

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

EXAMINATION UNDER OATH

EXAMINATION UNDER OATH OF CORNELL PENDLETON,  
P.O. BOX 3881, NEW ORLEANS, LOUISIANA 70177, TAKEN AT THE  
OFFICES MUSGRAVE, MCLACHLAN & PENN, 1515 POYDRAS STREET,  
SUITE 2380, NEW ORLEANS, LOUISIANA 70112, COMMENCING AT  
1:30 ON MARCH 28, 2013.

APPEARANCES:

FOR [REDACTED]:

(BY: NICK GRAPHIA, ESQUIRE)

767 FLORENCE STREET

BATON ROUGE, LOUISIANA 70806

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES (CONTINUED) :

FOR CERTAIN UNDERWRITERS AT LLOYDS LONDON:

MUSGRAVE, MCLACHLAN & PENN

(BY: BRENT J. CARBO, ESQUIRE)

1515 POYDRAS STREET, SUITE 2380

NEW ORLEANS, LOUISIANA 70112

REPORTED BY:

LAUREN S. BREWSTER

CERTIFIED COURT REPORTER (#99001)

IN AND FOR THE STATE OF LOUISIANA

\* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX OF EXAMINATIONS

| EXAMINATION           | PAGE |
|-----------------------|------|
| BY MR. CARBO. . . . . | 5    |

\* \* \*

(No exhibits attached.)

\* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

S T I P U L A T I O N

It is stipulated and agreed by and between the counsel for the parties hereto that the examination under oath of the aforementioned witness is hereby being taken under the Louisiana Code of Civil Procedure, Article 1421, et seq., for all purposes, in accordance with law;

All formalities, including the reading and signing of the transcript by the witness, are hereby waived.

All objections, except those as to the form of the question and the responsiveness of the answer, are hereby reserved until such time as this examination under oath, or any part thereof, may be used or sought to be used in evidence.

\* \* \* \*

LAUREN S. BREWSTER, Certified Court Reporter in and for the Parish of Orleans, State of Louisiana, officiated in administering the oath to the witness.

\* \* \*

1 CORNELL PENDLETON

2 P.O. BOX 3881

3 NEW ORLEANS, LOUISIANA 70177

4 after having been first duly sworn as a witness,  
5 was examined and testified as follows:

6 \* \* \*

7 EXAMINATION

8 BY MR. CARBO::

9 Q Mr. [REDACTED], we are here to take an examination  
10 under oath. Have you ever given a deposition before?

11 A Yes.

12 Q Okay. It's similar to a deposition that you take  
13 in a lawsuit. We don't have a lawsuit yet so this is an  
14 examination under oath. It's very similar. Obviously she  
15 swore you in. It's a sworn statement. I'm here to ask you  
16 some questions about the insurance claim, the Hurricane  
17 Isaac claim. There has been adjustors that have gone out  
18 there about some apartments. I have had discussions with  
19 your attorney. We have dealt with this claim a little bit.  
20 What we are doing here is I want to ask you some questions  
21 about the property. I'm going to ask you about the damage  
22 from Hurricane Isaac and ask you about the property prior to  
23 the hurricane, just the condition of it and Katrina issues,  
24 things like that. I'm going to limit it to this claim. I'm  
25 not going to ask you all kinds of unrelated questions that

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 people sometimes ask in depositions or I'm going to try my  
2 best not to and your attorney will tell me if I'm acting up.  
3 But it's informational.

4 We are in a conference room, not in court, but the  
5 oath you take, it's the same type of swearing in you would  
6 take in a courtroom or something like that. But other than  
7 that, it's fairly informal questions and answers. Because  
8 she's making a transcript, we just need to be careful not to  
9 talk over one another, how we may do in normal conversation.  
10 Let me finish a question the best you can before you answer  
11 and I will try to do my best to do the same. I'm sure we  
12 are going to mess it up, but it's something to keep in mind.  
13 If you have a yes or no question, please answer yes or no  
14 rather than shaking your head so that we make sure the  
15 record is clear. That's about it. If you need to take a  
16 break at any time or you need some water, let me know and I  
17 will try to get you out of here as quick as we can.

18 Can you please state your full name for me?

19 A [REDACTED].

20 Q What is your date of birth?

21 A [REDACTED].

22 Q And can you give me your home address?

23 A I have a P.O. box or you need the home?

24 Q Well, what is your business address?

25 A [REDACTED] New Orleans, 70177.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q Is that an address for some business entity?

2 A No. It's my P.O. box that all my mail goes to,  
3 insurance, taxes, everything goes there.

4 Q What is your home address?

5 A [REDACTED] New Orleans, 70122.

6 Q Now, the property we are here to talk about is  
7 [REDACTED] Old Gentilly Highway?

8 A Uh-huh (affirmative response).

9 Q Do you own that property?

10 A Yes.

11 Q You still currently own it, correct?

12 A Yeah.

13 Q Is that property owned by you personally or do you  
14 have any business entity that you use as far as your rental  
15 properties?

16 A Me personally.

17 Q Okay. I take it from what you were telling me  
18 earlier that you do own other rental properties?

19 A Yes.

20 Q Approximately how many?

21 A About 75 maybe, a hundred.

22 Q Are they all in the New Orleans area or there  
23 about?

24 A Yeah. It's a full-time job.

25 Q I was going to ask you. Well, first do you manage

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 these properties or do you hire some outside management  
2 company?

3 A I manage.

4 Q You do that for a living?

5 A Yes.

6 Q I don't think you would have time for anything  
7 else.

8 A Well, I gave up my career to do this.

9 Q Do you have any construction experience?

10 A Well, I have been in the real estate game. To  
11 answer that question, no.

12 Q Other than experience you might gain through doing  
13 real estate management?

14 A Yes.

15 Q I take it you don't have any or you are not a  
16 licensed engineer, are you?

17 A No.

18 Q You are not a licensed property adjustor?

19 A No.

20 Q Do you have a license as a real estate manager or  
21 is there some type of real estate license you have?

22 A No.

23 Q When did you purchase this property, the [REDACTED] Old  
24 Gentilly?

25 A I think 2002 or three.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993



1 Q All right. Do you recall who you purchased that  
2 from?

3 A I want to say Omni Bank.

4 Q Was it a foreclosure?

5 A I think, yes, it was.

6 Q Do you recall the purchase price or anywhere close  
7 to it?

8 A Between 200,000 and 250,000.

9 Q Well, I may know the answer, but what was your  
10 reason for purchasing the property? Was it as a rental  
11 property?

12 A Yes.

13 Q Did you ever have any other use for the property?

14 A At the time I did but it didn't work out.

15 Q You mean at the time you purchased it, did you  
16 purchase it for a reason other than rental?

17 A Someone wanted to buy it. Their credit was not  
18 all that, but that didn't work out.

19 Q I got you. Now, as I understand it, this  
20 property, the property is currently used as a rental  
21 property at least as far as you are concerned?

22 A Yes.

23 Q Who are the tenants there now? Who are the  
24 current tenants?

25 A It's only one tenant, [REDACTED]

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 church.

2 Q And when did [REDACTED] -- did you say

3 [REDACTED]?

4 A Yeah.

5 Q When did that church begin renting that spot?

6 A June 2010.

7 Q Was anyone there renting prior to [REDACTED]?

8 A No.

9 Q Did you rent it prior to Katrina?

10 A It was rented before Katrina. It was rented in  
11 2003. When I acquired the property in 2002 or three, it was  
12 already rented.

13 Q Okay.

14 A It was occupied as a law office, rehab and a  
15 printing company was there.

16 Q Those were three separate tenants?

17 A Yes.

18 Q And then were those tenants out after when Katrina  
19 hit, did they ever come back?

20 A One did, the rehab came back.

21 Q Okay. Which one came back after Katrina?

22 A The rehab.

23 Q When did the rehab -- well, when did their stint  
24 as a tenant end?

25 A Somewhere in 2007.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q All right. And between 2007 --

2 A Excuse me, 2007 or 2008.

3 Q Okay. Between the time that -- well, did you have  
4 any other tenants prior to [REDACTED] -- well, other than  
5 [REDACTED] and the rehab place, did you have any  
6 other tenants after Hurricane Katrina?

7 A After Katrina?

8 Q Right.

9 A No. Just the rehab.

10 Q Okay.

11 A The rehab acquired the whole building.

12 Q And then the rehab was out at some point in 2008  
13 and then the next tenant you had was [REDACTED] church in 2010?

14 A Yes.

15 Q Does [REDACTED] church currently occupy the  
16 whole building?

17 A Yes.

18 Q Okay. And as you were telling me, at one point  
19 there were three separate tenants in the building. Are  
20 there three rentable units?

21 A Yeah. The building is broken up into suites so  
22 you have -- at one time you had several different suites.  
23 So yes, it can be occupied as they're using it now as  
24 different entities of the church.

25 Q And is this a two story property?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Yes.

2 Q And do you personally use any portion of the  
3 building or is it just all leased to the tenant?

4 A Leased to the tenant.

5 Q And I guess my next question would be, you rent  
6 the property out and you don't use any portion of it, how  
7 often would you say you are there at the property?

8 A I go out to all my properties at least once a  
9 month just to, you know, be nosy I guess if that's what you  
10 want to say.

11 Q So periodic type inspections to go check in on the  
12 tenants, check in on the building and make sure everything  
13 is okay?

14 A Yeah.

15 Q Any maintenance, you do that or the tenants?

16 A The tenant.

17 Q Other than the insurance policy here that we are  
18 here for, this claim, did you have any other insurance  
19 policies providing any type of insurance coverage related to  
20 this property?

21 A No.

22 Q To give you an example, did you have any rental  
23 income insurance or anything like that on the property?

24 A No.

25 Q Did you have any flood insurance on the policy?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Not a nickel.

2 Q So as far as -- well, this was the only policy?

3 A Yes.

4 Q And other than this claim, the Hurricane Isaac  
5 claim, have you ever made in the past any other insurance  
6 claim on this property for property damage?

7 A Yes.

8 Q What other claims have there been?

9 A Katrina and Isaac.

10 Q Is that the only two you have ever made on this  
11 property?

12 A Yes.

13 Q There was no claim, you didn't make any claim for  
14 Hurricane Gustav in '08?

15 A I'm sorry. Gustav, not Isaac, Gustav.

16 Q Well, we are here about Isaac.

17 A Yeah. Gustav.

18 Q So there was a Gustav claim?

19 A There is so many damn storms. It was Katrina and  
20 Gustav.

21 Q That's another thing. I'm going to ask you some  
22 questions here and you may not know the answer to them  
23 because it's stuff that happened in the past. I want to get  
24 your best information. If you tell me you don't know  
25 something, that's fine if you don't know the answer, but I'm

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 going to ask you some questions you may not know.

2 A Katrina was '05, Gustav was '08. Yeah.

3 Q Right.

4 A Isaac was '12.

5 Q There we go. Now, as far as let's start with the  
6 Hurricane Katrina claim, do you remember who your insurance  
7 company was at that time or who you filed a claim with?

8 A Martin Insurance was the insurance company.  
9 That's the agent I should say.

10 Q Right. That was your agent?

11 A Yeah.

12 Q You don't recall who the specific insurer was?

13 A No.

14 Q Has Martin Insurance always been your agent on  
15 this property?

16 A Yes.

17 Q What happened with the Katrina claim, did you have  
18 to end up filing any type of lawsuit for that?

19 A Yes.

20 Q Was that filed in New Orleans?

21 A Yes.

22 Q Do you recall what amount of money you were paid  
23 on the Katrina claim?

24 A I want to say about \$45,000 if that.

25 Q Is that before the lawsuit?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A I think that was the total for everything.

2 Q After the lawsuit was filed?

3 A Yeah. It was 45,000. Because they claim water  
4 came from the bottom and we didn't have flood insurance and  
5 nothing from the top.

6 Q We know all about that. Was that settled without  
7 going to trial?

8 A Yes.

9 Q Well, you can correct me if I'm wrong, I take it  
10 from what you told me that you did not have flood insurance  
11 on the property for Katrina?

12 A No.

13 Q Did you keep a file with any documentation as far  
14 as that Katrina claim?

15 A No.

16 Q Hurricane Gustav, do you remember who the  
17 insurance company was at that time?

18 A No, just the agent.

19 Q That's fine. What happened with the Gustav claim  
20 or what was the damage to the building when Gustav hit?

21 A The claim, I think they paid \$300,000.

22 Q Did that involve any lawsuit?

23 A No.

24 Q So you believe somewhere around 300,000 was paid  
25 after Hurricane Gustav?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Uh-huh (affirmative response).

2 Q Did you put all that money back into repairing the  
3 property?

4 A I repaired the property.

5 Q Did you keep any documents? I guess this goes --  
6 well, let me ask you, for the Katrina claim did you put the  
7 45,000 from Katrina back into the property?

8 A As much as I could and I did with the rest of my  
9 own money.

10 Q So you had to come out of pocket after Katrina?

11 A Yeah, tremendously.

12 Q After Hurricane Gustav, did you have to come out  
13 of pocket to make any repairs after that storm?

14 A Probably about 30,000.

15 Q So you think after Gustav you had to exceed the  
16 insurance payment to repair the property?

17 A I did.

18 Q Whenever you purchased the property, you told me  
19 earlier the property was occupied by tenants?

20 A Uh-huh (affirmative response).

21 Q Was the building in good shape at that time?

22 A Yeah, it was in good shape.

23 Q People could rent it out?

24 A Yeah.

25 Q Whenever you first purchased the property, did you

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993



1 have to perform any repairs or do any repair work on the  
2 building?

3 A No.

4 Q Since you have owned the property, have you done  
5 any -- have you added any additions or done any  
6 reconfiguration of the property?

7 A I have not.

8 Q You say you have not. Do you know if the tenants  
9 ever have?

10 A Yes.

11 Q Would that be just a tenant coming in and building  
12 out their space how they want it?

13 A Yeah.

14 Q When a tenant comes in, do you allow them to do  
15 what they want to do with the space?

16 A Yes.

17 Q And are they responsible for making all those --  
18 well, for paying for all that stuff?

19 A Yes.

20 Q Any work they want done?

21 A Uh-huh (affirmative response).

22 Q Between the time you purchased the property and  
23 Hurricane Katrina, did you ever do any type of renovation  
24 work to the property?

25 A No.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q Now, just I want to get a little bit more specific  
2 on the Katrina and Gustav, at least the damages to the  
3 property. First with Katrina, I think you mentioned that  
4 the property did flood?

5 A Yes.

6 Q Do you know how many feet of water you got  
7 approximately?

8 A Probably a few inches of water, but by the time we  
9 got back, things just got so out of hand.

10 Q Was there damage to the roof after Katrina?

11 A No. I don't recall. I'm going to say no.

12 Q So after Katrina, you didn't replace the roof at  
13 all, did you?

14 A No, not after Katrina.

15 Q We will get to Gustav. Did you replace the roof  
16 or do any repairs after Gustav?

17 A Yes, I did.

18 Q We will hold off to keep it organized. Was there  
19 any -- other than the roof, was there any other exterior  
20 damage during Katrina?

21 A Exterior damage, yes.

22 Q What kind of stuff?

23 A The water sat there. You had some mold and stuff  
24 like that.

25 Q Sheetrock damage you mean on the inside?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Inside.

2 Q Was there anything on the outside, the exterior?

3 A Some light fixtures, some ceiling tiles, stuff  
4 like that. Like I said, light fixtures and ceiling tiles.

5 Q And the ceiling tiles, that's the suspended grid  
6 that's on the overhang?

7 A Uh-huh (affirmative response).

8 Q And on the interior, what was the damage on the  
9 interior of the building?

10 A Mold from the water sitting for a while.

11 Q Was that just on the first floor?

12 A Yes.

13 Q Was there any interior damage on the second floor?

14 A No.

15 Q Was the damage on the first floor bad enough, did  
16 you have to gut it out and replace the first floor?

17 A We went four feet. That was standard. We went  
18 four feet.

19 Q Did you have to replace any ceilings or walls on  
20 the second floor after Katrina?

21 A No, just some ceiling tiles that we replaced.

22 Q So after Katrina you had to do some work on the  
23 first floor interior up to four feet. You replaced that.  
24 You had to replace some ceiling tiles?

25 A Uh-huh (affirmative response).

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q You didn't do any repairs to the roof after  
2 Katrina?

3 A No.

4 Q Did you repair the interior ceiling tiles out  
5 there?

6 A Yes, I did. That was the easy part, the ceiling  
7 tiles.

8 Q Whenever you were mentioning earlier whenever you  
9 replaced ceiling tiles inside, did you have to replace  
10 ceiling tiles on the second floor?

11 A First floor.

12 Q So as far as you know, there was no water coming  
13 in the roof?

14 A No, there was no water.

15 Q And did you keep any running total or would you  
16 even know how to estimate what you had to spend after  
17 Katrina to repair the property?

18 A No. I didn't run a total. I know it needed to  
19 get done and I didn't run a total.

20 Q You mentioned earlier you got paid the 45 from the  
21 insurance company and you were coming out of pocket?

22 A Yes.

23 Q Do you remember how much you had to come out of  
24 pocket?

25 A Katrina, because I just did first floor work

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Sheetrocking, probably about 40,000.

2 Q All right. Now I'm going to ask you similar  
3 questions with respect to Hurricane Gustav. What was the  
4 damage to the property after hurricane Gustav, what  
5 happened?

6 A Roof damage, water came from the top ceiling tiles  
7 again on the first floor, air conditioners on the roof.

8 Q Was there water intrusion on the second floor  
9 under the roof?

10 A Yes.

11 Q I think you mentioned -- first of all, was there  
12 damage on the inside on the first and second floor?

13 A On the second floor.

14 Q Anything on the first floor?

15 A No water from the first floor.

16 Q What was the damage to the ACs?

17 A Some blew off the roof. It's a flat roof.

18 Q Right.

19 A I should say blew out of place.

20 Q And after Hurricane Gustav, were you able to make  
21 repairs to the roof or did you have to replace it entirely?

22 A I replaced the entire roof. I had money to do it  
23 so I replaced the entire roof.

24 Q And do you recall after Hurricane Gustav if you  
25 had the roof entirely replaced, do you remember who did the

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 work?

2 A No. I have been trying to think of that. Going  
3 back in my head by four or five years, it's impossible.

4 Q Can you recall any roofing companies that you have  
5 used to make repairs on any of your properties, do you have  
6 any guesses who might have done the work?

7 A No. Because after the storm you have companies  
8 come in town to do work on the roof and stuff like that.  
9 And I'm confident it was probably a company out of town who  
10 did the roofing work.

11 Q Do you have any idea what that company did to  
12 replace the roof?

13 A No, I don't.

14 Q You didn't watch them do it?

15 A I was out there some days and it took a few days  
16 for them to pull the old roof off and replace it, so it was  
17 not like it was a quick project. They was out there about  
18 ten days.

19 Q You mentioned to me earlier it's a flat roof?

20 A Yeah.

21 Q Maybe you know the answer to this, maybe you  
22 don't. Whenever they did the roof replacement after Gustav,  
23 do you know if they stripped off the whole roof down to the  
24 concrete before they built it back up?

25 A I want to say they did. But like I said, I can't

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 remember that far back. But like I said, they was out there  
2 a while.

3 Q Okay. And the only reason I'm asking these  
4 questions is, have you seen -- are you aware that an  
5 engineer went out to the property for the Hurricane Isaac  
6 claim?

7 A It was several people went out there.

8 Q Well, what I want to know is have you ever seen  
9 the report that was issued by an engineer by the name of  
10 Lenny Quick?

11 A Yeah.

12 Q Have you seen that report?

13 A I glanced at it. I know it was a bunch of B.S,  
14 but I glanced at it.

15 Q That's why I'm asking you, because he makes some  
16 comments in there about the roof, how he observed or what  
17 his observations were from seeing it after Hurricane Isaac.  
18 Do you agree or disagree with the things he was saying in  
19 there?

20 A I disagree.

21 Q I think one of the things he mentioned in the  
22 report was that he said something about after Katrina and  
23 what he was saying, maybe we are looking at Gustav or  
24 whatever, but he said something about an overlay being laid  
25 on the roof as opposed to it being stripped down and

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 replaced. Do you remember reading that?

2 A Like I said, I think the report was two something  
3 pages.

4 Q Yeah. I'm sure it was.

5 A I looked at it. I'm not going to sit here and  
6 tell you that I remember that because I don't.

7 Q That's fair enough. I'm not testing you on your  
8 knowledge of the report.

9 A That's why he was here, to read all that.

10 Q I hear you. Was it you that hired the roofer  
11 after Hurricane Gustav?

12 A Yes.

13 Q In other words, none of the tenants hired the  
14 roofer?

15 A No, I did.

16 Q And I take it you paid the roofer as well?

17 A Uh-huh (affirmative response).

18 Q And do you know if you have kept any records as  
19 maybe invoices, receipts, estimates, anything like that as  
20 far as the roof work or any other repairs after Hurricane  
21 Gustav?

22 A No. I can't put my hands on it.

23 Q After Gustav was there other damage on the  
24 exterior? Like one of the things we talked about was the  
25 suspended ceiling tiles on the outside. Was there any

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993



1 damage under there?

2 A Yes.

3 Q Some of the tiles were blown out?

4 A Most of the tiles was blown off. You had some of  
5 the metal bent too. The suspended ceiling tiles, that was  
6 damaged also.

7 Q Did you have all that damaged repaired?

8 A I had everything repaired.

9 Q Do you remember the names of any of the  
10 contractors that you had doing the work repairing the  
11 building after Gustav?

12 A No. I deal with so many contractors. No, I  
13 don't.

14 Q And so after Hurricane Gustav there was a good  
15 amount of damage to the property and whatever was damaged  
16 you had repaired?

17 A Yes, I did.

18 Q That includes any interior damage?

19 A Interior, exterior, yes.

20 Q Let me ask you this, if you can recall after  
21 Hurricane Gustav, you mentioned that there was some water  
22 damage on the second floor on the inside?

23 A Uh-huh (affirmative response).

24 Q Do you recall whether you had -- well, when you  
25 replaced certain ceiling tiles, did you have to gut out the

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 whole ceiling up there and replace it?

2 A What was damaged we replaced. Basically where we  
3 seen water spots, we replaced and everything else we  
4 examined it and it was fine.

5 Q So it was more of a situation of locating damage  
6 and making repairs in there, it wasn't a full gut of the  
7 ceiling, right?

8 A Well, you got to understand, that office building  
9 is probably 16,000 square feet. On the second floor you  
10 probably have maybe 50 offices about this size here, so most  
11 of the ceiling tiles was replaced.

12 Q There is about 50 offices up there, 50?

13 A Yes. It's a huge building.

14 Q Okay.

15 A I may be exaggerating, about 50.

16 Q That's all right. I'm not holding you to an exact  
17 number.

18 A If you go out there, you will see it's a lot.

19 Q I'm not going to challenge you on that. I'm just  
20 asking for a guess.

21 MR. GRAPHIA:

22 Did you get that Universal Restoration  
23 Report, Brent?

24 MR. CARBO:

25 Is that the one from Lori?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 MR. GRAPHIA:

2 No. It's another one that's got diagrams and  
3 color pictures.

4 MR. CARBO:

5 I don't think so.

6 MR. GRAPHIA:

7 I will send it to you because it has all of  
8 that.

9 MR. CARBO:

10 I got the one from whatever Lori's company  
11 is.

12 (Off the Record)

13 BY MR. CARBO::

14 Q Now, after Hurricane Gustav, was there any damage,  
15 any water damage to the walls as opposed to the ceiling?  
16 Did it run down anywhere?

17 A Some walls, yes.

18 Q Wherever it was damaged, you-guys did the repairs?

19 A Uh-huh (affirmative response).

20 Q Do you recall approximately when after Hurricane  
21 Gustav the repair work was completed?

22 A I want to say somewhere early 2009, February or  
23 March of 2009.

24 Q And so there wasn't any repair work still ongoing  
25 in 2012 when Hurricane Isaac came around?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A No.

2 Q Now, I guess let me ask you this, the property is  
3 pretty big, the damages we are looking at for Hurricane  
4 Isaac, are there damages throughout the property? Let's  
5 talk about the upstairs because that's one way to quantify  
6 this. As far as the 50 or so offices upstairs, is there  
7 damage throughout the whole floor or is it limited to any  
8 specific sections?

9 A Throughout the second floor.

10 Q In other words, it's not on the left side of the  
11 building or the --

12 A Yeah. You may have more damage on one side than  
13 the other or more damage in the middle than the end, stuff  
14 like that. It's pretty much throughout.

15 Q Were the post Hurricane Gustav repairs made prior  
16 to the church coming in as a tenant?

17 A The repairs was done.

18 Q Was the printing shop, were they out?

19 A They was out of the building after Katrina. They  
20 didn't come back after Katrina. Just one came back after  
21 Katrina, the rehab.

22 Q The rehab came back?

23 A Uh-huh (affirmative response).

24 Q The rehab group came back after Katrina. Were  
25 they out by the time Gustav hit?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Yeah, they was gone.

2 Q And so at the time Gustav hit, there was no  
3 tenants in the building?

4 A When Gustav hit, the rehab was the only one in the  
5 building.

6 Q After Katrina I thought only one tenant came back  
7 after Katrina?

8 A The rehab.

9 Q They were still there at the time Gustav hit?

10 A They was there somewhere in '07. They left in  
11 '07, '08.

12 Q And Gustav was September of 2008?

13 A Yeah.

14 Q What I'm trying to find out is, was there any  
15 tenant in the building, and if the rehab is out in 2007 or  
16 early '08, that may tell us there is no tenant in the  
17 building at Gustav, but I will let you answer it?

18 A I understand. The tenant may have still been  
19 there. You are talking about four years ago, so they were  
20 probably still there during Gustav. I can't remember.

21 Q That was my next question, do you remember?

22 A You know, I deal with a hundred properties and  
23 that's the biggest one, so the tenant may have still been  
24 there during Gustav.

25 Q If the tenant was still there -- well, after a

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 storm like Gustav, would you ever expect any of your tenants  
2 to do repairs to the property?

3 A No.

4 Q That would always be your responsibility?

5 A Unless we specified it in the lease.

6 Q Did you have any involvement with the adjustment?

7 I guess I should have mentioned -- let's move forward to the  
8 Hurricane Isaac claim. I know some of the adjustors talked  
9 about Paster Mel, about this claim. I assume Pastor Mel is  
10 with the church?

11 A Yes.

12 Q Did you personally have any adjustment with  
13 Hurricane Isaac claim, meaning did you ever talk to the  
14 insurance claim or the adjustors or anything like that?

15 A I met Jack Maze and his brother out at the  
16 property when they came out to inspect the property. They  
17 were doing three of mine that day. That's the only  
18 involvement I had with him doing that.

19 Q So Jack Maze was the first adjustor that was sent  
20 out there?

21 A Uh-huh (affirmative response).

22 Q So you met with him when he came out to inspect  
23 the property?

24 A Yes.

25 Q Did you walk through the property with him?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Yes, I did.

2 Q After that I guess what I want to know is, did you  
3 ever delegate the responsibility to Pastor Mel to deal with  
4 it, deal with the claim?

5 A Well, Pastor Mel would have been the best person  
6 to tell because they stayed there during the storm. I was  
7 out of town on business. So when I got there and met Jack  
8 Maze and his brother and I stayed out there about a period  
9 of time when we was on the roof and everything and I said  
10 the best person you can talk to and he can tell you  
11 everything that happened is Pastor Mel because they stayed  
12 on the premises at the time during the storm so they can  
13 tell you exactly what happened. Pastor Mel exchanged  
14 pictures with him and he showed him what happened during the  
15 storm. So in a sense I guess I did leave Pastor Mel there  
16 with Jack Maze because he would have been the best person to  
17 tell him what happened because they was on the premises  
18 before, during the storm and after the storm.

19 Q Got you. So on that visit whenever Maze came out,  
20 Pastor Mel was there for that visit too?

21 A That was the first visit, yeah.

22 Q So you-guys were all there?

23 A Yes.

24 Q At any point during the adjustment process, did  
25 you ever walk up on the roof with any of the adjustors or

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 people that came out there to look?

2 A The first day with Jack Maze and his brother.

3 Q Okay.

4 A And Pastor Mel.

5 Q Now, do you recall there being a second  
6 inspection?

7 A Yes. I was not present for the second inspection.  
8 That was with -- I want to say that was with Jack Maze and  
9 Lori at the time. I can't remember.

10 Q Are you aware of any third inspection or any other  
11 inspections after that?

12 A Well, Nick usually will tell me when someone was  
13 going out there to inspect the building. I think there was  
14 a third or fourth one with the engineers and stuff like  
15 that.

16 Q Ultimately what I want to ask you is if you were  
17 present for any other meetings?

18 A No, just for one.

19 Q It was the initial meeting with Jack?

20 A Yes.

21 Q During the first meeting you met with Jack, do you  
22 recall Jack telling you anything in particular about the  
23 damage to the property?

24 A We was on the roof. Jack said he told the pastor  
25 that we are going make y'all whole, we are going to make

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993



1 sure all this stuff is taken care of. He was professional.  
2 He got many years in this line of work, all the bells and  
3 whistles. He's going to make us whole and do the right  
4 thing and stuff like that. He seen this damage here. He  
5 seen that damage. He took a lot of pictures and stuff like  
6 that. That was the scope of what he was saying his  
7 expertise by being an adjustor. That's basically what he  
8 said.

9 Q And then obviously at some point you received a  
10 check?

11 A Yes.

12 Q I mean, we are here. I understand you are not  
13 satisfied with what was paid?

14 A Well, like I said, when I called the paster and  
15 told him the insurance company issued a check for \$24,000, I  
16 was across town, I assumed he may have fell out the chair.  
17 I said, "Well, Jack Maze said he was going to make you whole  
18 when he went off." He was belligerent. So I know a blind  
19 man can see there is more than \$24,000 damage to the roof.  
20 The other parts of the building was more than \$24,000. So  
21 that's when I received the check from my agent, because they  
22 sent the check from them to my agent and my agent called and  
23 told me I had a check.

24 Q When was it that you decided to hire an attorney  
25 for the claim?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1           A     After I talked back to Jack Maze and he said I  
2 would receive paperwork. Because I received a check in the  
3 mail without an estimate. Excuse me, I received a check  
4 from the insurance company without an estimate, just a check  
5 stating the property address and how much it was and the  
6 deductible and stuff like that. So I didn't receive an  
7 estimate until afterwards. So weeks later when I received  
8 the estimate, I said I'm sick and tired, so I just said let  
9 me get somebody to deal with this because my hands was full.

10           Q     Do you know who Lori Payne is?

11           A     Yes, I do.

12           Q     Do you know that she's an adjustor that went out  
13 there to look at the property?

14           A     Yes.

15           Q     Was she hired by your attorney?

16           A     Yes.

17           Q     You didn't hire her direct?

18           A     No.

19           Q     Do you know of any adjustors or professionals that  
20 went out there on your behalf to look at the property?

21           A     Lori and --

22                   MR. GRAPHIA:

23                           Bill?

24                   THE WITNESS:

25                           Yeah, Bill.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 BY MR. CARBO::

2 Q Who is Bill?

3 A What's Bill's last name?

4 MR. GRAPHIA:

5 Can we go off the record?

6 (Off the Record)

7 BY MR. CARBO::

8 Q Would it be fair to say that anyone that went out  
9 there, any adjustors that went out there to look at the  
10 property would have been hired by your attorney?

11 A Yes.

12 Q You didn't go out and consult with any roofers or  
13 contractors that you know?

14 A No.

15 Q To the best you can tell me to the best of your  
16 knowledge, I would like to know what your understanding is  
17 at this point of the disputed portions of this insurance  
18 claim to the extent you know?

19 A The entire claim is disputed.

20 MR. GRAPHIA:

21 Let me object to the form. Y'all can go on.

22 BY MR. CARBO::

23 Q I understand that. I can see the problem with the  
24 question. But basically I'm trying to ask things -- as far  
25 as let's talk about roof damage, do you know what was paid

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 for the roof?

2 A I want to say from the check I received from them,  
3 maybe \$15,000 was paid for the roof.

4 Q Did you receive a second payment at some point?

5 A Yes.

6 Q Have you received any estimate that breaks down  
7 the amounts that were paid?

8 A I think, yes. That's why I said maybe 14 to 25  
9 thousand were paid towards the roof if that much and other  
10 money was for ceiling tiles, some paint, some air quality,  
11 get some ventilation in there and test the air and stuff  
12 like that.

13 Q Let me just preface all this stuff. I understand  
14 you hired an attorney and you have an adjustor that looked  
15 at it. I'm not asking you to give me an expert opinion or  
16 tell me how much money you want or anything like that. I'm  
17 just asking what your understanding is because I'm trying to  
18 figure out -- I don't know if there is any way we can figure  
19 out what is going on here from talking to you and what we  
20 can do to resolve some things, the roof being one. Do you  
21 know from looking at the estimates as to whether the  
22 insurance company allowed for full replacement or whether it  
23 was repair work?

24 A It was repair work. It was not full replacement.

25 Q Did you ever look at any depreciation amounts

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 taken out in the estimate?

2 A I looked at that.

3 Q Do you have an opinion on that?

4 A I think it was outrageous.

5 Q You think too much depreciation was taken out?

6 A Yes.

7 Q As far as your understanding, was this a new roof  
8 put on after Hurricane Gustav?

9 A It was a new roof.

10 Q Have you looked at or have you seen any estimates  
11 prepared by Lori Payne?

12 A Yes.

13 Q Have you reviewed it in any detail?

14 A Every now and then I look at it. I guess I will  
15 say yes.

16 Q Did Lori Payne inspect the property?

17 A Yes.

18 Q Do you know if she inspected it prior to writing  
19 an estimate?

20 A I don't know.

21 Q Were you there with her when she inspected it?

22 A No.

23 Q Do you know if Pastor Mel accompanied her on any  
24 inspection?

25 A I think he did.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q You don't know for sure?

2 A No.

3 Q Have you ever seen any estimate prepared by  
4 Universal Restoration?

5 A I can't recall.

6 Q Was there any damage at all that you are aware of  
7 to the roof before Hurricane Isaac hit after the Gustav  
8 repairs and before Hurricane Isaac hit?

9 A Repeat that question.

10 Q I guess what I'm trying to find out is, say the  
11 day before Isaac hitting, were you aware of any roof damage  
12 that existed at that time?

13 A No.

14 Q So, in other words, any damage that we would see  
15 after Hurricane Isaac you believe was caused by Hurricane  
16 Isaac?

17 A Uh-huh (affirmative response).

18 Q You are not aware of any other preexisting  
19 conditions?

20 A No.

21 Q You are not aware of any -- well, are you aware of  
22 any type of roof leaks or anything that may have existed  
23 just before Hurricane Isaac hit?

24 A No.

25 Q Are you aware of any water staining on the

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 upstairs second floor or any water damage anywhere prior to,  
2 just prior to Hurricane Isaac hitting?

3 A No.

4 Q And as a general question just talking about the  
5 second floor, the interior water damage, water getting in  
6 through the roof. Now, I understand you had all the damage  
7 repaired after Hurricane Gustav. Considering what you have  
8 told me, Hurricane Gustav caused damage throughout the  
9 upstairs second floor as did hurricane Isaac. Is it fair to  
10 say we are talking about similar areas where there was  
11 damage caused by Gustav and also by Isaac?

12 A No, I don't think so.

13 Q I'm not talking about -- I'm not trying to say the  
14 same damage, but I'm trying to ask, did Hurricane Gustav  
15 cause damage to the west side of the building and then Isaac  
16 cause damage to the east side of the building? Is it a  
17 situation like that? Or did both of them cause damage  
18 throughout in similar areas?

19 A I think throughout in similar areas.

20 Q I'm not trying to say are we looking at Gustav  
21 damage. You told me you repaired all that?

22 A Yeah.

23 Q But there is no way you think in your mind to  
24 section off that Gustav damage was over here and Isaac was  
25 over here?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Yeah.

2 Q Was there any roof work -- well, any work on the  
3 roof that you had planned to do just prior to Isaac hitting  
4 that hadn't been done yet?

5 A No.

6 Q I want to ask you a similar question about the  
7 ceiling tiles up on the outside up under the overhang areas,  
8 were there any missing tiles or anything like that like the  
9 day prior to Isaac hitting?

10 A Not to my knowledge.

11 Q As far as you know, it would all have been intact  
12 and okay?

13 A Yeah.

14 Q And any type of damage under there whether it be  
15 to the grid or to the tiles would have been repaired after  
16 Hurricane Gustav?

17 A Yes.

18 Q Are you aware of at the time of Hurricane Isaac  
19 were there any newer AC units on the roof that hadn't been  
20 installed yet?

21 A Repeat that.

22 Q Do you know if -- I will look at a photo. Do you  
23 know if there were any new or newer AC units that were up on  
24 the roof at the time Isaac hit that weren't installed yet?

25 A I think. I want to say one may not have been

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993



1 installed, but if so it was something that the church  
2 provided, not me.

3 Q Do you know anything about what was going on, what  
4 work they were doing as far as the AC?

5 A No, not with the AC.

6 Q Are you aware of any rooms or offices or units in  
7 this building that were unused at the time of Hurricane  
8 Isaac?

9 A What you mean units?

10 Q I guess like it's a big building. Was the church  
11 occupying the entire building?

12 A Yes.

13 Q Was there any part of the building that was not in  
14 use at the time Isaac hit?

15 A No. They occupied the entire building. From my  
16 knowledge, everything was in use and they stored stuff, so  
17 everything was in use.

18 Q All I'm asking you is, you are not aware of any  
19 section or rooms that were just out of use at the time of  
20 Hurricane Isaac?

21 A No.

22 Q Are you aware of any damage to the churches or  
23 anyone's contents or furniture inside the building as the  
24 result of Hurricane Isaac?

25 A I think they said some things was damaged.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q You don't know any of the specifics?

2 A No, I don't.

3 Q After Hurricane Isaac, have you made any repairs  
4 to the property?

5 A Some.

6 Q What have you done to this point?

7 A Some roof work. I did what I could do with what  
8 they gave me, some ceiling tiles.

9 Q Anything else?

10 A No.

11 Q Whose done the work that -- who did the roof work  
12 that's been done?

13 A The church has been doing some of the work.

14 Q As far as the roof work and the ceiling tiles that  
15 you have done, has anybody done work in there after  
16 Hurricane Isaac other than the church?

17 A No.

18 Q Are they hiring people or doing it themselves?

19 A They have been doing it themselves.

20 Q Have there been any repairs made to the roof other  
21 than temporary repairs to keep water out?

22 A No.

23 Q There hasn't been any real work done where anybody  
24 stripped off portions or anything like that?

25 A No money.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q Have they done anything other than place a tarp up  
2 there on the roof?

3 A Not to my knowledge.

4 Q Well, did they place a tarp on the roof?

5 A Yes.

6 Q I think they did from reviewing it, but have they  
7 replaced some ceiling tiles in the building?

8 A Some ceiling tiles.

9 Q Do you know if there was any water damage on the  
10 inside first floor?

11 A I think some water damage from the second.

12 Q Have you paid any money out of your pocket for the  
13 repairs after Hurricane Isaac?

14 A No.

15 Q So anything that's been done to this point, it's  
16 been things that have been done by the church either with  
17 their own people or on their own time?

18 A Yeah. I told them to hold their receipts after.  
19 After I get through tax-wise, I'm going to pump the money  
20 into the building on April 16th and do what I have to do.  
21 And whatever happens with this, I will deal with it because  
22 that's been dragging too long.

23 Q And you told the church people to keep their  
24 receipts for any expense they have?

25 A Yeah. And I will deal with that stuff when the

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 time comes.

2 Q Did you pay anything to the church or anyone to  
3 put a temporary tarp on the roof?

4 A No. I have not done anything yet.

5 Q Let me ask you specifically with the tarp issue,  
6 do you know who placed the tarp up there specifically? Was  
7 it somebody with the church or do you know if they brought  
8 somebody in to do that?

9 A I think with the church.

10 Q What?

11 A With the church, within some of their members.

12 Q Okay. Other than the roof stuff we talked about  
13 and some of the ceiling tiles, do you know of any other  
14 repairs temporary or permanent that have been made after  
15 Hurricane Isaac, are you aware of any?

16 A I'm not aware.

17 Q Was any portion of the property unable to be used  
18 after Hurricane Isaac?

19 A I think so.

20 Q Do you know where?

21 A I think some parts of the second floor.

22 Q Do you know which parts specifically?

23 A I want to say the dormitory part where they house  
24 some of the clients, the tenants.

25 Q Would it be fair to say that the church may have

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 better knowledge of that?

2 A Yeah.

3 Q Do you know if with the temporary repairs the  
4 church has made, do you know if all the building is now  
5 usable?

6 A I think most of it is usable.

7 Q I know this is damaged, but they're in there and  
8 they are not having any areas where they just can't use it  
9 right now?

10 A Yeah.

11 Q Are you aware of any electrical problems or  
12 electrical failures after Hurricane Isaac?

13 A Not to my knowledge.

14 Q I mean, basically the lights came back on after  
15 the storm?

16 A Yeah. Well, not right away, but they came back  
17 on.

18 Q You are not aware of any issue where they're just  
19 not able to light up anywhere?

20 A No.

21 Q Did you ever have to discount the church's rent  
22 after Hurricane Isaac?

23 A I'm going to do what I can do after all this B.S.  
24 is over with, so that's only fair. They shouldn't be the  
25 only one, you know.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q Have they still paid rent?

2 A Yeah.

3 Q I want to show you one thing that I just pulled  
4 from my file. I want you to take a look at it. This looks  
5 like a letter that's sent from you to Forest Insurance.  
6 It's talking about reimbursement for a tarp. I think there  
7 is some type of typo here because it's asking for  
8 reimbursement. Well, first let me ask you if you remember  
9 writing any type of letter asking for reimbursement for the  
10 tarps?

11 A Yes.

12 Q It's talking about, one sentence says the cost of  
13 having the tarp put on the roof was \$750. The next sentence  
14 says the cost was \$4,650?

15 A The first part is whatever, 750, the church  
16 purchased and put the tarps on there by their guys. And  
17 when Jack Maze came out there, he said to have this properly  
18 done, it may cost that price to get it done not with the  
19 regular tarps, not the ones you buy from Lowe's. He said to  
20 get the property done, that's probably what it cost for  
21 doing that.

22 Q I'm just asking for clarification on these  
23 numbers. The 750 is what you believe would have been the  
24 church's expenses in placing the tarp?

25 A I think with the temporary tarp they put up there,

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 but that didn't work because the wind was blowing it.

2 Q Did anybody ever have to pay -- was there a  
3 number -- the 4,650, was this a number paid to someone or  
4 paid for materials?

5 A No.

6 Q That's what Jack said it might cost to properly  
7 make temporary repairs?

8 A Yes.

9 Q Do you know anything about the church having to  
10 use clothing for a men's thrift shop on the first floor?

11 A Yes.

12 Q Do you know about any plans to open a woman's  
13 clothing shop down there?

14 A I think that's altogether.

15 Q The reason I'm asking you is, I'm just reading the  
16 report for Jack Maze and he said that one half of the lower  
17 level is currently -- this is a report dated September 14,  
18 2012. He says the other half is currently vacant but they  
19 intend to open a woman's clothing shop that's on the first  
20 floor. Would you agree with that?

21 A I think. Like I said, whatever the inside they  
22 use the building for, it's totally on them. I think they  
23 generate money by selling used clothes, used things, stuff  
24 like that, and I think that's a part of the program with the  
25 women of the program to sell clothes and stuff like that.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 So I think that's accurate. It's going to be like a lady  
2 selling clothes and stuff like that.

3 Q I'm wondering if half of the downstairs was vacant  
4 at the time of the storm. Do you know whether it was or  
5 wasn't?

6 A I don't know.

7 Q They're renting that portion. They can do what  
8 they want?

9 A They can do what they want with the whole  
10 building.

11 Q Do you recall ever coming to any agreement or  
12 being asked by Jack Maze about any agreement regarding the  
13 price that's going to be paid for the damage?

14 A I don't think so.

15 Q Do you recall if he ever asked you that, if he  
16 ever was working up his price and asked if you agreed with  
17 the number or anything like that?

18 A No. Well, I know I would have never agreed to no  
19 \$24,000.

20 Q I want to ask you a few questions. This is the  
21 last thing I want to do here. I'm going to give you a copy  
22 of it. That's the Lenny Quick report that I sent y'all. I  
23 have got to at least know what you know about a couple of  
24 things he said in here, because as you mentioned he says a  
25 lot of stuff in here and I want to know if you can confirm

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993



1 or deny anything. Based on what he's saying on the first  
2 page, he says -- if you look right here, he talks about  
3 Frank, a representative of the tenant. Do you know who  
4 Frank is? He calls him a representative of the tenant. I  
5 think he's just somebody with Pastor Mel.

6 A Probably.

7 Q Do you know Frank or do you know who he is?

8 A No.

9 Q He talks about -- where it says Frank, he says  
10 that Frank and others at the direction of the tenant, Pastor  
11 Mel, have performed tenant repairs to a portion of the  
12 subject roof. Is that consistent with what you were telling  
13 me earlier that they went up there and did the tarps?

14 A Uh-huh (affirmative response).

15 Q You don't have any reason to disagree with that?

16 A No.

17 Q Turn to the top of the second page, the first  
18 sentence right there says the subject roof and he says the  
19 subject he's talking about is this property, the roof system  
20 is understood to have been installed by a local roofing  
21 contractor in approximately late 2009 or early 2010. Do you  
22 believe that's accurate or not accurate or do you know?

23 A I want to say late 2008, 2009.

24 Q Gustav was late 2008. Obviously the last work was  
25 done after Hurricane Gustav?

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 A Yes, it was.

2 Q Did you ever talk with Lenny Quick?

3 A No.

4 Q So the information he's got here, he may not be  
5 getting from you is maybe what I'm understanding here.  
6 Okay. Just one or two more things in here. Just a few  
7 sentences down from that, we are still at the top of that  
8 second page, there is a sentence that says, starting with --  
9 right there, "It is further understood through Pastor Mel  
10 that upon occupying the subject tenant space, he performed  
11 voluminous renovations to the building at a cost in excess  
12 of \$100,000 as part of restoration and repair of the damage  
13 to the building from Hurricane Katrina." I think, well,  
14 one, when Paster Mel came in, do you know if there was any  
15 money spent by Paster Mel to do repairs to the building?

16 A That's in their lease.

17 Q What did they do?

18 A Repairs to make the building more suitable to  
19 them. Open up wall space. Taking walls down. Creating  
20 things for them. That's in their lease.

21 Q It's not repair work, it's renovation work?

22 A Renovation work for their needs.

23 Q Not repairing damage?

24 A No.

25 Q Okay.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1           A     I gave Jack a copy of the lease and he forwarded  
2 it to you.

3           Q     I doubt it.

4           A     That's on the first page of the lease.

5           Q     I'm wondering if he was repairing any damage?

6           A     No. You got a copy of that lease?

7                   MR. GRAPHIA:

8                           Yeah.

9 BY MR. CARBO::

10           Q     They had to do that, build out the property to  
11 suit them, that's under their money?

12           A     Go to page two under repairs.

13           Q     Okay. Is the lease specific to the church?

14           A     Yes.

15           Q     It says, "Tenant shall rehabilitate the property  
16 and will spend a minimum of a hundred thousand in the first  
17 20 days of occupying the property." Is it talking about  
18 rehabilitating damage?

19           A     No, building out the way they want. Like they  
20 made part of the building dormitories. At first you had to  
21 open up walls to make it dormitories. You had to put your  
22 beds in there. You had to bring air conditioners and stuff  
23 like that, that is for their use. Not repairing damage to  
24 the building. There was no damage that they needed to do to  
25 the building. It's built out for what they need.

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 Q Did they have to spend a minimum of a hundred  
2 thousand?

3 A I guess to build things up to code, especially if  
4 they're housing people in the building. That's what that's  
5 for.

6 Q And another thing, as I was just reading that  
7 sentence, there is a sentence in this report, this is again  
8 looking at the Lenny Quick report, right under that  
9 paragraph or sentence where he's talking about Pastor Mel.  
10 He says, "It is understood that until that time the building  
11 has been left vacant and in disrepair since Hurricane  
12 Katrina." I take it from your testimony here that that's  
13 not accurate?

14 A It's not. That's a ploy to get the building at a  
15 cheaper price. But that's not accurate. And if you want,  
16 you can go -- because we had to bring everything up to code.  
17 So you can contact Entergy and see the monies we spent on  
18 all the permits and everything to bring everything up to  
19 code after the storm. And this is after Katrina basically,  
20 after Gustav.

21 Q I'm taking it from reading this that Mr. Quick,  
22 the engineers out there were talking to Pastor Mel, because  
23 he mentioned it a couple times, and he came away with this  
24 information that the building had been left vacant and in  
25 disrepair since Katrina. Do you have any reason why he

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 would say anything like that?

2 A No. Basically it may have been showing that they  
3 spent money on the building to bring it up to code before  
4 this storm here I guess. I don't know because I'm not in  
5 his mind.

6 Q I understand.

7 A But I guess the question should have been asked to  
8 Pastor Mel was the building in disarray one day or two days  
9 before this storm.

10 (Off the Record)

11 BY MR. CARBO::

12 Q I will give this to both of y'all, what I have in  
13 my file which I presume came from the insurer or came from  
14 the insurer's file. It's something -- it's from Inspection  
15 Report Services. I think they generally do these to inspect  
16 properties and for underwriting purposes. This says,  
17 inspected May 14, 2009, and that's six or seven months after  
18 Hurricane Gustav, so maybe there is still, maybe not, there  
19 is still Gustav damage. That's what I'm trying to figure  
20 out. I will give it to you to look at. But as I'm on the  
21 third page of the report, it says that the building was  
22 abandoned after Hurricane Katrina and has not been occupied  
23 since and some discarded equipment and furniture is still in  
24 the building and the building shows evidence of storm damage  
25 and it's dated May 14, 2009. I want to give you that to

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 read and look at because I want to know if this is not  
2 accurate or if maybe there was Gustav damage at this time.

3 A May 14, 2009, that's what you are saying?

4 Q Yeah.

5 A The building was rented to the church in June of  
6 2010. I don't know who took these pictures. There was no  
7 damage to the building. Next door to this building it was  
8 an abandoned apartment complex and maybe ten times the size  
9 of this building and there was furniture on the outside of  
10 it and furniture scattered all over. If you passed out  
11 there, now it's been demolished and everything is gone.

12 Q That's next door to your building?

13 A Right in the same parking lot. This is my  
14 building and right here was another building. We use the  
15 same parking lot. So this is why this building -- this is  
16 Old Gentilly Road, this is my building, 4114. The next one  
17 was 4120. It was an apartment complex maybe 250 units.  
18 People was going there and stealing things, setting fire and  
19 stuff like that. So the furniture was out there. That's I  
20 know you said 2009, but this building was renovated and the  
21 church went in in 2010.

22 Q So there is an apartment building that would have  
23 been vacant next door?

24 A It was vacant since Katrina.

25 Q Is the apartment building connected to your

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

1 building in any way?

2 A No.

3 Q It shares the same --

4 A I think they go out twice a year and check on  
5 properties.

6 Q There is a document in my file, I'm not making any  
7 representations as to whether it's right or wrong, I'm just  
8 asking you to make sure we get the right information.

9 A I did repairs to the building after the storm.  
10 The building was occupied by the tenant in June 2010. The  
11 tenant did repairs to the building for their needs, not  
12 because of damage to the building from the storm.

13 MR. CARBO:

14 That's all the questions I have for you  
15 unless, Nick, you want to ask any questions about  
16 anything, that's fine.

17 MR. GRAPHIA:

18 No, that's okay.

19 \* \* \*

20 (Whereupon at 3:00 the examination under oath  
21 concluded.)

22 \* \* \*

23

24

25

**JOHNS, PENDLETON, FAIRBANKS & FREESE**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993

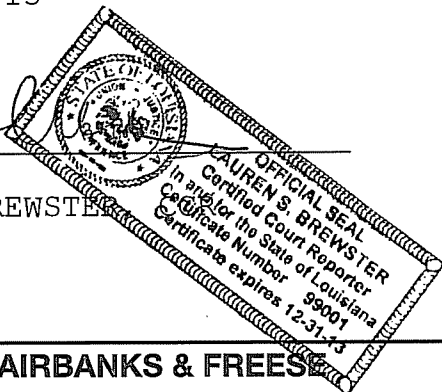
R E P O R T E R ' S   C E R T I F I C A T E

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I, LAUREN S. BREWSTER, a Certified Court Reporter (Certificate #99001) in and for the state of Louisiana, as the officer before whom this testimony was taken, do hereby certify that the witness was sworn by me upon authority of R.S. 37:2554, and did testify as hereinbefore set forth in the foregoing pages; that this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the Board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the Board; that I am not related to Counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

MARCH 28, 2013

  
\_\_\_\_\_  
LAUREN S. BREWSTER



**JOHNS, PENDLETON, FAIRBANKS & FREES**

CERTIFIED COURT REPORTERS  
315 METAIRIE ROAD, SUITE 101  
METAIRIE, LA 70005  
PHONE (504) 219-1993