Mr. Coburn, and it just generally concerned how the 17 deposition is to proceed, but there was no substantive 18 discussion of facts? 19 A. That's right.</p>
10:20 - 11:17	<p>20 Q. Okay. Thank you. 21 So you did receive a Notice of Deposition; 22 right? 23 A. Yes. 24 Q. All right. Do you have a copy of it? 25 MR. YOMBOR: Dale, do you have a copy of it in 1 your office at all? If not, I can share my screen 2 and pull it up. 3 MR. COHEN: Yes, she should have it there. 4 THE WITNESS: I have one, yes. 5 BY MR. YOMBOR: 6 Q. Okay. And if you look, it should be a 7 three-page document. 8 A. Yes. 9 Q. I'm looking at what's called a Cross Notice of 10 Taking Zoom Deposition, and it's -- it was filed by 11 Cole, Scott, Kissane, Mr. Ehrlich's office. You may 12 have a Notice of Deposition filed my office. 13 Can you clarify what document it is that you 14 have in front of you?</p>

	<p>15 A. I have the one here that says Subpoena for 16 Deposition Duces Tandem [verbatim] Kathleen Peggi. A 17 case number. Sixteenth Court.</p>
11:18 - 12:14	<p>18 Q. Okay. 19 MR. YOMBOR: And I just -- I'm going to mark 20 this as Exhibit 1, I guess. Madam Court Reporter I 21 just put it in the chat. 22 BY MR. YOMBER: 23 Q. Ms. Peggi, are you looking at -- it's a 24 three-page document; correct? 25 A. Yes, yes. 1 Q. All right. And page 3 -- if you could, please 2 turn your attention to page 3. 3 A. Yes. 4 Q. At the top it says "Exhibit A"; right? 5 A. Yes. 6 Q. All right. And is it your understanding that 7 you were required to bring documents with you today to 8 your deposition? 9 A. Yes, I brought everything I had. 10 Q. Okay. And prior to this deposition, 11 Mr. Coburn just sent us a PDF of 17 pages. 12 Do you have those documents in front of you 13 that you can look at? 14 A. Yes, I do, I think.</p>
12:15 - 12:19	<p>15 Q. Okay. 16 MR. YOMBOR: And so we're going to mark these 17 17 pages as Exhibit 2, I think -- or numbers; 18 right? Sorry, short memory. Is it 2? Thank you. 19 BY MR. YOMBOR:</p>
12:20 - 13:5	<p>20 Q. Okay. And are these -- 17 pages, so I'm 21 looking at them. I've got the U.S. -- looks like a 22 Naturalization Certificate, some documents about your 23 certificate -- certification of being a property manager 24 in the City of Key Emerald Beach. I see a police report 25 that you submitted; your subpoena, both for today and 1 the evidentiary hearing; and these 17 pages. These are 2 all documents that you contend are responsive to the 3 document request in the Notice of Deposition that's been 4 marked as Exhibit 1? 5 A. Yes.</p>
13:6 - 13:13	<p>6 Q. Okay. Let's go through this real quick. You 7 were asked to bring all documents and communications 8 related to Ms. Lisle. Do you see that? 9 A. Yes. 10 Q. All right. Other than -- you have no other 11 documents or communications concerning Ms. Lisle in any 12 manner? 13 A. No, I don't.</p>
13:14 - 14:9	<p>14 Q. All right. Number 2, you were asked to bring 15 documents and communications relating to any 16 instructions provided by any employee and/or board 17 member from Plaintiff Sandside regarding communications 18 and interactions with the Defendant Continental Inn 19 Condominium of Key Emerald Beaches, board members,</p>

	<p>20 employees, and representatives.</p> <p>21 Is it fair to say that you did not bring any</p> <p>22 documents responsive to that request?</p> <p>23 A. No, I have no documents on that.</p> <p>24 Q. Number 3, you were asked to bring any pictures</p> <p>25 or videos taken while on the Continental Inn Condominium</p> <p>1 of Key Beach's common areas.</p> <p>2 Is it fair to say you did not bring any</p> <p>3 photographs or videos with you today?</p> <p>4 A. I do not have any videos or pictures.</p> <p>5 Q. Have you ever -- I'm sorry.</p> <p>6 A. It wasn't part of my job to take pictures or</p> <p>7 videos.</p> <p>8 Q. It was not part of your job?</p> <p>9 A. No.</p>
13:21 - 13:23	<p>21 Is it fair to say that you did not bring any</p> <p>22 documents responsive to that request?</p> <p>23 A. No, I have no documents on that.</p>
13:24 - 14:9	<p>24 Q. Number 3, you were asked to bring any pictures</p> <p>25 or videos taken while on the Continental Inn Condominium</p> <p>1 of Key Beach's common areas.</p> <p>2 Is it fair to say you did not bring any</p> <p>3 photographs or videos with you today?</p> <p>4 A. I do not have any videos or pictures.</p> <p>5 Q. Have you ever -- I'm sorry.</p> <p>6 A. It wasn't part of my job to take pictures or</p> <p>7 videos.</p> <p>8 Q. It was not part of your job?</p> <p>9 A. No.</p>
14:10 - 15:20	<p>10 Q. So is it your testimony that you have never</p> <p>11 taken a photograph or video of a common area while</p> <p>12 employed at Sandside with the Continental Inn?</p> <p>13 A. I know of one picture that I did take.</p> <p>14 Q. Do you still have that photograph?</p> <p>15 A. No. It was on the company phone, and it was a</p> <p>16 cooler and some fishing gear that had been left on the</p> <p>17 east side, up the second-story walkway. And I was</p> <p>18 trying to locate who it belonged to, so it could be</p> <p>19 removed out of the walkway for safety purposes, and I</p> <p>20 took a picture of it. I found the owners. They removed</p> <p>21 it and the pictures were deleted.</p> <p>22 Q. Okay. Thank you for that.</p> <p>23 When you worked at -- let's see. So you're</p> <p>24 saying these photographs -- that's the only photograph</p> <p>25 you ever took while you were employed by Sandside at</p> <p>1 Continental Inn?</p> <p>2 A. As far as I know, yes. I worked off the</p> <p>3 company phone and I didn't take pictures with that phone</p> <p>4 or my own. No, didn't have any.</p> <p>5 Q. Okay. You are no longer -- and I'm getting</p> <p>6 kind of ahead of myself. We're going to discuss this in</p> <p>7 greater detail right now, but because we're talking</p> <p>8 about this, I want to make sure we kind of are finishing</p> <p>9 this.</p> <p>10 You are not currently an employee of</p>

	<p>11 Sandside; correct?</p> <p>12 A. No, I'm not.</p> <p>13 Q. When did you cease being a Sandside employee?</p> <p>14 A. It was probably March '24 I have removed from</p> <p>15 the property. I did work a few weeks just off-property</p> <p>16 taking care of the laundry and the supplies just a few</p> <p>17 hours a day, and then I think about July or maybe before</p> <p>18 that, I was finished completely.</p> <p>19 Q. July of 2024?</p> <p>20 A. Yes, uh-huh.</p>
15:10 - 15:20	<p>10 You are not currently an employee of</p> <p>11 Sandside; correct?</p> <p>12 A. No, I'm not.</p> <p>13 Q. When did you cease being a Sandside employee?</p> <p>14 A. It was probably March '24 I have removed from</p> <p>15 the property. I did work a few weeks just off-property</p> <p>16 taking care of the laundry and the supplies just a few</p> <p>17 hours a day, and then I think about July or maybe before</p> <p>18 that, I was finished completely.</p> <p>19 Q. July of 2024?</p> <p>20 A. Yes, uh-huh.</p>
15:21 - 15:23	<p>21 Q. Okay. And when you ceased working for</p> <p>22 Sandside, who did you give the company phone to?</p> <p>23 A. Cheryl Foster.</p>
15:24 - 17:2	<p>24 Q. Do you know what is the status -- do you know</p> <p>25 where the company phone is right now?</p> <p>1 A. No, I have no idea. It was very old. I think</p> <p>2 it was probably discarded, but I don't know. Yeah.</p> <p>3 Q. What kind of phone was it?</p> <p>4 A. iPhone.</p> <p>5 Q. Do you know what model?</p> <p>6 A. No, I have no idea. It was used and very old.</p> <p>7 Q. Did it have a home button at the bottom or was</p> <p>8 it just a flat piece of glass?</p> <p>9 A. Flat piece of glass.</p> <p>10 Q. Okay. Other than yourself, did you use that</p> <p>11 company -- did anyone else use the company phone, other</p> <p>12 than you, when you were employed at Sandside?</p> <p>13 A. I don't believe so.</p> <p>14 Q. So that -- would it be fair to say that</p> <p>15 company phone was for your exclusive use?</p> <p>16 A. Yes.</p> <p>17 Q. When you left Continental Inn at night, would</p> <p>18 you leave that company phone on property or would you</p> <p>19 bring it home with you?</p> <p>20 A. I was on call 24 hours a day, seven days a</p> <p>21 week, so I had the phone with me when I was working</p> <p>22 there.</p> <p>23 Q. Do you recall the phone number of your company</p> <p>24 phone?</p> <p>25 A. No.</p> <p>1 Q. You do not?</p> <p>2 A. No.</p>
16:3 - 16:16	<p>3 Q. What kind of phone was it?</p> <p>4 A. iPhone.</p>

	<p>5 Q. Do you know what model?</p> <p>6 A. No, I have no idea. It was used and very old.</p> <p>7 Q. Did it have a home button at the bottom or was</p> <p>8 it just a flat piece of glass?</p> <p>9 A. Flat piece of glass.</p> <p>10 Q. Okay. Other than yourself, did you use that</p> <p>11 company -- did anyone else use the company phone, other</p> <p>12 than you, when you were employed at Sandside?</p> <p>13 A. I don't believe so.</p> <p>14 Q. So that -- would it be fair to say that</p> <p>15 company phone was for your exclusive use?</p> <p>16 A. Yes.</p>
16:17 - 16:22	<p>17 Q. When you left Continental Inn at night, would</p> <p>18 you leave that company phone on property or would you</p> <p>19 bring it home with you?</p> <p>20 A. I was on call 24 hours a day, seven days a</p> <p>21 week, so I had the phone with me when I was working</p> <p>22 there.</p>
16:23 - 17:2	<p>23 Q. Do you recall the phone number of your company</p> <p>24 phone?</p> <p>25 A. No.</p> <p>1 Q. You do not?</p> <p>2 A. No.</p>
17:3 - 17:5	<p>3 Q. Did you ever conduct Sandside business on</p> <p>4 your personal phone?</p> <p>5 A. No.</p>
17:6 - 17:25	<p>6 Q. I'd like to get your personal phone number.</p> <p>7 I'm going to ask you for your personal phone number, and</p> <p>8 then I'd like to go off the record. And then I'm going</p> <p>9 to read back the last four digits on the record and ask</p> <p>10 you to confirm that that is your phone number. Okay?</p> <p>11 Because I want to make sure that we protect your</p> <p>12 privacy.</p> <p>13 A. Okay. So can you please tell me your personal</p> <p>14 cell phone number.</p> <p>15 MR. YOMBOR: We'll go off the record.</p> <p>16 (Discussion off the record.)</p> <p>17 BY MR. YOMBER:</p> <p>18 Q. All right. Ms. Peggi, we just went off the</p> <p>19 record, and you provided me your personal cell phone</p> <p>20 number. The last four digits of your cell phone number</p> <p>21 are 0214; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Can you tell me what cell phone</p> <p>24 provider you had numbers with?</p> <p>25 A. I'm not sure.</p>
18:1 - 18:15	<p>1 Q. And how long have you had that personal cell</p> <p>2 phone number?</p> <p>3 A. I have it -- I've had it for several years. I</p> <p>4 don't know how long.</p> <p>5 Q. Since before 2020?</p> <p>6 A. Probably not the same company, but I would</p> <p>7 think the same phone number.</p> <p>8 Q. Yeah. And that's my -- yeah. For purposes of</p> <p>9 these questions, I don't care if the company has</p>

	<p>10 changed, but do you think you had that -- your personal</p> <p>11 cell phone number for longer than five years?</p> <p>12 A. Probably five years.</p> <p>13 Q. Do you think you've had it longer than ten</p> <p>14 years?</p> <p>15 A. Could be ten years.</p>
18:16 - 19:4	<p>16 Q. Okay. So it's your testimony -- is it your</p> <p>17 testimony today that you have never conducted any</p> <p>18 Sandside business with your personal cell phone number?</p> <p>19 A. I can't recall using my phone. I always tried</p> <p>20 to use the company phone. If there's anything on there,</p> <p>21 maybe contacting a contractor or something. I don't</p> <p>22 recall using it.</p> <p>23 Q. Okay. So would you have ever communicated</p> <p>24 with any of the Sandside principals using your personal</p> <p>25 phone?</p> <p>1 A. I may have on occasion, but usually not.</p> <p>2 Usually everything was through the business phone. I'm</p> <p>3 not saying that I haven't, but I certainly did not use</p> <p>4 it for business.</p>
19:5 - 19:7	<p>5 Q. Did you ever communicate with Continental</p> <p>6 Inn's officers' or directors' cell phone number?</p> <p>7 A. I'm not sure.</p>
19:8 - 19:14	<p>8 Q. Had you ever communicated with Kimmeron Lisle</p> <p>9 with your personal cell phone number?</p> <p>10 A. I don't think so. We communicated on business</p> <p>11 only, and it was very businesslike. I believe it should</p> <p>12 have been on the company phone. It was very rare that</p> <p>13 we spoke to each other on company business, but I can't</p> <p>14 say for sure.</p>
19:15 - 19:21	<p>15 Q. All right. In advance of today's deposition,</p> <p>16 did you review or go through your personal cell phone to</p> <p>17 identify if there were any texts or communications</p> <p>18 responsive to the Notice of Deposition?</p> <p>19 A. Did I go through my phone? No.</p> <p>20 Q. Okay. Any reason why you did not?</p> <p>21 A. I had no reason to go through my phone.</p>
19:22 - 20:3	<p>22 Q. Okay. So even though you just testified that</p> <p>23 you may have had communications with Sandside</p> <p>24 individuals and Continental Inn individuals, as well as,</p> <p>25 potentially, contractors, you still did not go through</p> <p>1 your personal cell phone to evaluate if you had any</p> <p>2 communications on that cell phone?</p> <p>3 A. No.</p>
20:4 - 20:17	<p>4 Q. What is your practice for maintaining messages</p> <p>5 on your phone? Do you do regularly delete your text</p> <p>6 messages?</p> <p>7 A. Usually, but not always.</p> <p>8 Q. And how often is it that you delete those text</p> <p>9 messages?</p> <p>10 A. Not often.</p> <p>11 Q. Do you recall the last time you deleted any</p> <p>12 text messages on your personal cell phone?</p> <p>13 A. No. No, I don't.</p> <p>14 Q. So would it be fair to say that if you did</p>

	<p>15 have any text conversations with Ms. Lisle on your 16 personal cell phone, it would be there? 17 A. Should be, should be.</p>
20:18 - 20:24	<p>18 Q. Okay. All right. Number 4 -- back to 19 Exhibit 1 -- you were asked for any documents and 20 communications related to pictures or videos of the 21 Continental Inn Condominium of Key Emerald Beaches common 22 areas. Again, you did not bring any documents 23 responsive to that? 24 A. No, I did not.</p>
20:25 - 21:5	<p>25 Q. Would you have ever taken photographs on your 1 personal phone while on Continental Inn property? 2 A. I don't believe I ever did. 3 Q. Did you go through your personal cell phone 4 and look to see if there were any photographs? 5 A. No, I didn't.</p>
21:6 - 21:11	<p>6 Q. And Number 5, any documents and communications 7 related to any and all incidents and interactions with 8 the Continental Inn Condominium of Key Emerald Beach's 9 board members that occurred on or around the month of 10 March 2020? 11 A. No.</p>
21:12 - 21:20	<p>12 Q. Okay. I appreciate you going through that -- 13 well, actually, I think the question -- I did not ask 14 the question, actually. You did not produce any 15 documents responsive to that request? 16 A. No, I didn't have any documents. 17 Q. And, again, you did not go through your 18 personal cell phone to look to see if there were any 19 documents or communications responsive to that? 20 A. No. I thought it was paperwork you wanted.</p>
21:21 - 22:2	<p>21 Q. Can you please clarify what you mean by that? 22 Are you distinguishing paper communications from 23 electronic communications? 24 A. I didn't believe that I had any electric -- 25 electronic communications on my phone. So I didn't go 1 through my phone to see, but my work was done on the 2 company phone.</p>
22:3 - 22:22	<p>3 Q. Okay. What about email addresses? How was it 4 that you conducted business while working at Sandside 5 via email? 6 A. I had some emails on my computer, which I no 7 longer have. But I was -- I was on site manager, so I 8 really didn't work from -- I did from my phone, but to 9 have paperwork, or on my computer I didn't -- I didn't 10 have that type of work on my computer. Just the 11 daily -- daily work that I would do on site. 12 Q. Okay. Do you remember the email address you 13 used while you were employed at Sandside? Was it a 14 work email or personal email? 15 A. I did most everything through 16 info@continentalinnSandside.com. 17 Q. Did you ever conduct any business through any 18 personal email addresses? 19 A. I may have, but I don't recall ever doing</p>

	<p>20 that.</p> <p>21 Q. Do you maintain the same email address today</p> <p>22 that you did --</p>
22:23 - 22:23	23 A. Yes.
22:24 - 23:8	<p>24 Q. Hang on. Let me ask the question just to make</p> <p>25 sure we both are on board with the same frame.</p> <p>1 Do you maintain the same email address today</p> <p>2 that you did, let's say, back on January 1, 2020?</p> <p>3 A. Yes.</p> <p>4 Q. Can you share with me what that address is?</p> <p>5 What is your personal email address?</p> <p>6 A. KPeggiKC@gmail.com.</p> <p>7 Q. KPeggiKC@gmail.com?</p> <p>8 A. Yes.</p>
23:9 - 23:13	<p>9 Q. Okay. And do you -- are you able to say that</p> <p>10 you never conducted Sandside business with your</p> <p>11 personal email address?</p> <p>12 A. I am saying that I don't recall ever using</p> <p>13 that address.</p>
23:14 - 23:18	<p>14 Q. Did you ever go through your personal Gmail</p> <p>15 account to see if you had any documents or</p> <p>16 communications responsive to the notice of deposition</p> <p>17 today?</p> <p>18 A. No, I did not.</p>
23:19 - 24:13	<p>19 Q. Thank you very much for all that.</p> <p>20 Where is it -- where do you reside? Can you</p> <p>21 please share your address?</p> <p>22 A. 201 7th Street, Unit 6, Key Emerald Beach,</p> <p>23 Florida.</p> <p>24 Q. And is that within the Continental Inn</p> <p>25 association?</p> <p>1 A. No.</p> <p>2 Q. Do you own any unit or property at the</p> <p>3 Continental Inn association?</p> <p>4 A. No.</p> <p>5 Q. Have you ever owned any property or unit at</p> <p>6 the association?</p> <p>7 A. No.</p> <p>8 Q. All right. And just for purposes of making it</p> <p>9 so I don't have to drink as much water today during the</p> <p>10 deposition, if I refer to "the association," can we both</p> <p>11 agree that that refers to the Continental Inn</p> <p>12 Association of Key Emerald Beach?</p> <p>13 A. Yes.</p>
24:14 - 24:25	<p>14 Q. Okay. Thank you.</p> <p>15 All right. Have you ever been employed by the</p> <p>16 association?</p> <p>17 A. Could you repeat that?</p> <p>18 Q. Yes. Have you ever been employed by the</p> <p>19 association?</p> <p>20 A. Yes.</p> <p>21 Q. When?</p> <p>22 A. July 2018 until COVID, which would have been</p> <p>23 March 2020.</p> <p>24 Q. And what was your position?</p>

	25 A. Reservationist.
25:1 - 25:12	<p>1 Q. Okay. And can you please describe your duties 2 and responsibilities? 3 A. For reservationist? 4 Q. Yes, please. 5 A. Just taking daily reservations and the 6 bookwork that has to do with reservations. 7 Q. And would you take those daily reservations 8 online or on the phone? 9 A. Both. 10 Q. And I believe you also said you would answer 11 phone calls and spoke with prospective visitors? 12 A. Yes.</p>
25:13 - 25:25	<p>13 Q. Okay. And how is it, your employment, how did 14 it come to and end? Did you resign or were you 15 terminated? 16 A. No, we left for COVID. And the office was 17 opening back up after COVID. Kimmeron asked me if I 18 would be coming back to work in the office. I stated 19 that I would be working for Continental Sandside. That 20 I would rather work out in the open with the people in 21 the units, and I was taking the management position for 22 Sandside. 23 Q. Okay. 24 A. So I was neither fired or -- I just didn't 25 come back after COVID.</p>
26:1 - 26:11	<p>1 Q. Okay. And when you say -- I think you said 2 "in the open." You wanted to return in the open with 3 Sandside. Can you clarify? 4 A. I like the outdoors. 5 Q. I'm sorry? 6 A. I like to work outdoors. So I was in and out 7 of rooms and more physical than office work. 8 Q. Ah, okay. So are you saying that when you 9 worked for the association, you were really more at a 10 desk, whereas with Sandside, you're more out and about? 11 A. Yes.</p>
26:12 - 26:16	<p>12 Q. All right. Were you -- okay. And so when you 13 were at the association, your job was a reservationist, 14 and that's different than your position as property 15 manager for Sandside? 16 A. Absolutely different.</p>
26:17 - 26:22	<p>17 Q. When is it you became a -- you have a license 18 to be a property manager? 19 A. Yes. 20 Q. And when did you earn that license? 21 A. Long before I ever worked at Continental. I 22 don't know exactly when, but many, many years.</p>
26:23 - 27:2	<p>23 Q. And with the new position at Sandside, were 24 you paid the same, or did you receive a pay raise? 25 A. I started out at close to the same. It did 1 increase as the years went by, but pretty close to the 2 same pay, I would think. I don't know for sure.</p>
27:3 - 27:5	<p>3 Q. And at all times when you worked for 4 Sandside, were you always the property manager?</p>

	5 A. Yes.
27:6 - 27:8	6 Q. Who was the property manager before you at 7 Sandside? 8 A. I don't know.
27:9 - 27:11	9 Q. Do you recall when you first started working 10 for Sandside? 11 A. Yes.
27:12 - 28:2	12 Q. When? When was that? 13 A. It would have been right after COVID, so that 14 would have been June. So I think I started in July, 15 actually, and that would have been 2'20. 16 Q. Can you please provide me a year because 17 everybody seemed to have a different definition -- 18 A. 2020. 19 Q. -- of when COVID happened. 20 A. 2020, July 2020. 21 Q. That's seems to be the Floridian's definition. 22 If you ask someone in Boston, I think it's a little 23 different. 24 Okay. So you started working for Sandside in 25 July 2020. So you were unemployed for about four months 1 or so? 2 A. From March to end of June for COVID.
28:3 - 28:21	3 Q. And what is it that Sandside does, if you're 4 able to articulate it? 5 A. My job at Sandside? 6 Q. No. What is it that the company at Sandside 7 does, if you were able -- 8 A. I was in charge of 19 rental units. 9 Q. And are all 19 rental units within the 10 association? 11 A. Yes. 12 Q. Does Sandside manage any units outside of the 13 association? 14 A. I didn't. I didn't manage any units outside 15 of the association. 16 Q. Okay. But my question is -- and I appreciate 17 you telling me that you did, not because that was going 18 to be my next question, but do you know if Sandside, 19 the company, manages any units outside of the 20 association? 21 A. I don't know.
28:22 - 29:19	22 Q. And what were your duties and responsibilities 23 as a property manager? 24 A. In the morning, before I actually went to 25 work, I would check the reservations for their arrivals, 1 departures, who was cleaning the units. And I would go 2 to work. And when the guests would leave, I would talk 3 to them, wish them well on their safety -- on their 4 travels home. And I would check the units for anything 5 broken, missing, left behind. I would strip the rooms 6 of their laundry, and let the cleaning girls -- there 7 were usually, three, four, five cleaning girls -- let 8 them know when their unit was available to start 9 cleaning and they would do that.

	<p>10 I would take a laundry to a coins laundry, 11 drop it off, pick up the clean laundry, inventory that. 12 Make the bags up for the girls for the next morning for 13 the arrivals for the next morning. I didn't bring them 14 back to Continental. I left the bags there, and the 15 girls picked them up in the next morning. 16 I would check all the rooms for arrivals, make 17 sure everything was in working order, the TVs, the 18 refrigerators, everything was clean and ready for 19 arrival. And then welcome the guests as they arrived.</p>
29:20 - 31:25	<p>20 Q. Thank you. Were those duties and 21 responsibilities consistent throughout your tenure while 22 working at Sandside? 23 A. Yes. 24 Q. And who is it that communicated those duties 25 and responsibilities to you? 1 A. Cheryl Foster. 2 Q. Okay. And what role did Cheryl Foster hold at 3 Sandside? 4 A. I believe she was the treasurer. 5 Q. Was Cheryl Foster your supervisor? 6 A. She was my go-to. So, technically, I would 7 think, but I did have -- if I had a super problem with 8 one of the contractors -- I was in charge of getting 9 contractors in to take care of cleaning carpets or AC 10 repairs or plumbing or electrical, handyman stuff. I 11 was in charge of getting that done during the day before 12 guests arrived. 13 The first year or so I could go to Freddie 14 Foster if it was a plumbing or AC problem, something 15 like that. So I called him very seldom, maybe half a 16 dozen times. And it was Cheryl that I went to. Then 17 the go-to man was really David Nash after that. 18 Q. Okay. So for the first, year your go-to 19 contact was Cheryl Foster? 20 A. Right. 21 Q. But at some point that person transitioned to 22 David Nash? 23 A. No, I still had Cheryl as a go-to. 24 Q. Ah. 25 A. It was just -- it was just if there was some 1 kind of situation where Cheryl wasn't available, if she 2 was on vacation, or if she was away, or whatever may 3 happen. And with David Nash it was more of a big 4 problem, like a plumbing or electrical or an AC problem, 5 or something in that area. Cheryl was the -- was the 6 day-to-day cleaning, arrivals, departures, that type of 7 go-to. 8 Q. I appreciate that clarification. 9 Were you involved in the cleaning of any of 10 the units? 11 A. I did clean, if it was an emergency and the 12 unit had to be cleaned, yes, I would do that. If I was 13 called upon to do that, yes. 14 Q. Okay. But that -- would it be fair to say,</p>

	<p>15 then, that was not your standard job? You normally 16 would ask the cleaning crew to clean up, and you would 17 clean as needed? 18 A. Yes. 19 Q. Okay. You said Cheryl Foster was treasurer 20 for Sandside. What role did Freddie Foster play in 21 Sandside? 22 A. I think he was the president, maybe, in the 23 first couple of -- few years, and I did call him a few 24 times, but I would say no more than six times in those 25 years.</p>
30:1 - 31:7	<p>1 A. Cheryl Foster. 2 Q. Okay. And what role did Cheryl Foster hold at 3 Sandside? 4 A. I believe she was the treasurer. 5 Q. Was Cheryl Foster your supervisor? 6 A. She was my go-to. So, technically, I would 7 think, but I did have -- if I had a super problem with 8 one of the contractors -- I was in charge of getting 9 contractors in to take care of cleaning carpets or AC 10 repairs or plumbing or electrical, handyman stuff. I 11 was in charge of getting that done during the day before 12 guests arrived. 13 The first year or so I could go to Freddie 14 Foster if it was a plumbing or AC problem, something 15 like that. So I called him very seldom, maybe half a 16 dozen times. And it was Cheryl that I went to. Then 17 the go-to man was really David Nash after that. 18 Q. Okay. So for the first, year your go-to 19 contact was Cheryl Foster? 20 A. Right. 21 Q. But at some point that person transitioned to 22 David Nash? 23 A. No, I still had Cheryl as a go-to. 24 Q. Ah. 25 A. It was just -- it was just if there was some 1 kind of situation where Cheryl wasn't available, if she 2 was on vacation, or if she was away, or whatever may 3 happen. And with David Nash it was more of a big 4 problem, like a plumbing or electrical or an AC problem, 5 or something in that area. Cheryl was the -- was the 6 day-to-day cleaning, arrivals, departures, that type of 7 go-to.</p>
31:8 - 31:8	<p>8 Q. I appreciate that clarification.</p>
31:9 - 31:13	<p>9 Were you involved in the cleaning of any of 10 the units? 11 A. I did clean, if it was an emergency and the 12 unit had to be cleaned, yes, I would do that. If I was 13 called upon to do that, yes.</p>
31:14 - 31:25	<p>14 Q. Okay. But that -- would it be fair to say, 15 then, that was not your standard job? You normally 16 would ask the cleaning crew to clean up, and you would 17 clean as needed? 18 A. Yes. 19 Q. Okay. You said Cheryl Foster was treasurer</p>

	<p>20 for Sandside. What role did Freddie Foster play in</p> <p>21 Sandside?</p> <p>22 A. I think he was the president, maybe, in the</p> <p>23 first couple of -- few years, and I did call him a few</p> <p>24 times, but I would say no more than six times in those</p> <p>25 years.</p>
32:1 - 32:6	<p>1 Q. And then do you know what role David Nash</p> <p>2 played for Sandside when you would communicate with</p> <p>3 him?</p> <p>4 A. I believe vice president and acting president.</p> <p>5 Q. Why acting president?</p> <p>6 A. I don't know.</p>
32:7 - 32:15	<p>7 Q. While the property manager for Sandside, did</p> <p>8 you take any reservations?</p> <p>9 A. No.</p> <p>10 Q. Were you involved in any marketing of</p> <p>11 Sandside?</p> <p>12 A. No.</p> <p>13 Q. Were you involved in marketing of any of the</p> <p>14 individual units that are managed by Sandside?</p> <p>15 A. No.</p>
32:16 - 33:4	<p>16 Q. Did you monitor any of the online reservation</p> <p>17 platforms utilized by Sandside?</p> <p>18 A. I just checked on the arrivals and departures.</p> <p>19 Q. So when I asked you do you monitor the online</p> <p>20 reservation platforms, how would you get the information</p> <p>21 of who is arriving and who is departing?</p> <p>22 A. I had the reservation system on my computer.</p> <p>23 Q. All right. And is that a software?</p> <p>24 A. Yes.</p> <p>25 Q. All right. And what is the name of that</p> <p>1 software?</p> <p>2 A. I don't know.</p> <p>3 Q. You don't know what the software was?</p> <p>4 A. No.</p>
33:5 - 33:11	<p>5 Q. Did you access it through a website or through</p> <p>6 an application?</p> <p>7 A. Continental Inn Sandside. Info@continental</p> <p>8 innSandside.</p> <p>9 Q. Okay. And you accessed it on your computer or</p> <p>10 your phone?</p> <p>11 A. Computer.</p>
33:12 - 33:15	<p>12 Q. Do you know how those reservations were made?</p> <p>13 A. They were made through the reservationists.</p> <p>14 There were two reservationists. They did all the</p> <p>15 reservations and I just had access to the chart.</p>
33:16 - 34:7	<p>16 Q. Who were the reservationists?</p> <p>17 A. Michelle Rutger and Vivian.</p> <p>18 Q. Vivian what?</p> <p>19 A. Del Cid, I believe.</p> <p>20 Q. And those two individuals, Michelle and</p> <p>21 Vivian, they were the Sandside reservationists at all</p> <p>22 times while you were employed at Sandside?</p> <p>23 A. Yes, unless Cheryl might step in.</p> <p>24 Q. Okay. And she would step in why? Because</p>

	<p>25 maybe they were not working in that day or something?</p> <p>1 A. Maybe.</p> <p>2 Q. Do you know what online reservation platforms,</p> <p>3 if any, were used by Sandside?</p> <p>4 A. No.</p> <p>5 Q. Do you even know if they used a online</p> <p>6 reservation platform?</p> <p>7 A. I don't know.</p>
34:8 - 34:11	<p>8 Q. Have you ever accessed Airbnb or VRBO or any</p> <p>9 of those online platforms to perform any of your duties</p> <p>10 and responsibilities as property manager for Sandside?</p> <p>11 A. No.</p>
34:12 - 34:14	<p>12 Q. Did you have any login or password information</p> <p>13 for any of Sandside's reservation systems?</p> <p>14 A. I did. I don't know, now, what it was.</p>
34:15 - 34:19	<p>15 Q. Did you ever access it, though, or did you</p> <p>16 ever use that username and password?</p> <p>17 A. Just -- just for the reservation sheets.</p> <p>18 Just -- just the actual reservation times; departures</p> <p>19 and arrivals.</p>
34:20 - 34:21	<p>20 Q. To get that chart that you referenced earlier?</p> <p>21 A. Yes.</p>
34:22 - 34:24	<p>22 Q. Was that chart delivered to you via email, or</p> <p>23 would you have to go online to go access it?</p> <p>24 A. I went onto the site.</p>
34:25 - 35:6	<p>25 Q. And did you -- and you accessed that through</p> <p>1 your company computer?</p> <p>2 A. Yes. It was on my computer, but it was a</p> <p>3 company -- used for the company work. I didn't use it</p> <p>4 personally.</p> <p>5 Q. Okay.</p> <p>6 A. It was just the company owned it.</p>
35:7 - 35:10	<p>7 Q. Okay. And after you ceased working at</p> <p>8 Sandside, did you return that computer to Sandside?</p> <p>9 A. No, it was deleted. The information on it was</p> <p>10 my computer.</p>
35:11 - 35:13	<p>11 Q. Ah, okay. So you used the computer. Did you</p> <p>12 walk around the property with a computer?</p> <p>13 A. No, I just used the phone.</p>
35:14 - 35:16	<p>14 Q. And so then when you were working at</p> <p>15 Sandside, where would you store your computer?</p> <p>16 A. At home.</p>
35:17 - 35:22	<p>17 Q. Okay. So then every day, before you went to</p> <p>18 Sandside, you would load up and power on your personal</p> <p>19 computer, access the reservation information, and then</p> <p>20 take it with you, presumably either in print form or on</p> <p>21 your phone --</p> <p>22 A. Print.</p>
35:23 - 36:6	<p>23 Q. -- to the property?</p> <p>24 A. Print form.</p> <p>25 Q. Print form. Okay. And then you would leave</p> <p>1 your computer at home?</p> <p>2 A. Yes.</p> <p>3 Q. Would you use your computer in any other way,</p> <p>4 other than to access the reservations, in the course of</p>

	<p>5 your duties as property manager for Sandside?</p> <p>6 A. No, no.</p>
36:7 - 36:18	<p>7 Q. Did you personally have any communications</p> <p>8 with guests for Sandside prior to them arriving on the</p> <p>9 association property?</p> <p>10 A. Only if they called me with a problem.</p> <p>11 Q. What kind of problem would they call you</p> <p>12 about?</p> <p>13 A. Well, my name was in the arrival book in the</p> <p>14 room, so they -- if their TV didn't work, if they were</p> <p>15 having trouble with the water, or if they -- any type of</p> <p>16 problem that they may have, they may call me to see if</p> <p>17 they can arrive early. Just little everyday questions</p> <p>18 that they may have.</p>
36:19 - 37:1	<p>19 Q. Would you say, then, that your communication</p> <p>20 with the guests was a minor role of your job?</p> <p>21 A. Well, they often called me to find out about</p> <p>22 restaurants or different activities in the area or -- I</p> <p>23 did a lot of public relations work with the guests.</p> <p>24 Q. Okay. So you kind of were a property manager</p> <p>25 and concierge. Would that be fair?</p> <p>1 A. Yes.</p>
37:2 - 37:11	<p>2 Q. All right. To access the units, those are</p> <p>3 electronic locks on each of the doors on each of the</p> <p>4 units?</p> <p>5 A. Yeah. Yes.</p> <p>6 Q. And would you provide the guests with the</p> <p>7 access codes for each respective unit?</p> <p>8 A. No.</p> <p>9 Q. Who would provide the guests with the access</p> <p>10 codes?</p> <p>11 A. The reservationist.</p>
37:12 - 38:2	<p>12 Q. Okay. And do you know how the reservationist</p> <p>13 provided the access code? Was it via text? Via email?</p> <p>14 On the phone?</p> <p>15 A. I don't know.</p> <p>16 Q. Would you give the guests the checkout times?</p> <p>17 Check-in or checkout times instructions?</p> <p>18 A. They were in the book inside the unit, so they</p> <p>19 knew that. The reservationist did that.</p> <p>20 Q. So the reservationist was the primary point of</p> <p>21 contact for guests before they arrived on property?</p> <p>22 A. Yes.</p> <p>23 Q. And would it be fair to say, then, that when</p> <p>24 you did communicate with the guests, they were probably</p> <p>25 on the property already?</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Thank you.</p>
38:3 - 38:15	<p>3 While you were with Sandside, how many</p> <p>4 employees did Sandside have?</p> <p>5 A. I worked with the two reservationists and</p> <p>6 three to five cleaning staff --</p> <p>7 Q. Okay.</p> <p>8 A. -- by myself.</p> <p>9 Q. Three to five cleaning staff?</p>

	<p>10 A. Uh-huh.</p> <p>11 Q. That's a yes?</p> <p>12 A. Yes.</p> <p>13 Q. Sorry. I'm not trying to be rude. Just</p> <p>14 helping out Ms. Smithe.</p> <p>15 A. Yes.</p>
38:16 - 39:1	<p>16 Q. So you started work at Sandside in July of</p> <p>17 2020. You stopped working for Sandside, you said, end</p> <p>18 of March 2024. During that tenure, by the count you</p> <p>19 just gave me yourself, two reservationists, that's</p> <p>20 three; and three to five cleaning staff; so you have</p> <p>21 anywhere between six and eight employees. Was that a</p> <p>22 fairly consistent number during your tenure there?</p> <p>23 A. The cleaning girls it was up and down because</p> <p>24 they all worked part-time. So they would kind of come</p> <p>25 and go, so it could change on a daily basis -- the</p> <p>1 amount of cleaning girls.</p>
39:2 - 40:3	<p>2 Q. Okay. Do you know if Sandside ever had more</p> <p>3 than ten employees at any time?</p> <p>4 A. I don't believe so.</p> <p>5 Q. Okay. How many days a week did you work?</p> <p>6 A. Five days.</p> <p>7 Q. And -- but you also said you were on call</p> <p>8 24 hours?</p> <p>9 A. Yes.</p> <p>10 Q. And how is it that you were compensated for</p> <p>11 your time? Were you paid an hourly rate or a salary?</p> <p>12 A. Hourly.</p> <p>13 Q. All right. And at the time when you started</p> <p>14 working for Sandside, do you recall your hourly pay?</p> <p>15 A. When I started with Sandside?</p> <p>16 Q. Yes.</p> <p>17 A. I don't recall what it was.</p> <p>18 Q. Do you recall what it was when you left in</p> <p>19 March of 2024?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell me how much you were earning per</p> <p>22 hour?</p> <p>23 A. 24.61.</p> <p>24 Q. Were you paid as a W-2 employee or a 1099?</p> <p>25 A. W-2.</p> <p>1 Q. Okay. So when you worked for Sandside, did</p> <p>2 you work for any other company?</p> <p>3 A. No.</p>
39:5 - 39:9	<p>5 Q. Okay. How many days a week did you work?</p> <p>6 A. Five days.</p> <p>7 Q. And -- but you also said you were on call</p> <p>8 24 hours?</p> <p>9 A. Yes.</p>
39:10 - 39:12	<p>10 Q. And how is it that you were compensated for</p> <p>11 your time? Were you paid an hourly rate or a salary?</p> <p>12 A. Hourly.</p>
39:13 - 39:17	<p>13 Q. All right. And at the time when you started</p> <p>14 working for Sandside, do you recall your hourly pay?</p> <p>15 A. When I started with Sandside?</p>

	<p>16 Q. Yes.</p> <p>17 A. I don't recall what it was.</p>
39:18 - 39:23	<p>18 Q. Do you recall what it was when you left in 19 March of 2024?</p> <p>20 A. Yes.</p> <p>21 Q. Can you tell me how much you were earning per 22 hour?</p> <p>23 A. 24.61.</p>
39:24 - 39:25	<p>24 Q. Were you paid as a W-2 employee or a 1099?</p> <p>25 A. W-2.</p>
40:1 - 40:3	<p>1 Q. Okay. So when you worked for Sandside, did 2 you work for any other company?</p> <p>3 A. No.</p>
40:4 - 40:13	<p>4 Q. Who set your schedule?</p> <p>5 A. Cheryl.</p> <p>6 Q. And did you always work Monday through Friday?</p> <p>7 A. No.</p> <p>8 Q. What was your general schedule? Would it 9 change weekly, or did you have a consistent schedule?</p> <p>10 A. It would change weekly upon how many guests we 11 had in.</p> <p>12 Q. Okay. But you always worked five days a week?</p> <p>13 A. Yes.</p>
40:14 - 40:25	<p>14 Q. Okay. When you were not on property, did 15 Sandside have another property manager on staff that 16 would cover?</p> <p>17 A. Don't believe so.</p> <p>18 Q. So if you were not there, what would happen?</p> <p>19 How would the property be managed?</p> <p>20 A. Between Cheryl and the cleaning girls would 21 handle it.</p> <p>22 Q. Okay.</p> <p>23 A. Sometimes there would be, if it was busy, that 24 one of the cleaning girls might be licensed to take over 25 my job the two days a week I wasn't there.</p>
41:1 - 41:6	<p>1 Q. And who was that? You said one of the 2 cleaning girls was a licensed property manager?</p> <p>3 A. One of them, Casey Trenkle [phonetic], was 4 property manager on my days off for a while.</p> <p>5 Q. Casey -- what's her last name?</p> <p>6 A. Trenkle. I don't know how to spell it.</p>
41:7 - 41:11	<p>7 Q. While property manager for Sandside, did 8 Sandside ever use or employ any outside contractors to 9 clean rooms when necessary?</p> <p>10 A. Way back originally, but just for a short 11 while the first year.</p>
41:12 - 42:5	<p>12 Q. So just from 2020 to 2021?</p> <p>13 A. Something like that, yes.</p> <p>14 Q. Do you recall the name of the contracting 15 company?</p> <p>16 A. No.</p> <p>17 Q. Do you recall any of the employees that worked 18 for the contractor?</p> <p>19 A. No. I didn't know them.</p> <p>20 Q. I'm sorry, you didn't what?</p>

	<p>21 A. I didn't know them. I didn't know the 22 cleaning girls. Contractors looked after that, so I 23 didn't know who they were. 24 Q. Were those contracting cleaning girls, were 25 those a supplement in addition to Sandside's employed 1 cleaning girls or -- 2 A. We didn't have cleaning girls at that time. 3 We used a contractor. 4 Q. I appreciate it. That's exactly what I wanted 5 to know. Thank you.</p>
42:6 - 42:24	<p>6 While you were working at Sandside, did you 7 ever take any vacation? 8 A. Yes. 9 Q. Did you ever take any sick time? 10 A. No. 11 Q. So back -- so then on your vacation days, kind 12 of going back to the question of how did the property 13 get managed when you were not there, how is it that the 14 19 units on the association property was managed when 15 you were out of the office on vacation? 16 A. Either Cheryl or one of the cleaning girls 17 that were licensed to take over. 18 Q. Okay. Other than taking time off for 19 vacation, was there any other time that you took off 20 work working for Sandside? 21 A. Not that I know. 22 Q. You never took time off of work to take care 23 of family or anything? 24 A. I don't believe so.</p>
42:25 - 43:18	<p>25 Q. How much time, or how much notice, would you 1 need to provide Cheryl Foster, or anyone else at 2 Sandside, before you took a day off? 3 A. I would ask a week or two in advance, but I 4 took very little time off, so it wasn't something that 5 happened. 6 Q. Do you recall the longest patch of time that 7 you took off while working at Sandside? 8 A. I don't know for sure. I would say two weeks; 9 two, three weeks at the most. I'm not positive of the 10 time. 11 Q. And when you were off, again, it would always 12 be either Cheryl Foster or Casey Trenkle would take over 13 your positions? 14 A. Yes. Pretty much, yes. 15 Q. Do you know if it was anybody -- do you know 16 if anyone else was involved in handling property 17 management responsibilities? 18 A. Not while I was there.</p>
43:19 - 44:18	<p>19 Q. When you were on property, were you given -- 20 did you have a fair amount of autonomy in your role as 21 property manager? 22 A. What does that mean? 23 Q. Autonomy, freedom. I'm trying to understand 24 if you were supervised while you were on property, or if 25 you were kind of given the, you know, the freedom to</p>

	<p>1 kind of make decisions as a property manager?</p> <p>2 A. I had the freedom to make the decisions.</p> <p>3 Q. So you worked fairly independently while you</p> <p>4 were working on the association property?</p> <p>5 A. Yes.</p> <p>6 Q. You would not have to run decisions through</p> <p>7 Cheryl Foster or anybody else?</p> <p>8 A. Not unless I felt that I had the need to do</p> <p>9 so.</p> <p>10 Q. Can you give me an example of a situation or</p> <p>11 question you had the need, or you felt you had the need,</p> <p>12 to run through Cheryl Foster?</p> <p>13 A. It would be something like someone coming in</p> <p>14 and the air conditioner wasn't working, and I had</p> <p>15 trouble getting hold of an AC company to come in and</p> <p>16 change out the mini split or something like that. The</p> <p>17 reservationist may change the reservation to a different</p> <p>18 room, or we would make arrangements to get that -- those</p>
44:19 - 45:5	<p>19 repairs done before the arrival of the guests, something</p> <p>20 like that. Or a water break or a water leak or plumbing</p> <p>21 problem that had to be done quickly, and I would have</p> <p>22 trouble, maybe it was a Friday night on a long weekend,</p> <p>23 and I would have trouble getting a maintenance person</p> <p>24 there to handle it. One time I handled it. Repaired it</p> <p>25 myself. But that's another story. Just something to</p> <p>1 let her know that there is an issue, and I'm working on</p> <p>2 it and getting it done. Type of emergency situation.</p> <p>3 Q. It sounds almost more like it was a reporting</p> <p>4 as opposed to a requesting; would that be fair?</p> <p>5 A. Yes, yes.</p>
45:6 - 45:10	<p>6 Q. Okay. Did owners -- when you had to access</p> <p>7 the units that you managed, would owners have to open</p> <p>8 their units for you, or did you have the access code to</p> <p>9 all the units?</p> <p>10 A. I had access codes.</p>
45:11 - 45:16	<p>11 Q. Does Sandside have any type of performance</p> <p>12 review for their employees?</p> <p>13 A. I pretty well checked off what the cleaning</p> <p>14 girls on my staff were doing, and I could report that to</p> <p>15 Cheryl or David Nash. Just to keep them up to date on</p> <p>16 what is happening.</p>
45:17 - 45:19	<p>17 Q. During your tenure at Sandside, did you ever</p> <p>18 undergo any performance evaluations?</p> <p>19 A. I don't believe so.</p>
45:20 - 46:1	<p>20 Q. Did you receive a raise every year?</p> <p>21 A. No.</p> <p>22 Q. How many times, while you were employed at</p> <p>23 Sandside, did you get a raise?</p> <p>24 A. Two or three times.</p> <p>25 Q. Would you ever get two raises in a year?</p> <p>1 A. No.</p>
46:2 - 46:17	<p>2 Q. If you had a complaint about working</p> <p>3 conditions or working environment or, you know, any</p> <p>4 other employees, was there a procedure put in place by</p> <p>5 Sandside for you to address it with Sandside?</p>

	<p>6 A. I didn't have a complaint. So I didn't run 7 into that situation.</p> <p>8 Q. Okay. But are you aware of if Sandside had 9 any type of procedure for that?</p> <p>10 A. If I had a problem, I'd just go to Cheryl or 11 David Nash with it, but I didn't have any problems, so 12 I -- I don't know what they had.</p> <p>13 Q. Okay.</p> <p>14 A. I would contact one of them if I had a 15 problem.</p> <p>16 Q. You would contact Cheryl or David Nash?</p> <p>17 A. Yes.</p>
46:18 - 48:2	<p>18 Q. Okay. Do you know how responsive the 19 association is run or how it operates?</p> <p>20 A. No.</p> <p>21 Q. Do you know what the composition of the 22 association's board of directors looks like?</p> <p>23 A. You mean what position they hold in?</p> <p>24 Q. Let me ask you this: Do you know how many 25 individuals -- or let's ask this: Do you know how many 1 positions are on the association's board of directors?</p> <p>2 A. Five, I believe. But I could be wrong.</p> <p>3 Q. Okay. And do you know who they are and what 4 their names are?</p> <p>5 A. Yes.</p> <p>6 Q. And how is it that you received that 7 information?</p> <p>8 A. I just knew it. I worked with them. They 9 were in and out. I knew them, and I knew what position 10 they held.</p> <p>11 Q. Okay. So just from generally being on the 12 property, you just kind of would pick it up and just 13 hear; is that fair?</p> <p>14 A. Yes.</p> <p>15 Q. As the property manager for Sandside, was it 16 your responsibility to interact with the association?</p> <p>17 A. Just Cheryl and David Nash.</p> <p>18 Q. To your knowledge, Cheryl or David Nash, were 19 they ever an officer or director of the association?</p> <p>20 A. Yes.</p> <p>21 Q. I'm not -- not Sandside, the association.</p> <p>22 A. Oh, I have no idea.</p> <p>23 Q. So let me just ask you because -- we can redo 24 the question. So, like, all of my questions just now 25 were about the association, not about Sandside. Do you 1 know?</p> <p>2 A. Oh.</p>
47:15 - 47:17	<p>15 Q. As the property manager for Sandside, was it 16 your responsibility to interact with the association?</p> <p>17 A. Just Cheryl and David Nash.</p>
47:18 - 48:2	<p>18 Q. To your knowledge, Cheryl or David Nash, were 19 they ever an officer or director of the association?</p> <p>20 A. Yes.</p> <p>21 Q. I'm not -- not Sandside, the association.</p> <p>22 A. Oh, I have no idea.</p>

	<p>23 Q. So let me just ask you because -- we can redo 24 the question. So, like, all of my questions just now 25 were about the association, not about Sandside. Do you 1 know? 2 A. Oh.</p>
48:3 - 49:10	<p>3 Q. I just want to -- so do you know how the 4 association, not Sandside, do you know how the 5 association is run? 6 A. I have no idea. 7 Q. Do you know how many individuals sit on the 8 board of directors for the association? 9 A. I don't know. 10 Q. Do you know how many positions are on the 11 board of directors? 12 A. No. 13 Q. Do you know who sits on the board of directors 14 for the association? 15 A. I know Kimmeron, that's all. 16 Q. Anybody else? 17 A. No. 18 Q. And how is it that you know that Kimmeron is 19 on the association's board of directors? 20 A. I knew that she was in charge. 21 Q. When you say "she was in charge," what do you 22 mean by that? 23 A. Well, she was in the office and she -- I don't 24 know. She must have said that she was the -- I don't 25 know what position she held. 1 Q. Is it fair to say you don't recall how you 2 received that information to reach that conclusion? 3 A. No, I don't. I don't know how I received it. 4 Q. Okay. Do you know who the officers are of the 5 association? 6 A. Not really, no. 7 Q. Do you know how decisions of policy, 8 procedure, or management of the condominium association 9 are made? 10 A. No, not at all.</p>
48:18 - 49:3	<p>18 Q. And how is it that you know that Kimmeron is 19 on the association's board of directors? 20 A. I knew that she was in charge. 21 Q. When you say "she was in charge," what do you 22 mean by that? 23 A. Well, she was in the office and she -- I don't 24 know. She must have said that she was the -- I don't 25 know what position she held. 1 Q. Is it fair to say you don't recall how you 2 received that information to reach that conclusion? 3 A. No, I don't. I don't know how I received it.</p>
49:4 - 49:10	<p>4 Q. Okay. Do you know who the officers are of the 5 association? 6 A. Not really, no. 7 Q. Do you know how decisions of policy, 8 procedure, or management of the condominium association 9 are made?</p>

	10 A. No, not at all.
49:11 - 49:14	11 Q. So all the earlier questions when I was asking 12 you, you were answering as if the questions were about 13 Sandside; right? 14 A. That's right, yes.
49:15 - 49:19	15 Q. To your knowledge, do you know if David Nash 16 or Cheryl Foster was ever an officer or director of the 17 association? 18 A. I have no idea. 19 Q. All right. Thank you.
49:20 - 49:22	20 You were trespassed and banned from the 21 association property effective March 20, 2024; right? 22 A. Yes.
49:23 - 50:9	23 Q. And at that time, you were the registered -- 24 you were a registered Key Emerald Beach property manager 25 for all of the 19 Sandside units? 1 A. Yes. 2 Q. Now, are you required to -- were you the 3 property manager for each unit individually, or were you 4 just the property manager/employee of Sandside that 5 then managed all those 19 units? 6 A. That's right. 7 Q. It was a -- so you were a property manager for 8 Sandside who then managed the unit? 9 A. That's right, yes.
50:10 - 51:5	10 Q. Okay. Do you know -- is it a true statement 11 that the Key Emerald Beach requires a registered property 12 manager to be on property at least once a week? 13 A. I didn't read that in my paperwork. I know 14 that I had one hour to get to the property if there was 15 a problem, so I had to be within one hour away from the 16 property at all times when I was on call. 17 Q. And is that a Sandside rule or a Key Colony 18 Beach rule? 19 A. Key Emerald Beach. 20 Q. Okay. So when I asked -- just kind of go 21 back. Again, this is either -- it should be a yes or no 22 question: Do you know if Key Emerald Beach requires 23 their property managers to be on property at least once 24 a week? Do you know if that's a law? 25 A. It very well could be. I am. I always was on 1 the property. 2 Q. Okay. After -- have you been on the 3 association property since you were trespassed on 4 March 20, 2024? 5 A. No.
50:10 - 50:19	10 Q. Okay. Do you know -- is it a true statement 11 that the Key Emerald Beach requires a registered property 12 manager to be on property at least once a week? 13 A. I didn't read that in my paperwork. I know 14 that I had one hour to get to the property if there was 15 a problem, so I had to be within one hour away from the 16 property at all times when I was on call. 17 Q. And is that a Sandside rule or a Key Colony 18 Beach rule?

	19 A. Key Emerald Beach.
50:20 - 51:5	<p>20 Q. Okay. So when I asked -- just kind of go 21 back. Again, this is either -- it should be a yes or no 22 question: Do you know if Key Emerald Beach requires 23 their property managers to be on property at least once 24 a week? Do you know if that's a law? 25 A. It very well could be. I am. I always was on 1 the property. 2 Q. Okay. After -- have you been on the 3 association property since you were trespassed on 4 March 20, 2024? 5 A. No.</p>
51:6 - 52:6	<p>6 Q. So it would be fair to say that after you were 7 trespassed, you were not on the property at least once a 8 week? 9 A. That's right. 10 Q. Would it be fair -- so then it would be fair 11 to say -- let's -- because of that, would it be fair to 12 say that you were not able to access the property within 13 one hour of a phone call concerning a Sandside unit? 14 A. That's right. They had another manager. 15 Q. All right. And who was that other manager? 16 A. Casey. 17 Q. The same housekeeper woman who would -- 18 A. Yes. Yes, I believe it was her. I'm not sure 19 what all happened after I left, but she was the other 20 manager at that time. 21 Q. Okay. And just to kind of wrap up this one 22 question I'll ask you another one: So would it be fair 23 to say that you, obviously -- after you were trespassed, 24 you were not able to access the property within one hour 25 of a phone call, nor were you were able to access the 1 property once within a week? 2 A. Yeah, that's right. 3 Q. So you were unable to fulfill the statutory 4 requirements as a registered Key Emerald Beach property 5 manager after March 20, 2024? 6 A. Uh-huh, yes.</p>
51:10 - 52:14	<p>10 Q. Would it be fair -- so then it would be fair 11 to say -- let's -- because of that, would it be fair to 12 say that you were not able to access the property within 13 one hour of a phone call concerning a Sandside unit? 14 A. That's right. They had another manager. 15 Q. All right. And who was that other manager? 16 A. Casey. 17 Q. The same housekeeper woman who would -- 18 A. Yes. Yes, I believe it was her. I'm not sure 19 what all happened after I left, but she was the other 20 manager at that time. 21 Q. Okay. And just to kind of wrap up this one 22 question I'll ask you another one: So would it be fair 23 to say that you, obviously -- after you were trespassed, 24 you were not able to access the property within one hour 25 of a phone call, nor were you were able to access the 1 property once within a week?</p>

	<p>2 A. Yeah, that's right.</p> <p>3 Q. So you were unable to fulfill the statutory</p> <p>4 requirements as a registered Key Emerald Beach property</p> <p>5 manager after March 20, 2024?</p> <p>6 A. Uh-huh, yes.</p> <p>7 Q. That's a "Yes." Okay. And this other woman,</p> <p>8 that Karen -- Casey Trenkle, do you know when she took</p> <p>9 over as property manager for Sandside?</p> <p>10 A. No, I don't know. She had her license when I</p> <p>11 had mine, so she was licensed to take over at any time,</p> <p>12 and also my days off. So I don't know when they took</p> <p>13 over, if she did. I'm not sure what happened after I</p> <p>14 left. I had lost all contact.</p>
52:3 - 52:6	<p>3 Q. So you were unable to fulfill the statutory</p> <p>4 requirements as a registered Key Emerald Beach property</p> <p>5 manager after March 20, 2024?</p> <p>6 A. Uh-huh, yes.</p>
52:7 - 52:14	<p>7 Q. That's a "Yes." Okay. And this other woman,</p> <p>8 that Karen -- Casey Trenkle, do you know when she took</p> <p>9 over as property manager for Sandside?</p> <p>10 A. No, I don't know. She had her license when I</p> <p>11 had mine, so she was licensed to take over at any time,</p> <p>12 and also my days off. So I don't know when they took</p> <p>13 over, if she did. I'm not sure what happened after I</p> <p>14 left. I had lost all contact.</p>
52:15 - 53:4	<p>15 Q. After you left, you never talked to Cheryl or</p> <p>16 David, Freddie about the Sandside operations?</p> <p>17 A. No.</p> <p>18 Q. Since you left, have you talked to Cheryl</p> <p>19 Foster at all?</p> <p>20 A. When I left Sandside property, and I did do</p> <p>21 the laundry and some off-site work for a while, I was</p> <p>22 told that I was on my own, and no one could help me. I</p> <p>23 was on my own. That was from Cheryl Foster. So there</p> <p>24 was no more communication with Cheryl or Freddie about</p> <p>25 the property.</p> <p>1 Q. Okay. And when did you stop doing work for</p> <p>2 Sandside?</p> <p>3 A. Now, I think -- I believe it was about end of</p> <p>4 June/July that same year, 2024.</p>
53:5 - 54:6	<p>5 Q. June or July?</p> <p>6 A. 2024.</p> <p>7 Q. So then is it fair to say that you have not</p> <p>8 talked to Cheryl Foster since June/July of 2024?</p> <p>9 A. Only if I met her downtown and said "Hello."</p> <p>10 Nothing -- no conversation about the property. No, no.</p> <p>11 Q. Okay. What about David Nash? Have you talked</p> <p>12 to David Nash since June/July of 2024?</p> <p>13 A. Yes, off and on. Not really too much about</p> <p>14 the property. Just, you know, what was happening with</p> <p>15 the court case or -- a little bit of that. I mean, he</p> <p>16 did take me to the hearing in -- both the hearing in</p> <p>17 Marathon and also the hearing in Tavernier.</p> <p>18 Q. Have you talked to Freddie Foster since June</p> <p>19 or July of 2024?</p>

	<p>20 A. I saw him at the post office, said "Good 21 morning" one time. I saw him at Key Emerald Beach Days 22 one time and just said "hello," and one other time I 23 believe I saw him just around town. But, no, I haven't 24 talked to Freddie.</p> <p>25 Q. Would it be fair to say that your relationship 1 with Freddie Foster is really exclusively an 2 employee-employer relationship?</p> <p>3 A. Yes.</p> <p>4 Q. What about David Nash? Would you use that 5 same description?</p> <p>6 A. Yes.</p>
53:7 - 54:10	<p>7 Q. So then is it fair to say that you have not 8 talked to Cheryl Foster since June/July of 2024?</p> <p>9 A. Only if I met her downtown and said "Hello."</p> <p>10 Nothing -- no conversation about the property. No, no.</p> <p>11 Q. Okay. What about David Nash? Have you talked 12 to David Nash since June/July of 2024?</p> <p>13 A. Yes, off and on. Not really too much about 14 the property. Just, you know, what was happening with 15 the court case or -- a little bit of that. I mean, he 16 did take me to the hearing in -- both the hearing in 17 Marathon and also the hearing in Tavernier.</p> <p>18 Q. Have you talked to Freddie Foster since June 19 or July of 2024?</p> <p>20 A. I saw him at the post office, said "Good 21 morning" one time. I saw him at Key Emerald Beach Days 22 one time and just said "hello," and one other time I 23 believe I saw him just around town. But, no, I haven't 24 talked to Freddie.</p> <p>25 Q. Would it be fair to say that your relationship 1 with Freddie Foster is really exclusively an 2 employee-employer relationship?</p> <p>3 A. Yes.</p> <p>4 Q. What about David Nash? Would you use that 5 same description?</p> <p>6 A. Yes.</p> <p>7 Q. Same with Cheryl Foster?</p> <p>8 A. Yes.</p> <p>9 Q. These are not -- these are not social friends, 10 they were your employer?</p>
53:11 - 54:17	<p>11 Q. Okay. What about David Nash? Have you talked 12 to David Nash since June/July of 2024?</p> <p>13 A. Yes, off and on. Not really too much about 14 the property. Just, you know, what was happening with 15 the court case or -- a little bit of that. I mean, he 16 did take me to the hearing in -- both the hearing in 17 Marathon and also the hearing in Tavernier.</p> <p>18 Q. Have you talked to Freddie Foster since June 19 or July of 2024?</p> <p>20 A. I saw him at the post office, said "Good 21 morning" one time. I saw him at Key Emerald Beach Days 22 one time and just said "hello," and one other time I 23 believe I saw him just around town. But, no, I haven't 24 talked to Freddie.</p>

	<p>25 Q. Would it be fair to say that your relationship 1 with Freddie Foster is really exclusively an 2 employee-employer relationship? 3 A. Yes. 4 Q. What about David Nash? Would you use that 5 same description? 6 A. Yes. 7 Q. Same with Cheryl Foster? 8 A. Yes. 9 Q. These are not -- these are not social friends, 10 they were your employer? 11 A. Yes. 12 Q. Okay. And other than just seeing them out and 13 about in town randomly, you would not socialize with 14 these individuals; correct? 15 A. No. That's right. 16 Q. Thank you. Kimmeron Lisle, do you know who 17 she is?</p>
53:18 - 54:24	<p>18 Q. Have you talked to Freddie Foster since June 19 or July of 2024? 20 A. I saw him at the post office, said "Good 21 morning" one time. I saw him at Key Emerald Beach Days 22 one time and just said "hello," and one other time I 23 believe I saw him just around town. But, no, I haven't 24 talked to Freddie. 25 Q. Would it be fair to say that your relationship 1 with Freddie Foster is really exclusively an 2 employee-employer relationship? 3 A. Yes. 4 Q. What about David Nash? Would you use that 5 same description? 6 A. Yes. 7 Q. Same with Cheryl Foster? 8 A. Yes. 9 Q. These are not -- these are not social friends, 10 they were your employer? 11 A. Yes. 12 Q. Okay. And other than just seeing them out and 13 about in town randomly, you would not socialize with 14 these individuals; correct? 15 A. No. That's right. 16 Q. Thank you. Kimmeron Lisle, do you know who 17 she is? 18 A. Yes. 19 Q. And how is that you know Kimmeron? 20 A. I knew her before I went to work at 21 Continental Inn on the beautification committee in the 22 city. I didn't know her well. We weren't close friends 23 or anything, but I did know who she was. 24 Q. And have you ever spoken with Kimmeron?</p>
54:1 - 54:15	<p>1 with Freddie Foster is really exclusively an 2 employee-employer relationship? 3 A. Yes. 4 Q. What about David Nash? Would you use that 5 same description?</p>

	<p>6 A. Yes.</p> <p>7 Q. Same with Cheryl Foster?</p> <p>8 A. Yes.</p> <p>9 Q. These are not -- these are not social friends,</p> <p>10 they were your employer?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And other than just seeing them out and</p> <p>13 about in town randomly, you would not socialize with</p> <p>14 these individuals; correct?</p> <p>15 A. No. That's right.</p>
54:16 - 54:18	<p>16 Q. Thank you. Kimmeron Lisle, do you know who</p> <p>17 she is?</p> <p>18 A. Yes.</p>
54:19 - 54:23	<p>19 Q. And how is that you know Kimmeron?</p> <p>20 A. I knew her before I went to work at</p> <p>21 Continental Inn on the beautification committee in the</p> <p>22 city. I didn't know her well. We weren't close friends</p> <p>23 or anything, but I did know who she was.</p>
54:24 - 55:18	<p>24 Q. And have you ever spoken with Kimmeron?</p> <p>25 A. At work?</p> <p>1 Q. Yes. Well, really ever, but we will get --</p> <p>2 yeah, ever.</p> <p>3 A. Just at work. Just on property, and we had</p> <p>4 just a working relationship. So if I needed something,</p> <p>5 I could call her, or if she needed me, she would call</p> <p>6 me. It was to do with business only.</p> <p>7 Q. So would it be fair to say that while you</p> <p>8 worked at Sandside you would call Kimmeron if you</p> <p>9 needed help with something?</p> <p>10 A. It would be something -- if one of her guests</p> <p>11 requested towels or requested something, I would pass</p> <p>12 that on to Kimmeron, that they were asking for help with</p> <p>13 something, and Kimmeron would take care of that. And</p> <p>14 same on my side. If someone arrived early for the</p> <p>15 reservation, Kimmeron would ask if the room was ready</p> <p>16 for them to enter, and I would say, yes, the room is</p> <p>17 ready. And just very light, easygoing business between</p> <p>18 the two of us.</p>
55:19 - 55:25	<p>19 Q. So would you ever share or discuss concerns or</p> <p>20 questions with Kimmeron that Sandside guests may have?</p> <p>21 A. No. I would just relay the message if they</p> <p>22 had a message for her, that's all.</p> <p>23 Q. Have you ever spoken to Ms. Lisle about</p> <p>24 Sandside business?</p> <p>25 A. I don't believe so.</p>
56:1 - 56:13	<p>1 Q. What about Sandside employees? Did you ever</p> <p>2 speak to Ms. Lisle about Sandside employees?</p> <p>3 A. Not our employees, no.</p> <p>4 Q. On any given week -- if I ask you to kind of</p> <p>5 generally count how many times you would speak with</p> <p>6 Ms. Lyle on a week, could you tell me?</p> <p>7 A. Twice a month.</p> <p>8 Q. You would talk to Ms. Lisle on average twice a</p> <p>9 month?</p> <p>10 A. If it was business, yes.</p>

	<p>11 Q. What if it wasn't business?</p> <p>12 A. Not really wouldn't, no. I'd say "Good</p> <p>13 morning." That would be it.</p>
56:14 - 56:15	<p>14 Q. "Morning. How are you? How's your weekend?"</p> <p>15 A. That's all, yeah.</p>
56:16 - 56:19	<p>16 Q. When you spoke with Kimmeron, would it be --</p> <p>17 would you pick up the phone and call her, or would you</p> <p>18 text with her?</p> <p>19 A. Probably either/or.</p>
56:20 - 57:10	<p>20 Q. And I think you said earlier that when you did</p> <p>21 text with her, your testimony is that you would normally</p> <p>22 text her with your work phone?</p> <p>23 A. I believe so.</p> <p>24 Q. All right. But you never looked through your</p> <p>25 personal phone to see if you have any text messages with</p> <p>1 Kimmeron on your personal phone?</p> <p>2 A. No, I didn't.</p> <p>3 Q. And if they are there, I think you said</p> <p>4 earlier you haven't deleted anything, so would it be</p> <p>5 fair to say those text messages would still exist on</p> <p>6 your phone?</p> <p>7 A. Might be.</p> <p>8 Q. You don't know?</p> <p>9 A. I do delete stuff, but I don't recall if I</p> <p>10 deleted anything or not.</p>
57:11 - 57:17	<p>11 Q. Okay. So then it sounds like Ms. Lisle would</p> <p>12 sometimes -- would she ever speak to you about the</p> <p>13 needs, questions, or requests of Sandside guests?</p> <p>14 A. Yeah, and I would do the same for her.</p> <p>15 Q. Okay.</p> <p>16 A. Really any messages from her guests. Very</p> <p>17 seldom happened.</p>
57:18 - 57:24	<p>18 Q. In your role as property manager, when you</p> <p>19 walk around the property, would you ever take</p> <p>20 photographs with your phone of anything while on the</p> <p>21 property?</p> <p>22 A. No, I had no need to.</p> <p>23 Q. No need. No need for pictures?</p> <p>24 A. No.</p>
57:25 - 58:2	<p>25 Q. Have you ever referred to yourself as the</p> <p>1 "eyes and ears" of Sandside?</p> <p>2 A. No, not that I recall.</p>
58:3 - 58:6	<p>3 Q. Have you ever directed -- have you ever been</p> <p>4 directed by anyone at Sandside to take pictures of the</p> <p>5 property guests or employees?</p> <p>6 A. No, not at all.</p>
58:7 - 58:8	<p>7 Q. Have you ever been provided any photographs of</p> <p>8 anything or anyone on the association property?</p>
58:9 - 58:18	<p>9 A. No. One -- one incident was the package that</p> <p>10 was left on the table by the office with the gentleman's</p> <p>11 medication, the insulin pump. I did receive a copy of</p> <p>12 that picture because it was sent from FedEx, the picture</p> <p>13 of the box to the owner that it was to go to. I believe</p> <p>14 he sent it to the reservationist and she sent it to me</p> <p>15 showing that the package was there on the 31st of</p>

	<p>16 January. But then, of course, it wasn't there the next 17 morning when I went to check on it. That's the only 18 picture I had sent to me.</p>
58:19 - 59:3	<p>19 Q. All right. So you don't -- it's your 20 testimony that you've never taken any photographs 21 otherwise? 22 A. Other than the fishing gear that was left on 23 the upper walkway, I don't recall taking any pictures or 24 deleting any pictures. 25 Q. Okay. And, obviously, if you didn't take any 1 photographs you couldn't have sent any photographs to 2 anybody; correct? 3 A. That's right.</p>
59:4 - 59:10	<p>4 Q. Has anyone at Sandside ever contacted you 5 about complaints regarding your behavior while you were 6 on property? 7 A. No, not at all. 8 Q. No one at Sandside ever reported guest 9 complaints concerning you? 10 A. No.</p>
59:11 - 59:16	<p>11 Q. Have you ever seen any emails from the 12 association to Sandside concerning your behavior on the 13 property? 14 A. Just Kimmeron's. 15 Q. Do you recall the date of that email? 16 A. No, I don't.</p>
59:17 - 59:17	<p>17 Q. Is that -- that's concerning --</p>
59:18 - 59:19	<p>18 A. It was a letter. It was the letter banning me 19 from the property.</p>
59:20 - 59:25	<p>20 Q. Okay. But -- 21 A. I was told about that. 22 Q. Other than that letter, you can't recall any 23 emails or communications that you've seen regarding your 24 behavior on the property? 25 A. No, not at all.</p>
60:1 - 60:6	<p>1 Q. Did you ever damage a bifold door in the 2 laundry room? 3 A. No, it kept coming off its hinges, I guess you 4 would call it, and I kept putting it back on. But, no, 5 there was no damage to a laundry room by me. It was 6 just in poor condition and kept falling off.</p>
60:7 - 60:24	<p>7 Q. So you did not slam the bifold door causing it 8 to break and it needed to be repaired? 9 A. Absolutely not. 10 Q. Do you recall how many times the bifold door 11 ever needed to be repaired? 12 A. It just kept falling off. I didn't complain 13 about it being repaired. It just kept falling off. 14 Q. Okay. And is it one of those bifold doors 15 where you almost have, like, the peg on the bottom and 16 the peg on the top? 17 A. Yes. 18 Q. And if it's not screwed right, the peg kind of 19 sits and -- 20 A. Yes, it was a loose -- it just fell off often.</p>

	<p>21 Q. Okay. And so probably the peg on the top was</p> <p>22 maybe a hair short so it didn't fully -- it wasn't fully</p> <p>23 rooted in the hole?</p> <p>24 A. Sounds like that, yes.</p>
61:1 - 61:8	<p>1 you not to speak with Ms. Lisle?</p> <p>2 A. It was kind of an unwritten rule and I</p> <p>3 don't -- it wasn't that you don't speak to her. It's --</p> <p>4 it was just that -- she didn't speak to anyone either.</p> <p>5 It was just the way it was. I wasn't instructed not to</p> <p>6 speak to her. It's just that if you said good morning</p> <p>7 she wouldn't answer, so it came to a point that you just</p> <p>8 didn't say good morning.</p>
61:9 - 61:24	<p>9 Q. Yeah.</p> <p>10 MR. YOMBOR: Hang on. May I take a break? I</p> <p>11 think my car alarm is going off. Could I please</p> <p>12 have three minutes? Sorry.</p> <p>13 MR. COBURN: We've been going for almost --</p> <p>14 almost an hour --</p> <p>15 MR. YOMBOR: Sorry.</p> <p>16 MR. COBURN: -- at this point. Do you mind if</p> <p>17 we take maybe a five or what --</p> <p>18 MR. YOMBER: Yeah. Why don't we get back at</p> <p>19 11:30.</p> <p>20 MR. COBURN: Yeah, let's do that.</p> <p>21 MR. YOMBER: Perfect. Thank you.</p> <p>22 THE WITNESS: Okay. That's fine.</p> <p>23 (A short break.)</p> <p>24 BY MR. YOMBER:</p>
61:25 - 62:5	<p>25 Q. The bifold door, real quick before we leave.</p> <p>1 Was the bifold door ever fixed?</p> <p>2 A. It wasn't fixed by the time I left.</p> <p>3 Q. It was not fixed by the time you left?</p> <p>4 A. No, I don't believe. Several of the girls had</p> <p>5 trouble with that door. It fell off.</p>
62:6 - 62:14	<p>6 Q. You had said before we left it was an</p> <p>7 unwritten not to speak with Kimmeron.</p> <p>8 Did anyone at Sandside ever tell you not to</p> <p>9 speak with Mr. George Freitag?</p> <p>10 A. No.</p> <p>11 Q. Did you ever communicate with Mr. Freitag?</p> <p>12 A. To say good morning once in a while.</p> <p>13 Q. Nothing substantive, though?</p> <p>14 A. No, no.</p>
62:15 - 62:22	<p>15 Q. Has Kimmeron ever delivered mail or packages</p> <p>16 to you?</p> <p>17 A. I don't believe so.</p> <p>18 Q. Has Kimmeron delivered mail or packages to</p> <p>19 Sandside owners?</p> <p>20 A. I have no idea.</p> <p>21 Q. What about to Sandside guests?</p> <p>22 A. I have no idea.</p>
62:23 - 63:3	<p>23 Q. Is it true that you came to the office on</p> <p>24 February 1, 2024, looking for a package?</p> <p>25 A. Yes.</p> <p>1 Q. And when did you arrive on property that</p>

	<p>2 morning?</p> <p>3 A. About 9:00, 9:00 a.m., in that area.</p>
63:4 - 64:9	<p>4 Q. And what time did you enter the association office?</p> <p>5 office?</p> <p>6 A. About that same time.</p> <p>7 Q. Was it usual or unusual for you to enter the association office?</p> <p>8 association office?</p> <p>9 A. Very unusual.</p> <p>10 Q. Okay. Why?</p> <p>11 A. I didn't have any need to go into the office.</p> <p>12 I was in -- I was asked if I would go to the office by</p> <p>13 the reservationist, Michelle.</p> <p>14 Q. To go to do what?</p> <p>15 A. To ask Kimmeron if she saw the package.</p> <p>16 Q. Do you recall what that package was?</p> <p>17 A. It was Mr. William Witt in Unit 29. It was</p> <p>18 his insulin pump and medication, and he needed it for</p> <p>19 that day.</p> <p>20 Q. And why was the package in the association office? Do you know?</p> <p>21 office? Do you know?</p> <p>22 A. It was left on the table outside of the</p> <p>23 office.</p> <p>24 Q. Prior to February -- sorry.</p> <p>25 A. January 31 it was delivered late -- or in the</p> <p>1 early evening by FedEx.</p> <p>2 Q. Okay. So it had been sitting out overnight?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Is there a reason why Michelle did not</p> <p>5 go get it?</p> <p>6 A. Michelle was in Minnesota working remotely.</p> <p>7 Q. Okay. Before February 1, 2024, do you recall</p> <p>8 the last time you had entered the office?</p> <p>9 A. No, I don't.</p>
63:10 - 64:15	<p>10 Q. Okay. Why?</p> <p>11 A. I didn't have any need to go into the office.</p> <p>12 I was in -- I was asked if I would go to the office by</p> <p>13 the reservationist, Michelle.</p> <p>14 Q. To go to do what?</p> <p>15 A. To ask Kimmeron if she saw the package.</p> <p>16 Q. Do you recall what that package was?</p> <p>17 A. It was Mr. William Witt in Unit 29. It was</p> <p>18 his insulin pump and medication, and he needed it for</p> <p>19 that day.</p> <p>20 Q. And why was the package in the association office? Do you know?</p> <p>21 office? Do you know?</p> <p>22 A. It was left on the table outside of the</p> <p>23 office.</p> <p>24 Q. Prior to February -- sorry.</p> <p>25 A. January 31 it was delivered late -- or in the</p> <p>1 early evening by FedEx.</p> <p>2 Q. Okay. So it had been sitting out overnight?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Is there a reason why Michelle did not</p> <p>5 go get it?</p> <p>6 A. Michelle was in Minnesota working remotely.</p>

	<p>7 Q. Okay. Before February 1, 2024, do you recall</p> <p>8 the last time you had entered the office?</p> <p>9 A. No, I don't.</p> <p>10 Q. Maybe a year before that?</p> <p>11 A. Could have been a year. I have no idea. Very</p> <p>12 seldom would I ever go to the office.</p> <p>13 Q. Two years before that, maybe?</p> <p>14 A. No. I think I -- somewhere in there I went in</p> <p>15 to look for something, asked -- Lisa was there -- asked</p>
63:16 - 64:19	<p>16 Q. Do you recall what that package was?</p> <p>17 A. It was Mr. William Witt in Unit 29. It was</p> <p>18 his insulin pump and medication, and he needed it for</p> <p>19 that day.</p> <p>20 Q. And why was the package in the association</p> <p>21 office? Do you know?</p> <p>22 A. It was left on the table outside of the</p> <p>23 office.</p> <p>24 Q. Prior to February -- sorry.</p> <p>25 A. January 31 it was delivered late -- or in the</p> <p>1 early evening by FedEx.</p> <p>2 Q. Okay. So it had been sitting out overnight?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Is there a reason why Michelle did not</p> <p>5 go get it?</p> <p>6 A. Michelle was in Minnesota working remotely.</p> <p>7 Q. Okay. Before February 1, 2024, do you recall</p> <p>8 the last time you had entered the office?</p> <p>9 A. No, I don't.</p> <p>10 Q. Maybe a year before that?</p> <p>11 A. Could have been a year. I have no idea. Very</p> <p>12 seldom would I ever go to the office.</p> <p>13 Q. Two years before that, maybe?</p> <p>14 A. No. I think I -- somewhere in there I went in</p> <p>15 to look for something, asked -- Lisa was there -- asked</p> <p>16 her if she had something in the lost and found that one</p> <p>17 of our customers or guests had lost. I don't recall</p> <p>18 what it was, but they didn't have it in the lost and</p> <p>19 found. I remember that.</p>
63:20 - 64:23	<p>20 Q. And why was the package in the association</p> <p>21 office? Do you know?</p> <p>22 A. It was left on the table outside of the</p> <p>23 office.</p> <p>24 Q. Prior to February -- sorry.</p> <p>25 A. January 31 it was delivered late -- or in the</p> <p>1 early evening by FedEx.</p> <p>2 Q. Okay. So it had been sitting out overnight?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Is there a reason why Michelle did not</p> <p>5 go get it?</p> <p>6 A. Michelle was in Minnesota working remotely.</p> <p>7 Q. Okay. Before February 1, 2024, do you recall</p> <p>8 the last time you had entered the office?</p> <p>9 A. No, I don't.</p> <p>10 Q. Maybe a year before that?</p> <p>11 A. Could have been a year. I have no idea. Very</p>

	<p>12 seldom would I ever go to the office.</p> <p>13 Q. Two years before that, maybe?</p> <p>14 A. No. I think I -- somewhere in there I went in</p> <p>15 to look for something, asked -- Lisa was there -- asked</p> <p>16 her if she had something in the lost and found that one</p> <p>17 of our customers or guests had lost. I don't recall</p> <p>18 what it was, but they didn't have it in the lost and</p> <p>19 found. I remember that.</p> <p>20 Q. Okay. On February 1, did you actually enter</p> <p>21 the office, or did you remain standing outside or in the</p> <p>22 doorway?</p> <p>23 A. I went up to the reservation desk, which is</p>
63:24 - 64:3	<p>24 Q. Prior to February -- sorry.</p> <p>25 A. January 31 it was delivered late -- or in the</p> <p>1 early evening by FedEx.</p> <p>2 Q. Okay. So it had been sitting out overnight?</p> <p>3 A. I don't know.</p>
64:4 - 64:6	<p>4 Q. Okay. Is there a reason why Michelle did not</p> <p>5 go get it?</p> <p>6 A. Michelle was in Minnesota working remotely.</p>
64:7 - 64:9	<p>7 Q. Okay. Before February 1, 2024, do you recall</p> <p>8 the last time you had entered the office?</p> <p>9 A. No, I don't.</p>
64:10 - 64:19	<p>10 Q. Maybe a year before that?</p> <p>11 A. Could have been a year. I have no idea. Very</p> <p>12 seldom would I ever go to the office.</p> <p>13 Q. Two years before that, maybe?</p> <p>14 A. No. I think I -- somewhere in there I went in</p> <p>15 to look for something, asked -- Lisa was there -- asked</p> <p>16 her if she had something in the lost and found that one</p> <p>17 of our customers or guests had lost. I don't recall</p> <p>18 what it was, but they didn't have it in the lost and</p> <p>19 found. I remember that.</p>
64:20 - 65:5	<p>20 Q. Okay. On February 1, did you actually enter</p> <p>21 the office, or did you remain standing outside or in the</p> <p>22 doorway?</p> <p>23 A. I went up to the reservation desk, which is</p> <p>24 about a ten-foot desk that cuts the office in two, and</p> <p>25 has this swinging door -- or had a swinging door right</p> <p>1 against the wall on on the far left-hand side. I went</p> <p>2 up to the counter.</p> <p>3 Q. And the package was sitting there on that</p> <p>4 desk?</p> <p>5 A. No.</p>
65:6 - 65:6	<p>6 Q. All right. Where was the package?</p>
65:7 - 66:2	<p>7 A. The package wasn't -- wasn't there. I asked</p> <p>8 Kimmeron if she had picked up the package, and she said</p> <p>9 she -- or if she had the package, and she said "I do</p> <p>10 not." She said, "I do not keep packages or mail. If</p> <p>11 the guests aren't registered with me, I send all</p> <p>12 packages and mail back. I return if the guests aren't</p> <p>13 registered with me."</p> <p>14 Q. Who said that?</p> <p>15 A. Kimmeron.</p> <p>16 Q. And when you walked into the office, was</p>

	<p>17 Kimmeron in the office?</p> <p>18 A. Yes.</p> <p>19 Q. And so you were asked to go to the office to</p> <p>20 go pick up a package, you walk into the office and you</p> <p>21 don't see a package, so you asked Kimmeron where the</p> <p>22 package was?</p> <p>23 A. I asked her if she had it.</p> <p>24 Q. And Kimmeron said she did not have it?</p> <p>25 A. She said, "I send all packages and mail back</p> <p>1 that have -- belong to guests that aren't registered</p> <p>2 with me."</p>
65:16 - 66:5	<p>16 Q. And when you walked into the office, was</p> <p>17 Kimmeron in the office?</p> <p>18 A. Yes.</p> <p>19 Q. And so you were asked to go to the office to</p> <p>20 go pick up a package, you walk into the office and you</p> <p>21 don't see a package, so you asked Kimmeron where the</p> <p>22 package was?</p> <p>23 A. I asked her if she had it.</p> <p>24 Q. And Kimmeron said she did not have it?</p> <p>25 A. She said, "I send all packages and mail back</p> <p>1 that have -- belong to guests that aren't registered</p> <p>2 with me."</p> <p>3 Q. Okay. Was it that you initiated the</p> <p>4 conversation and interaction with Ms. Lisle?</p> <p>5 A. That was the beginning of the conversation.</p>
66:6 - 66:15	<p>6 Q. And prior to February 1, 2024, when was the</p> <p>7 last time you had previously had any conversations with</p> <p>8 Ms. Lisle?</p> <p>9 A. I don't recall.</p> <p>10 Q. Would you say that it would be usual or</p> <p>11 unusual to have talked with Kimmeron in person like</p> <p>12 that?</p> <p>13 A. Well, it wasn't unusual. We had a working</p> <p>14 relationship between the two of us, so it wasn't -- it</p> <p>15 wasn't a common thing, but it certainly wasn't unusual.</p>
66:16 - 67:11	<p>16 Q. Did -- so the package was for a guest of</p> <p>17 Sandside's?</p> <p>18 A. Yes.</p> <p>19 Q. And how was it that Sandside came to know</p> <p>20 that a package for a guest was in the association's</p> <p>21 office? Did the guest ask Michelle or something for it?</p> <p>22 A. Michelle was banned from the property by that</p> <p>23 time, but she was in Minnesota working, and the guest</p> <p>24 must have contacted Michelle to ask if the package -- he</p> <p>25 got a picture from FedEx of the package being delivered.</p> <p>1 So he knew that it was on that table. He went to get</p> <p>2 it, I don't know at what time that evening on the 31st</p> <p>3 he went to get it, and it wasn't there. So the next</p> <p>4 morning he contacted Michelle, the reservationist, and</p> <p>5 asked her if she could have someone check and try and</p> <p>6 find out where his medication was.</p> <p>7 Q. And how -- and how is it that you got all the</p> <p>8 information? From speaking to the gentleman?</p> <p>9 A. Not at that time. Michelle called me and</p>

	<p>10 said, "Kathleen, could you go in to the office and see 11 if Kimmeron has seen the package of medication."</p>
67:12 - 67:24	<p>12 Q. Do you -- 13 A. So I said yes. 14 Q. Do you recall the name of the guest whose 15 package is concerned? 16 A. Mr. William Witt in Unit 29. 17 Q. He's not an owner, is he? 18 A. No. 19 Q. Unit 29. And do you recall -- did you ever 20 see the package? 21 A. No. 22 Q. Do you know the address that the package was 23 addressed to? 24 A. No.</p>
67:25 - 68:3	<p>25 Q. Are you aware that before this lawsuit that 1 there was a previous lawsuit between Sandside and the 2 association back in 2019? 3 A. Yes.</p>
68:4 - 68:11	<p>4 Q. And are you aware that that lawsuit was 5 resolved by way of a settlement agreement? 6 A. Yes. 7 Q. Are you aware that one of the terms of the 8 settlement agreement actually prohibits packages of 9 Sandside's guests to be delivered to the Continental -- 10 to the association's office for any reason? 11 A. No, I did not know that.</p>
68:12 - 68:21	<p>12 Q. Do you know why the package was sent and 13 delivered to the association's -- well, I don't want to 14 say "delivered." Do you know why the package was sent 15 to the association's office? 16 A. No, I have no idea. 17 Q. So you've never seen it, though? 18 A. No. 19 Q. Do you know if the guest was registered with 20 the front office so they could identify and locate him? 21 A. I have no idea.</p>
68:22 - 70:18	<p>22 Q. So you engaged Ms. Lisle in conversation 23 trying to find this package? 24 A. That's right. 25 Q. And how long did this conversation last? 1 A. 10, 15 minutes or less. I'm not sure. 2 Q. Other than you and Ms. Lisle, was there anyone 3 else there? 4 A. No. 5 Q. And what is it you said? Because I'm trying 6 to understand how a package -- a conversation -- it 7 feels like it could go, "Hey, do you have a package?" 8 "I don't have a package." 9 "Okay. Bye." 10 How does it go 10 to 15 minutes? How did you 11 initiate that conversation? 12 A. I had a picture at that time of the package 13 outside the door. I went in and walked up to the 14 counter, and I asked Kimmeron, "Did you see a package or</p>

	<p>15 do you have a package for Mr. William Witt in 29?"</p> <p>16 She told me she sends all packages and mail</p> <p>17 back if the people aren't registered with her.</p> <p>18 And so I said, "It's not here." And she</p> <p>19 repeated, "I send all packages of the mail back if the</p> <p>20 people aren't registered with me."</p> <p>21 And I said, "It's a bad situation because it's</p> <p>22 an elderly gentleman's insulin pump and medication and</p> <p>23 he is -- this is -- he's out of insulin today." And so</p> <p>24 I turned around to leave.</p> <p>25 And she said, "Just shut up."</p> <p>1 And I turned around and I said, "Did you just</p> <p>2 tell me to shut up?" And she came up out of -- from</p> <p>3 that desk just -- I was terrified. The look on her face</p> <p>4 when she came at me, and my mind went straight to</p> <p>5 Michelle being assaulted at that same desk with Kimmeron</p> <p>6 punching her. I witnessed that in 2019.</p> <p>7 And she was coming around that desk at me and</p> <p>8 I headed for the door, and she was screaming, "Get out,</p> <p>9 get out, get out," with her arm up like this</p> <p>10 [indicating]. And I opened -- I had opened the door to</p> <p>11 get out. And as I opened the door I saw her arm coming</p> <p>12 at me, but I let go of the door, and she grabbed it. I</p> <p>13 stumbled, but I didn't fall, and I got out through that</p> <p>14 doorway.</p> <p>15 And she screamed, "I'll kick you off the</p> <p>16 property too." And I was on the breezeway and I was --</p> <p>17 I was saying -- I knew I wasn't safe. I was scared to</p> <p>18 death.</p>
69:19 - 70:1	<p>19 repeated, "I send all packages of the mail back if the</p> <p>20 people aren't registered with me."</p> <p>21 And I said, "It's a bad situation because it's</p> <p>22 an elderly gentleman's insulin pump and medication and</p> <p>23 he is -- this is -- he's out of insulin today." And so</p> <p>24 I turned around to leave.</p> <p>25 And she said, "Just shut up."</p> <p>1 And I turned around and I said, "Did you just</p>
70:2 - 70:18	<p>2 tell me to shut up?" And she came up out of -- from</p> <p>3 that desk just -- I was terrified. The look on her face</p> <p>4 when she came at me, and my mind went straight to</p> <p>5 Michelle being assaulted at that same desk with Kimmeron</p> <p>6 punching her. I witnessed that in 2019.</p> <p>7 And she was coming around that desk at me and</p> <p>8 I headed for the door, and she was screaming, "Get out,</p> <p>9 get out, get out," with her arm up like this</p> <p>10 [indicating]. And I opened -- I had opened the door to</p> <p>11 get out. And as I opened the door I saw her arm coming</p> <p>12 at me, but I let go of the door, and she grabbed it. I</p> <p>13 stumbled, but I didn't fall, and I got out through that</p> <p>14 doorway.</p> <p>15 And she screamed, "I'll kick you off the</p> <p>16 property too." And I was on the breezeway and I was --</p> <p>17 I was saying -- I knew I wasn't safe. I was scared to</p> <p>18 death.</p>
70:19 - 71:2	<p>19 MR. COBURN: Dale, do you -- Ms. Peggi, you</p>

	<p>20 want to take a minute?</p> <p>21 THE WITNESS: Yes, please.</p> <p>22 MR. COBURN: Can we take a couple-minute</p> <p>23 break?</p> <p>24 MR. YOMBOR: Sure. Why don't we take a</p> <p>25 three-minute break. That's fine.</p> <p>1 (Discussion off the record.)</p> <p>2 BY MR. YOMBOR:</p>
71:3 - 71:13	<p>3 Q. So I just want to kind of help so I understand</p> <p>4 this. So you go in. You ask about this package.</p> <p>5 You're told it's not in the office. It's mailed back.</p> <p>6 You point out that it was insulin and this individual</p> <p>7 needs it. It's your testimony that, without provocation</p> <p>8 otherwise, Kimmeron raised her voice and yelled at you</p> <p>9 to shut up?</p> <p>10 A. It was very quiet. It wasn't a loud shut up.</p> <p>11 It was just a quiet -- she just said, "Just shut up."</p> <p>12 Q. Okay. So she did not shout or yell at you?</p> <p>13 A. No.</p>
71:14 - 72:18	<p>14 Q. And there was a desk between yourself and</p> <p>15 Kimmeron when you were having this conversation?</p> <p>16 A. There was a 10-foot reservation -- about</p> <p>17 10-foot reservation desk and then her desk sat behind</p> <p>18 that desk.</p> <p>19 Q. All right.</p> <p>20 A. At one point there was a big bookcase -- when</p> <p>21 I worked in the office, there was a big bookcase in</p> <p>22 front of that desk, so the registering, people</p> <p>23 registering, couldn't see the manager sitting behind the</p> <p>24 bookcase. But that had been removed so the back part of</p> <p>25 the office was now open.</p> <p>1 Q. Okay.</p> <p>2 A. So I could see her and she could see me.</p> <p>3 Q. How far away would say she was from you?</p> <p>4 20 feet? 30 feet?</p> <p>5 A. Whenever I was standing at the counter?</p> <p>6 Q. Yes.</p> <p>7 A. Oh, probably 10 feet, maybe a little more.</p> <p>8 About 10 feet.</p> <p>9 Q. So there's -- you're about 10 feet away from</p> <p>10 Kimmeron and there's a desk in between you; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And the office, how far away were you from the</p> <p>13 door that you entered in?</p> <p>14 A. About another 10 feet.</p> <p>15 Q. All right. And was the door -- did the door</p> <p>16 close behind you when you entered in the office, or was</p> <p>17 it open?</p> <p>18 A. Yes, it was closed.</p>
71:19 - 72:18	<p>19 Q. All right.</p> <p>20 A. At one point there was a big bookcase -- when</p> <p>21 I worked in the office, there was a big bookcase in</p> <p>22 front of that desk, so the registering, people</p> <p>23 registering, couldn't see the manager sitting behind the</p> <p>24 bookcase. But that had been removed so the back part of</p>

	<p>25 the office was now open.</p> <p>1 Q. Okay.</p> <p>2 A. So I could see her and she could see me.</p> <p>3 Q. How far away would say she was from you?</p> <p>4 20 feet? 30 feet?</p> <p>5 A. Whenever I was standing at the counter?</p> <p>6 Q. Yes.</p> <p>7 A. Oh, probably 10 feet, maybe a little more.</p> <p>8 About 10 feet.</p> <p>9 Q. So there's -- you're about 10 feet away from</p> <p>10 Kimmeron and there's a desk in between you; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And the office, how far away were you from the</p> <p>13 door that you entered in?</p> <p>14 A. About another 10 feet.</p> <p>15 Q. All right. And was the door -- did the door</p> <p>16 close behind you when you entered in the office, or was</p> <p>17 it open?</p> <p>18 A. Yes, it was closed.</p>
72:12 - 72:18	<p>12 Q. And the office, how far away were you from the</p> <p>13 door that you entered in?</p> <p>14 A. About another 10 feet.</p> <p>15 Q. All right. And was the door -- did the door</p> <p>16 close behind you when you entered in the office, or was</p> <p>17 it open?</p> <p>18 A. Yes, it was closed.</p>
72:19 - 74:18	<p>19 Q. And then your testimony is that after Kimmeron</p> <p>20 told you to shut up, without further provocation,</p> <p>21 Kimmeron got up off -- out of her desk, walked toward</p> <p>22 you, past -- around the desk, and confronted you</p> <p>23 face-to-face?</p> <p>24 A. No. I was heading for -- I could see her</p> <p>25 coming. I was heading for the door.</p> <p>1 Q. Okay. So --</p> <p>2 A. By I time she got up from her desk and got</p> <p>3 partly through the length of the 10-foot desk that she</p> <p>4 had to walk around, my mind was going to the picture of</p> <p>5 her -- me witnessing her punch Michelle really --</p> <p>6 severely traumatic in that same office at that same</p> <p>7 desk, and I was stunned for a moment. And I took a deep</p> <p>8 breathe and exhaled, and she was coming around the desk.</p> <p>9 So I took off for the door to get out. And she was</p> <p>10 screaming "Get out."</p> <p>11 Q. Okay. So did you begin leaving the office</p> <p>12 before Kimmeron got up from her desk?</p> <p>13 A. I did. I took a few steps away and I heard</p> <p>14 her say, "Shut up. Just shut up."</p> <p>15 Q. Okay. So you took a couple of steps back, you</p> <p>16 were 10 feet away originally, took a couple of steps</p> <p>17 back, so maybe now you're about 5 feet away from the</p> <p>18 door?</p> <p>19 A. No. I walked back up to the desk.</p> <p>20 Q. Okay.</p> <p>21 A. And said, "Did you just tell me to shut up?"</p> <p>22 Q. All right. And then when you went to go leave</p>

	<p>23 before Kimmeron got up from her desk, you started 24 walking towards the door, was your back to Kimmeron? 25 A. Yes. 1 Q. Okay. So you did not see Kimmeron get up from 2 the desk? 3 A. Oh, yes. I saw her get up because I turned 4 around and said, "Did you just tell me to shut up?" 5 That's when she got up from the desk. I was -- I was on 6 the other side of the registration desk, but she was 7 probably 5, 10 feet from me. I saw her get up and start 8 screaming, "Get out." That's when I turned to head for 9 the door, and she was after me. 10 Q. So she quietly tells you up "shut up," and 11 "quietly" means she's not yelling it at you? 12 A. That's right. 13 Q. You ask her, "Did you just say shut up?" 14 A. Yep. 15 Q. And, again, without provocation, Kimmeron 16 raises her voice and starts yelling at you? That's your 17 testimony? 18 A. Yes.</p>
74:19 - 75:13	<p>19 Q. All right. And -- 20 A. When she got up, she was heading for me then. 21 Q. Okay. And before Kimmeron said "shut up," you 22 had already started walking out of the door, and you 23 stopped or started walking towards the door -- 24 A. Yes. 25 Q. -- but you stopped once you heard Kimmeron say 1 "shut up"? 2 A. Yes. 3 Q. And when you -- when you did that, you just 4 merely turned your head back to look at her? 5 A. No. I took a couple of steps back towards the 6 counter. 7 Q. Oh, okay. Okay. 8 A. Because I was shocked that she said, "Just 9 shut up." I didn't know where that came from. 10 Q. All right. Did Kimmeron ever touch you? 11 A. No. 12 Q. She never -- she never struck you? 13 A. No.</p>
75:14 - 75:23	<p>14 Q. You had said that you -- you had said you 15 witnessed Michelle's assault, but then you also said 16 that you looked at a picture. 17 Did you actually witness an assault, or did 18 you just see a picture of an alleged assault? 19 A. I looked. I saw the incident. 20 Q. You witnessed a -- 21 A. Yes. 22 Q. Okay. 23 A. Vicious assault.</p>
75:24 - 77:19	<p>24 Q. After the incident, who is it that you spoke 25 to? 1 A. When I got out in the breezeway, I was out of 2 breath. My heart was pounding. I went up to Unit 12,</p>

	<p>3 and talked to Mike and Joyce O'Donnell. I told them</p> <p>4 what happened. When I got out from the -- out into the</p> <p>5 breezeway, I heard the lock. I heard Kimmeron lock the</p> <p>6 door. I went up to see the O'Donnells.</p> <p>7 And Mike O'Donnell said, "I'm going down to</p> <p>8 talk to her."</p> <p>9 And I said, "No, she locked the door. And if</p> <p>10 you knock on the door she will kick you off the property</p> <p>11 too."</p> <p>12 So he said, "Okay." So he didn't go down.</p> <p>13 I was walking out to my car. I had some</p> <p>14 supplies in my car. I called Freddie Foster and told</p> <p>15 him what happened. I presume Cheryl was there. I don't</p> <p>16 know for sure. And I -- Charles Grinnell drove in and</p> <p>17 Charles -- I went to Charles Grinnell and told him what</p> <p>18 had happened.</p> <p>19 Q. Uh-huh.</p> <p>20 A. And at that point I sent a text, I believe, to</p> <p>21 David Nash. And he said, "Freddie has already told me</p> <p>22 what happened." So out of the five board members, I</p> <p>23 contacted four of them.</p> <p>24 Q. Of the five Sandside board members?</p> <p>25 A. Yes.</p> <p>1 Q. Okay. And did you just speak with these</p> <p>2 individuals on the phone?</p> <p>3 A. Yes, but not David Nash. He said he knew</p> <p>4 already.</p> <p>5 Q. Okay.</p> <p>6 A. He had heard already what had happened.</p> <p>7 Q. Okay. So you sent Mr. Nash a text message?</p> <p>8 A. Yes.</p> <p>9 Q. And you spoke to each of these individuals</p> <p>10 individually?</p> <p>11 A. Yes. Some in person and some on the phone.</p> <p>12 Q. Okay. So you said you spoke to four of the</p> <p>13 five --</p> <p>14 A. Yes.</p> <p>15 Q. -- board members. So that would be Charles</p> <p>16 Grinnell, David Nash, Freddie Foster, and who else?</p> <p>17 A. Well, Cheryl Foster if she was with Freddie.</p> <p>18 Q. Okay. So those are the four --</p> <p>19 A. Yes.</p>
77:20 - 78:9	<p>20 Q. -- Sandside board members you spoke to?</p> <p>21 A. Yes.</p> <p>22 Q. After you left the association office, did you</p> <p>23 remain on property for the rest of your shift?</p> <p>24 A. Yes, I continued my work. My job for the day.</p> <p>25 Q. And did you see Kimmeron that day after that?</p> <p>1 A. No, I didn't see her.</p> <p>2 Q. Where did you go after you left for the day?</p> <p>3 A. After I was totally finished for the day?</p> <p>4 Q. Yes.</p> <p>5 A. I went home.</p> <p>6 Q. And did you continue to work your regular days</p> <p>7 and hours in the weeks that followed until March 20,</p>

	<p>8 2024?</p> <p>9 A. Yes.</p>
78:10 - 79:9	<p>10 Q. It appears that, on February 3, you did make a</p> <p>11 police report; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. What led you to make that police report?</p> <p>14 A. Well, I was terrified.</p> <p>15 Q. You were terrified, but you kept working after</p> <p>16 that interaction?</p> <p>17 A. Yes. Yes, I did. Yes, I did.</p> <p>18 Q. What time of day did you go to the police</p> <p>19 station on February 3?</p> <p>20 A. I live close to that police station, so I</p> <p>21 walked over on the 1st. February 1 I walked over to the</p> <p>22 police station office. There was no one there. There</p> <p>23 was a phone number on the door. So I called that number</p> <p>24 on the door. It was a sheriff's department in Marathon.</p> <p>25 They said that they would contact Key County police and</p> <p>1 have someone return a call to me. So on the -- on the</p> <p>2 2nd or 3rd -- I'm not sure which -- I got a phone call</p> <p>3 from a deputy, Key Colony police deputy. I didn't know</p> <p>4 who he was. His name was Joe Burden, and he set up an</p> <p>5 appointment for me to go and meet with him and the</p> <p>6 Sergeant, Jamie Buxton, at the police station in Key</p> <p>7 Emerald Beach. So I walked from my -- it's only 117</p> <p>8 steps from any condo to the door of the police station,</p> <p>9 and made the report with those two police officers.</p>
79:10 - 79:14	<p>10 Q. Did you count the number of steps from your</p> <p>11 condo to the police station?</p> <p>12 A. Yeah, I just wanted to know if it was -- if I</p> <p>13 drove my car over there it would have been more steps</p> <p>14 than that. So I just thought, well, it's really close.</p>
79:15 - 80:18	<p>15 Q. Makes sense. So your testimony is that you</p> <p>16 went to the police station on February 1, got the</p> <p>17 number, called, set up an appointment for February 3?</p> <p>18 A. Yes.</p> <p>19 Q. Did anyone suggest that you go to the police</p> <p>20 station?</p> <p>21 A. No.</p> <p>22 Q. Did you speak with any officers between</p> <p>23 February 1 and February 3 about the actual substance of</p> <p>24 your report?</p> <p>25 A. No.</p> <p>1 Q. Were you encouraged by anybody to make a</p> <p>2 police report?</p> <p>3 A. No.</p> <p>4 Q. And did you make -- you made that police</p> <p>5 report at the Key Emerald Beach Police Station?</p> <p>6 A. Yes.</p> <p>7 Q. Did you go there with anyone or did you just</p> <p>8 walk by yourself?</p> <p>9 A. Walked by myself.</p> <p>10 Q. Did you tell the police that you do not wish</p> <p>11 to press charges against Ms. Lisle and just wanted to</p> <p>12 have your statement on the record?</p>

	<p>13 A. No.</p> <p>14 Q. You never said that?</p> <p>15 A. No.</p> <p>16 Q. Did you ever tell them that you wanted to</p> <p>17 press charges?</p> <p>18 A. No.</p>
79:19 - 80:9	<p>19 Q. Did anyone suggest that you go to the police</p> <p>20 station?</p> <p>21 A. No.</p> <p>22 Q. Did you speak with any officers between</p> <p>23 February 1 and February 3 about the actual substance of</p> <p>24 your report?</p> <p>25 A. No.</p> <p>1 Q. Were you encouraged by anybody to make a</p> <p>2 police report?</p> <p>3 A. No.</p> <p>4 Q. And did you make -- you made that police</p> <p>5 report at the Key Emerald Beach Police Station?</p> <p>6 A. Yes.</p> <p>7 Q. Did you go there with anyone or did you just</p> <p>8 walk by yourself?</p> <p>9 A. Walked by myself.</p>
80:10 - 80:18	<p>10 Q. Did you tell the police that you do not wish</p> <p>11 to press charges against Ms. Lisle and just wanted to</p> <p>12 have your statement on the record?</p> <p>13 A. No.</p> <p>14 Q. You never said that?</p> <p>15 A. No.</p> <p>16 Q. Did you ever tell them that you wanted to</p> <p>17 press charges?</p> <p>18 A. No.</p>
80:19 - 80:20	<p>19 Q. All right. So that topic never came up?</p> <p>20 A. No.</p>
80:21 - 81:2	<p>21 Q. Do you know who the initial investigating</p> <p>22 officer is or was?</p> <p>23 A. I don't know, no.</p> <p>24 Q. You don't know if --</p> <p>25 A. It must have been Joe Burden, but I don't know</p> <p>1 that. They took me to the State Attorney's Office for a</p> <p>2 meeting with the state attorney.</p>
80:21 - 80:23	<p>21 Q. Do you know who the initial investigating</p> <p>22 officer is or was?</p> <p>23 A. I don't know, no.</p>
80:24 - 81:11	<p>24 Q. You don't know if --</p> <p>25 A. It must have been Joe Burden, but I don't know</p> <p>1 that. They took me to the State Attorney's Office for a</p> <p>2 meeting with the state attorney.</p> <p>3 Q. Who is that "they"? The police?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know Officer Nicholas Niemiec,</p> <p>6 N-I-E-M-I-E-C?</p> <p>7 A. I know him. I know who he is.</p> <p>8 Q. How is it that you know him?</p> <p>9 A. He's been a police officer for years. I don't</p> <p>10 personally know him. I say good morning. That's about</p>

	11 it. I know who he is.
81:12 - 81:23	<p>12 Q. You know him by reputation?</p> <p>13 A. No, I don't know his reputation.</p> <p>14 Q. No, I'm saying but you know him by reputation?</p> <p>15 A. Yes, yes.</p> <p>16 Q. Do you know if he was the initial</p> <p>17 investigating officer?</p> <p>18 A. No, I don't believe so. I think it was Joe</p> <p>19 Burden.</p> <p>20 Q. Do you know if Mr. Niemiec or Burden came to</p> <p>21 Continental Inn, came to the association after you made</p> <p>22 your report?</p> <p>23 A. I have no idea.</p>
81:24 - 82:17	<p>24 Q. Did you meet --</p> <p>25 A. They may have been there.</p> <p>1 Q. Did you meet any Key Emerald Beach police</p> <p>2 officer at the association?</p> <p>3 A. I think -- I think Nicholas. I think he was</p> <p>4 there one day.</p> <p>5 Q. Nicholas Niemiec?</p> <p>6 A. Yeah, but he didn't say what he was there for.</p> <p>7 I think he said he was looking for Kimmeron, but I had</p> <p>8 no idea what -- why or anything that was going on. I</p> <p>9 didn't.</p> <p>10 Q. Do you recall when that interaction -- or when</p> <p>11 Officer Niemiec came to the association property?</p> <p>12 A. No, I don't.</p> <p>13 Q. So you did not facilitate that?</p> <p>14 A. No.</p> <p>15 Q. You did not know he was going to visit the</p> <p>16 property?</p> <p>17 A. No, I did not.</p>
82:18 - 83:1	<p>18 Q. Did you walk Officer Niemiec around the</p> <p>19 property?</p> <p>20 A. I walked a short while because I was going to</p> <p>21 one of the rooms. He said he was looking for Kimmeron</p> <p>22 Lisle. I think -- but I was doing my job. So I did see</p> <p>23 George in the breezeway, and I said, "There's a police</p> <p>24 officer here looking for Kimmeron," and then after that</p> <p>25 I had no more contact with anything. I didn't know what</p> <p>1 it was about or what was happening.</p>
83:2 - 83:11	<p>2 Q. Do you recall when this was?</p> <p>3 A. No.</p> <p>4 Q. This was middle of the day?</p> <p>5 A. No. Well, it would have been probably before</p> <p>6 3:00 in the afternoon sometime. I don't know when.</p> <p>7 Q. During -- while you were walking around</p> <p>8 performing your job with Officer Niemiec in tow, did you</p> <p>9 tell any of the guests that a police officer was looking</p> <p>10 for Ms. Lisle and wanted to speak with her?</p> <p>11 A. Just George.</p>
83:12 - 84:15	<p>12 Q. Just George. No one else?</p> <p>13 A. No.</p> <p>14 Q. Did you tell any guests why the police</p> <p>15 officer -- or I guess if you didn't talk to anybody --</p>

	<p>16 A. I didn't, no.</p> <p>17 Q. Do you know if the officer found Ms. Lisle on</p> <p>18 that day?</p> <p>19 A. I do not. I have no idea.</p> <p>20 Q. Do you know if Officer Niemiec ever showed</p> <p>21 back up to the association after that?</p> <p>22 A. I don't know.</p> <p>23 Q. You don't ever recall seeing him again --</p> <p>24 A. No.</p> <p>25 Q. -- on the association property?</p> <p>1 A. No.</p> <p>2 Q. Do you recall ever having a conversation with</p> <p>3 Officer Niemiec where you signed a document stating you</p> <p>4 did not wish to pursue charges against Ms. Lisle?</p> <p>5 A. No.</p> <p>6 Q. You don't recall any conversation where</p> <p>7 Officer Niemiec brought you a document for you to sign</p> <p>8 saying that you do not wish to bring charges against</p> <p>9 Ms. Lisle?</p> <p>10 A. I think he may have called me or something. I</p> <p>11 don't think it was on the property, but he said</p> <p>12 something about documents, and I didn't get back with</p> <p>13 him to sign any documents. I did not know what that was</p> <p>14 about. I was dealing with the Sergeant, Jamie Buxton,</p> <p>15 so I didn't deal with Nicholas.</p>
83:17 - 83:25	<p>17 Q. Do you know if the officer found Ms. Lisle on</p> <p>18 that day?</p> <p>19 A. I do not. I have no idea.</p> <p>20 Q. Do you know if Officer Niemiec ever showed</p> <p>21 back up to the association after that?</p> <p>22 A. I don't know.</p> <p>23 Q. You don't ever recall seeing him again --</p> <p>24 A. No.</p> <p>25 Q. -- on the association property?</p>
84:1 - 84:1	1 A. No.
84:2 - 84:15	<p>2 Q. Do you recall ever having a conversation with</p> <p>3 Officer Niemiec where you signed a document stating you</p> <p>4 did not wish to pursue charges against Ms. Lisle?</p> <p>5 A. No.</p> <p>6 Q. You don't recall any conversation where</p> <p>7 Officer Niemiec brought you a document for you to sign</p> <p>8 saying that you do not wish to bring charges against</p> <p>9 Ms. Lisle?</p> <p>10 A. I think he may have called me or something. I</p> <p>11 don't think it was on the property, but he said</p> <p>12 something about documents, and I didn't get back with</p> <p>13 him to sign any documents. I did not know what that was</p> <p>14 about. I was dealing with the Sergeant, Jamie Buxton,</p> <p>15 so I didn't deal with Nicholas.</p>
84:16 - 85:5	<p>16 Q. Okay. So is it your testimony today that you</p> <p>17 never told the police you did want to press charges</p> <p>18 against Ms. Lisle?</p> <p>19 A. They were taking me to the State Attorney's</p> <p>20 Office. So from then on -- I just went with them</p> <p>21 what -- what they were -- they drove me to there to</p>

	<p>22 speak to -- so I wasn't -- I wasn't asked if I wanted to</p> <p>23 press charges or not. I just -- if the state attorney</p> <p>24 was going to press charges, then that was fine with me.</p> <p>25 I didn't decide. I certainly didn't say I wasn't going</p> <p>1 to press charges. I just didn't say anything.</p> <p>2 Q. But at some point in time would it be fair to</p> <p>3 say that you did say that you did not want to press</p> <p>4 charges?</p> <p>5 A. No, I never said that.</p>
85:6 - 86:12	<p>6 Q. Are you aware that Ms. Lisle was eventually</p> <p>7 arrested in relation to this?</p> <p>8 A. I heard that she was. I didn't know that at</p> <p>9 the time. I heard that she was.</p> <p>10 Q. How is it that you heard that?</p> <p>11 A. Just around town, I guess. Coconut telegraph.</p> <p>12 I don't know who.</p> <p>13 Q. I like that phrase a lot, "coconut telegraph."</p> <p>14 I really like that a lot.</p> <p>15 Do you know what led to Ms. Lisle being</p> <p>16 arrested?</p> <p>17 A. Not really. I -- I did see the -- some --</p> <p>18 something with the charge on it or something. I don't</p> <p>19 know where I saw that, but I thought it was something to</p> <p>20 do with State Attorney's Office, but I didn't know that</p> <p>21 for sure.</p> <p>22 Q. Okay. Are you aware that the state attorney</p> <p>23 of Monroe County declined to charge Ms. Lisle with any</p> <p>24 crime?</p> <p>25 A. I heard that.</p> <p>1 Q. And how did you hear that?</p> <p>2 A. Telephone, the coconut.</p> <p>3 Q. Coconut telegraph?</p> <p>4 A. Yeah.</p> <p>5 Q. Can you tell me how you came about knowing</p> <p>6 that, or you don't know?</p> <p>7 A. I don't know.</p> <p>8 Q. Since February 1, 2024, have you ever had any</p> <p>9 conversation was Ms. Lisle?</p> <p>10 A. No.</p> <p>11 Q. Since February 1, 2024, have you had any</p> <p>12 conversations with any association board members?</p>
85:22 - 85:25	<p>22 Q. Okay. Are you aware that the state attorney</p> <p>23 of Monroe County declined to charge Ms. Lisle with any</p> <p>24 crime?</p> <p>25 A. I heard that.</p>
86:1 - 86:7	<p>1 Q. And how did you hear that?</p> <p>2 A. Telephone, the coconut.</p> <p>3 Q. Coconut telegraph?</p> <p>4 A. Yeah.</p> <p>5 Q. Can you tell me how you came about knowing</p> <p>6 that, or you don't know?</p> <p>7 A. I don't know.</p>
86:8 - 86:20	<p>8 Q. Since February 1, 2024, have you ever had any</p> <p>9 conversation was Ms. Lisle?</p> <p>10 A. No.</p>

	<p>11 Q. Since February 1, 2024, have you had any</p> <p>12 conversations with any association board members?</p> <p>13 A. Very little, if I did. Not the board members.</p> <p>14 I don't think so. Other than working with David Nash,</p> <p>15 which he hasn't really said much of anything.</p> <p>16 Q. Well, I think we've established it -- or maybe</p> <p>17 we haven't established, but you said you don't know.</p> <p>18 David Nash -- do you know if David Nash is an officer or</p> <p>19 director of the association?</p> <p>20 A. Yes.</p>
86:21 - 87:4	<p>21 Q. Well, I believe he's an officer or director of</p> <p>22 Sandside, but do you know if he's --</p> <p>23 A. Oh, Sandside, yes. Sandside. I'm sorry.</p> <p>24 Q. No, no, no. No problem.</p> <p>25 A. I'm getting those two mixed up. I worked for</p> <p>1 both at one time, so, yes.</p> <p>2 Q. Yeah. I think that's fair, and I appreciate</p> <p>3 your patience in just us making sure.</p> <p>4 A. Yeah.</p>
87:5 - 87:7	<p>5 Q. You would agree that David Nash is not an</p> <p>6 officer or director of the association?</p> <p>7 A. That's right. That's right.</p>
87:8 - 87:11	<p>8 Q. All right. So since February 1, 2024, have</p> <p>9 you had any conversation with any association board</p> <p>10 members?</p> <p>11 A. No. Absolutely not.</p>
87:12 - 87:17	<p>12 Q. Okay. Have you had any conversations or</p> <p>13 communications with the association since you have been</p> <p>14 trespassed?</p> <p>15 A. No.</p> <p>16 Q. No?</p> <p>17 A. No, no.</p>
87:18 - 87:20	<p>18 Q. Have you ever talked with Freddie Foster about</p> <p>19 this lawsuit?</p> <p>20 A. No.</p>
87:21 - 88:4	<p>21 Q. Have you talked to any of the officers and</p> <p>22 directors of Sandside about this lawsuit?</p> <p>23 A. Not really. David Nash, which -- has picked</p> <p>24 me up and taken me to the hearings. That's it. That's</p> <p>25 all.</p> <p>1 Q. Have you ever spoken to with anyone from</p> <p>2 Sandside about this lawsuit?</p> <p>3 A. Not really. I don't recall speaking about it</p> <p>4 to anyone.</p>
88:5 - 89:4	<p>5 Q. Do you know who the current property manager</p> <p>6 for Sandside is?</p> <p>7 A. Ceeley.</p> <p>8 Q. I'm sorry?</p> <p>9 A. Ceeley.</p> <p>10 Q. Who is that?</p> <p>11 A. One of the cleaning girls.</p> <p>12 Q. Oh, is that the same -- I thought I had her as</p> <p>13 Kelsey.</p> <p>14 A. Casey.</p> <p>15 Q. Casey, I'm sorry.</p>

	<p>16 A. No. It's another one now, but I don't know 17 what her last name is. She's -- she has the -- from 18 what I understand she has the license as property 19 manager. 20 Q. How is it that you know Ceeley as the current 21 Sandside property manager? 22 A. I think maybe one of the cleaning girls told 23 me that. I'm not sure. 24 Q. Coconut telegraph again? 25 A. Yeah. Right. 1 Q. Do you know how long Casey was the property 2 manager after you left? 3 A. I think she had a two-year license, but -- the 4 same as mine, but I have no idea how long she did it.</p>
89:5 - 89:13	<p>5 Q. Would it be fair to say that the business 6 affairs of Sandside did not skip a beat after you 7 stopped serving as the property manager? 8 A. I can't honestly say. I have heard stories 9 that things aren't going as well as before. But I don't 10 know that. 11 Q. You have no firsthand knowledge about any of 12 that? 13 A. No.</p>
89:14 - 90:2	<p>14 Q. Who is it that you talked to about that? 15 A. About what's happening? Just the cleaning 16 girls or whoever. I don't know what's happening at 17 Sandside now. 18 Q. So just -- you get your information, and I'm 19 not trying to diminish any of their roles -- 20 A. Right. 21 Q. -- but you just get their information from the 22 cleaning girls -- 23 A. Yeah. 24 Q. -- in spilling their tea with you? "Spilling 25 their tea" is kind of office talk. 1 A. I'm not real close to them either, so it's 2 just -- just remarks that I hear in passing.</p>
90:3 - 90:18	<p>3 Q. Okay. Do you currently work? 4 A. I have a part-time job at a very diminished 5 per hour rate that kind of keeps me going, but the hours 6 are very few, depending on the time of year and the 7 business that's in town from tourists. 8 Q. Is it as a property manager? 9 A. No, no. It's a gift shop. 10 Q. Have you tried to find -- do you want to work 11 as a property manager? 12 A. I like being a property manager, yes. 13 Q. Have you applied to work anywhere as a 14 property manager? 15 A. No, I haven't. 16 Q. So you haven't been actively pursuing any 17 career as a property manager? 18 A. No, no.</p>
90:19 - 91:2	<p>19 MR. YOMBOR: Dale, why don't we have ten 20 minutes. Let me go on a five-minute break. I want</p>

	<p>21 to check my notes. I do believe -- if I'm not 22 done, I've got maybe two or three questions. So 23 why don't we just take a break so that I can kind 24 of look at everything. Can we do that? 25 MR. COBURN: Let's do five minutes. Come back 1 at 12:15? 2 MR. YOMBOR: Yeah, that's fine.</p>
91:3 - 91:6	<p>3 (A short break.) 4 MR. YOMBOR: Just a couple questions just to 5 wrap it up. 6 BY MR. YOMBOR:</p>
91:7 - 91:11	<p>7 Q. After -- well, before you left and ceased 8 working for Sandside, did you inquire if you could take 9 over the job responsibilities for Michelle Rutger who, I 10 understand, had left? 11 A. No.</p>
91:12 - 91:13	<p>12 Q. Any reason? 13 A. I didn't want reservations.</p>
91:14 - 91:24	<p>14 Q. And did you make any inquiry about continuing 15 your employment with Sandside in an off-site capacity? 16 A. I did do little bit of off-site work, which 17 ended up to be one or two, maybe three, hours a day, 18 which didn't suffice me to work that short length of 19 time. I needed something more to do than just a couple 20 of hours a day. 21 Q. Okay. And did you ever have that conversation 22 with anyone at Sandside in an effort to try to perform 23 more work off-site? 24 A. No.</p>
91:25 - 91:25	<p>25 Q. And then when you -- when you left, was it a</p>
Post Examination	<p>1 mutual parting of ways because there wasn't enough work 2 for you or were you 3 terminated? 4 A. Yes, absolutely. Yes, that's right. 5 MR. COBURN: Okay. I have no 6 questions at 7 this time. So, Ms. Peggi, I appreciate your time 8 today. And I'll give the floor 9 over to 10 Mr. Ehrlich. 11 THE WITNESS: Thank you. 12 MR. EHRLICH: I don't have any 13 questions. 14 So -- I think unless Mr. Coburn does, which he may. 15 MR. COBURN: No, I 16 don't have any questions at 17 this time. 18 MR. YOMBOR: All right. So I'm just -- I'm 19 not 20 giving you advice, Ms. Peggi, just giving you 21 information. 22 THE WITNESS: Uh-huh. 23 MR. YOMBOR: As the witness, you have the 24 right to read and review your transcript 25 for 26 accuracy purposes only. 27 THE WITNESS: Uh-huh. 28 MR. YOMBOR: You have to 29 the right to review 30 that transcript and make any changes you believe 31 that were 32 transcribed incorrectly. You would then 33 work with the court reporter and make those 34 changes 35 on an errata sheet. I'll represent to you that the</p>
Post Examination	<p>1 majority of witnesses that I see decline to 2 exercise that right, but it is your right to 3 have. 4 But you do have to say whether or not you want to 5 keep that right and maintain 6 that right now because 7 the court reporter will have to then connect with 8 you and get 9 you the transcript before it is 10 finalized. 11 So do you want to read the transcript 12 before it 13 is filed -- or finalized, or do you want 14 to waive that right? 15 THE WITNESS: I think I'd 16 like to read it. 17 MR. YOMBOR: All right. Ms. Smithe, if you 18 could communicate with 19 Ms. Peggi concerning 20 whatever information you-all need to compare, or, 21 you know, 22 share, so she can exercise that right. 23 THE COURT REPORTER: Off the record I'll get 24 her email address and will contact her that way. 25 MR. YOMBOR: All right. At this point, 26 your 27 conversation is done. Ms. Peggi, I really 28 appreciate your time today. 29 THE 30 WITNESS: Thank you. 31 MR. YOMBOR: Thank you. 32 MR. COBURN: Bye, guys. 33 THE 34 COURT REPORTER: Before we conclude, did 35 you want to order the transcript?</p>
Post Examination	<p>1 MR. EHRLICH: Not for me at this time. 2 MR. YOMBOR: Have the other transcripts been</p>

	ordered?4 MR. EHRLICH: They have.5 MR. YOMBOR: We'll order digital copy, yes.6 MR. COBURN: I'm not going to order at this7 time, but Ms. Smithe I have your email address8 that you put in the chat, and if I change my mind,9 I will let you know.10 (The deposition concluded at 12:19 p.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
Post Examination	1 CERTIFICATE OF OATH 2 34 STATE OF FLORIDA5 COUNTY OF POLK 67 I, April Smithe, Florida Professional8 Reporter, Notary Public, State of Florida, certify that9 KATHLEEN PEGGI personally appeared before me via10 videoconference on the 15th day of May, 2025, and was11 duly sworn. 1213 Signed this 28th day of May, 2025. 1415 _____ April Smithe, FPR16 Florida Professional Reporter Notary Public, State of Florida17 Commission #HH 495775 Expires: June 16, 2028 1819 Produced Identification: X20 Identification Produced: Florida Driver's License 21 22 23 24 25
Post Examination	1 CERTIFICATE OF REPORTER 23 THE STATE OF FLORIDA4 COUNTY OF POLK 56 I, April Smithe, Florida Professional Reporter, do hereby certify that I was authorized to and7 did stenographically remotely report the videoconference deposition of KATHLEEN PEGGI; that a review of the8 transcript was requested; and that the foregoing transcript, pages 4 through 94, is a true and complete9 record of my stenographic notes.10 I further certify that I am not a relative, employee, attorney, or counsel of any of the parties,11 nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I12 financially interested in the action.13 The foregoing certification of this transcript does not apply to any reproduction of the same by any14 means unless under the direct control and/or direction of the certifying reporter. 1516 Dated this 28th day of May, 2025. 17 1819 _____ April Smithe, FPR20 Florida Professional Reporter 21 22 23 24 25
Post Examination	1 PLEASE ATTACH TO THE DEPOSITION OF: KATHLEEN PEGGI2 IN THE CASE OF: CONTINENTAL V. KEY COLONY MAY 15, 20253 ERRATA SHEET4 INSTRUCTIONS: Please read the original transcript of your deposition and make note of errors or amendments in5 the transcription on this page. DO NOT MARK on the original transcript itself. Please sign and date this6 sheet.7 PAGE LINE ERROR OR AMENDMENT REASON FOR CHANGE8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it23 are true.24 Signature of Deponent: _____ 25 Date: _____
Post Examination	1 May 28, 2025 23 Ms. Kathleen Peggi kPeggikc@gmail.com 4 56 Re: Continental v. Key Colony Deposition of: Kathleen Peggi 7 Dear Ms. Peggi: 8 Please take notice that on the 15th day of9 May, 2025, you gave your deposition in the above-referred matter. At that time, you did not waive10 your signature. It is now necessary that you sign your deposition. 11 Please call our office at the below-listed12 number to schedule an appointment between the hours of9 00 a.m. and 4:30 p.m., Monday through Friday. 13 If you do not read and sign the deposition14 within a reasonable time, the original, which has already been forwarded to the ordering attorney, may be15 filed with the Clerk of the Court. If you wish to waive your signature, sign your name in the blank at the16 bottom of

	this letter and return this letter to us.17 Very truly yours,18 MAGNA LEGAL SERVICES Seven Penn Center19 1635 Market Street - 8th Floor Philadelphia, PA 1910320 866-624- 622121 I do hereby waive my signature: 2223 _____ Kathleen Peggi 2425 cc via email: All counsel of record
Post Examination	

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