

From: Clay Culotta <clay@culottalaw.com>  
Sent: Wednesday, March 25, 2015 4:48 PM  
To: Kevin Zipperle  
Cc: mltraut; <schandler1@aol.com>  
Subject: Re: depo dates

Thank you. If everyone is good with those dates I will send them on.

Sharon and Mary Lou please give your thoughts on depositions we need.

Clay Culotta

Sent from Mobile Device

On Mar 25, 2015, at 3:13 PM, Kevin Zipperle <kzipperle@win.net> wrote:  
Clay,

Among the dates you show below, my top choices for back-to-back dates are: April 2-3, 6-7, 16-17, 23-24, and 27-28.

I will work around other dates that may be better for everyone else.

As far as potential deponents besides Mayfield, the only one that I saw much value to was Tom Pike. I've gone back and looked at the questions we have prepared for him. The subjects that we can agree would be relevant are (1) his short sale purchase of condo 1111 while on the Board, (2) his knowledge of the 1103-04 wall as a Board member, and (3) his knowledge of other AG issues—312 sale, bulletins, etc.—while a resident and on the Board. The other questions (security cameras, AG relationships, Facebook remarks) we would probably ask him while under oath; but on their own, they probably wouldn't justify deposing him.

I'm good with deposing Pike if that's your recommendation. The others like Betty Cantrell, Rudder, and Marty Haley don't have much value in my opinion. The only value I see is to demonstrate their character and/or their intellect. But I'd prefer not giving them airtime. Sharon and Mary Lou should weigh in if they disagree.

By the way, my estimate is that we would want at least two hours and maybe a half day for Pike.

Thanks...KZ

From: James Culotta [mailto:clay@culottalaw.com]  
Sent: Wednesday, March 25, 2015 11:30 AM  
To: Kevin Zipperle; mltraut; <schandler1@aol.com>  
Subject: depo dates

Okay - I have been through the April calendar, and there are a few days that we all seem to be available for depositions. This takes into consideration our calendars and Jennie's. Here they are: April - 1, 2, 3, 6, 15, 16, 22, 23, 24, 27, 28?(I may have to be in Evansville), 29

Since they want to come down and spend the night to do back to back days, some of the singles will likely be out for Jennie. Please let me know if any of these days are out for you. I want to pass this on to her today so we can get these on the calendar.

Just to confirm, absent the possibility of Diana Mayfield if we have issues with the affidavit (which I should know about by the end of the week) - we see no one else that we need to depose - correct.

Clay

J. Clayton Culotta

815 E. Market Street  
The Hess House  
New Albany, Indiana 47150  
office - (812) 941-8886 ext. 24  
fax - (812) 941-8883

1615 L Street, NW  
Suite 1350  
Washington, D.C. 20036

[www.culottalaw.com](http://www.culottalaw.com)

The information contained in this e-mail message and any attachments thereto may be privileged and confidential information intended only for the use of the intended recipient and protected by the attorney-client privilege, the work product doctrine, or the Electronic Communication Privacy Act, 18 U.S.C. §§ 2510-2521, 2701-2712. If the reader of this e-mail message is not the intended recipient or the employee or agent responsible for delivery of it to the intended recipient, you are hereby on notice that you are in possession of confidential and/or privileged information and that any dissemination, distribution or copying of this e-mail and any attachments thereto is strictly prohibited. If you have received this e-mail in error, please notify me by replying to this message and permanently delete the original and any copy, including written (printed) copies of this e-mail and any attachments thereto.

Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein. This advice may not be forwarded (other than to the taxpayer to which it has been sent) without our express written consent.

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2015.0.5751 / Virus Database: 4315/9380 - Release Date: 03/25/15