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Transcript of Hearing

Date: November 5, 2018

Case: Ignatius Cobb -v- Fairland Acres HOA

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Transcript of Hearing
Conducted on November 5, 2018

1 (1 to 4)

1	3
1 OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1 A P P E A R A N C E S
2 FOR MONTGOMERY COUNTY, MARYLAND	2
3 -----X	3 FOR MONTGOMERY ZONING BOARD:
4 IGNATIUS COBB, :	4 LYNN ROBESON, HEARING EXAMINER
5 vs. : CCOC No. 16-17	5 MONTGOMERY COUNTY OFFICE OF ZONING AND
6 FAIRLAND ACRES HOA. : OZAH No. 18-01	6 ADMINISTRATIVE HEARINGS
7 -----X	7 100 Maryland Avenue
8	8 County Office Building, Room 200
9 HEARING	9 Rockville, Maryland 20850
10 BEFORE HEARING EXAMINER LYNN ROBESON	10 (240) 777-6660
11 Rockville, Maryland	11
12 Monday, November 5, 2018	12
13 9:39 a.m.	13
14	14
15	15
16	16
17	17
18	18
19	19
20	20
21	21
22	22
23 Job: 216140	23
24 Pages: 1 - 5	24
25 Recorded by: Donald Lane	25
2	4
1 HEARING held at the offices of	1 P R O C E E D I N G S
2	2 HEARING EXAMINER LYNN ROBESON: Okay. I'm calling
3	3 the case of Cobb versus Fairland Acres Homeowners
4 MONTGOMERY COUNTY OFFICE OF ZONING AND	4 Association, CCOC number 16-17, OZAH referral number 18-01.
5 ADMINISTRATIVE HEARINGS	5 Under a prior scheduling order, a hearing was
6 100 Maryland Avenue	6 scheduled today, November 5th, to resolve discovery issues.
7 County Office Building, Room 200	7 Both parties have requested a postponement of the hearing
8 Rockville, Maryland 20850	8 and have agreed to a new hearing date of Friday, December
9 (240) 777-6660	9 7th, 2018. Therefore, the purpose of this hearing is to
10	10 convene the hearing solely to continue the hearing on
11	11 discovery issues to Friday, December 7th, 2018 at 9:30 a.m.
12 Pursuant to agreement before Donald Lane, Notary	12 Okay. This hearing is adjourned.
13 Public in and for the State of Maryland.	13 (Off the record at 9:40 a.m.)
14	14
15	15
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Transcript of Hearing
Conducted on November 5, 2018

2 (5 to 8)

5

CERTIFICATION OF TRANSCRIPT

I, Olivia Ignacio, do hereby certify that the
foregoing transcript is, to the best of Planet Depos'
ability, knowledge, and belief, a true and accurate
transcript of the proceedings, and that we are neither
counsel for, related to, nor employed by any of the parties
to this case and have no interest, financial or otherwise,
in its outcome.



OLIVIA IGNACIO

NOVEMBER 13, 2018



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Transcript of Administrative Hearing

Date: May 31, 2019

Case: Cobb -v- Fairland Acres

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Transcript of Administrative Hearing
Conducted on May 31, 2019

1 (1 to 4)

1	OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS	1	A P P E A R A N C E S	3
2	FOR MONTGOMERY COUNTY, MARYLAND	2	FOR MONTGOMERY COUNTY OFFICE OF ZONING AND	
3	-----x	3	ADMINISTRATIVE HEARINGS:	
4	IGNATIUS COBB, :	4	LYNN A. ROBESON, HEARING EXAMINER	
5	Claimant, :	5		
6	vs. : Case No.: CCOC #16-17	6	FOR THE APPLICANT:	
7	FAIRLAND ACRES HOMEOWNERS : OZAH No. 18-01	7	IGNATIUS COBB, Pro Se	
8	ASSOCIATION, INC. :	8		
9	Respondent. :	9	FOR THE RESPONDENT:	
10	-----x	10	SHIRLEE N. LAKE, ESQ.	
11		11	ECCLESTON AND WOLF	
12	ADMINISTRATIVE HEARING	12	Baltimore-Washington Law Center	
13	Rockville, Maryland	13	7240 Parkway Dr, 4th Floor	
14	Friday, May 31, 2019	14	Hanover, MD 21076	
15	9:28 a.m.	15	Phone: 410.752.7474	
16		16		
17		17		
18		18		
19		19		
20		20		
21		21		
22		22		
23	Job: 247078	23		
24	Pages: 1 - 99	24		
25	Transcribed by: Molly Bugher	25		
2		4		
1	Administrative Hearing held at:	1	C O N T E N T S	
2	Montgomery County Office of Zoning and	2		PAGE
3	Administrative Hearings	3	Transcript of proceedings	5
4	100 Maryland Avenue	4		
5	County Office Building	5		
6	Room 200	6	E X H I B I T S	
7	Rockville, MD	7	(RETAINED BY ATTORNEY)	
8	Phone: 240.777.6660	8	EXHIBITS INTRODUCED AT HEARING:	
9		9	NUMBER DESCRIPTION	PAGE
10		10	5 Emails	21
11		11	EXHIBITS PREVIOUSLY SUBMITTED:	
12		12	NUMBER DESCRIPTION	
13		13	1-4	
14		14		
15	Pursuant to agreement before Michael Pawela, a digital	15		
16	reporter and notary public, in and for the State of Maryland.	16		
17		17		
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2 (5 to 8)

<p>5</p> <p>1 PROCEEDINGS</p> <p>2 HEARING EXAMINER ROBESON: Okay. The court</p> <p>3 reporter's ready, are the parties ready?</p> <p>4 MS. LAKE: Yes.</p> <p>5 HEARING EXAMINER ROBESON: Okay. I'm calling the</p> <p>6 case of Cobb vs. Fairland Acres Homeowners Association.</p> <p>7 CCOC case number 1617, OZHA referral number 1801. Would the</p> <p>8 parties please identify themselves for our record? Mr. Cobb?</p> <p>9 MR. COBB: Ignatius Cobb. I'm the complainant,</p> <p>10 the one who filed the complaint.</p> <p>11 HEARING EXAMINER ROBESON: Okay.</p> <p>12 MS. LAKE: Do I need to stand?</p> <p>13 HEARING EXAMINER ROBESON: No.</p> <p>14 MS. LAKE: Okay. Shirly Lake, and I represent</p> <p>15 Fairland Acres Homeowners Association, the Respondent.</p> <p>16 HEARING EXAMINER ROBESON: Okay. My name is Lynn</p> <p>17 Robeson, I'm the hearing examiner assigned to this case. I</p> <p>18 will take all the evidence and testimony today. And it's an</p> <p>19 informal proceeding, this is solely a hearing on the</p> <p>20 outstanding discovery issues, and on whether books and</p> <p>21 records of the Association, with the scope of that definition</p> <p>22 in state law means. I need to hear from the complainant,</p> <p>23 Mr. Cobb, in what way he believes that discovery is</p> <p>24 incomplete, and what he believes -- what documents he</p> <p>25 believes are included within the meaning of books and records</p>	<p>7</p> <p>1 communication from the former counsel, saying they wanted it</p> <p>2 resolved earlier than the hearing.</p> <p>3 MS. LAKE: Okay. I missed that, but I'm more than</p> <p>4 happy to address it.</p> <p>5 HEARING EXAMINER ROBESON: Okay. Well, can you</p> <p>6 address the factual issues of what's been provided?</p> <p>7 MS. LAKE: Absolutely.</p> <p>8 HEARING EXAMINER ROBESON: Okay. So, with that,</p> <p>9 does anyone else have any preliminary items?</p> <p>10 MR. COBB: I mean, the only preliminary items,</p> <p>11 also, as it relates to discovery, we also have to address</p> <p>12 access to the office, for me to review the physical files.</p> <p>13 So that's another issue that was tabled for today, because I</p> <p>14 had a lot of problems with the attorney and the management</p> <p>15 company, getting access to the physical files at the office.</p> <p>16 And another issue I want to deal with is that -- I don't know</p> <p>17 if this -- I've been having some issues with the, also with</p> <p>18 the board members. The one board member in particular, where</p> <p>19 I had to call the, you know, the police and animal control.</p> <p>20 So, I don't know if they're trying to intimidate me or what,</p> <p>21 but I had to get, you know -- this person came up on my</p> <p>22 property, and I had it videotaped. And you can see there is</p> <p>23 some degree of intent of him allowing his dog to defecate on</p> <p>24 my property, and just walking away. And when I shared the</p> <p>25 information to the board, and that board member, he's on the</p>
<p>6</p> <p>1 under state law. Mr. Cobb has a -- it's really two things,</p> <p>2 as I understand it, that Mr. Cobb has a 52418 discovery</p> <p>3 request, under the HOA regulations that he then modified.</p> <p>4 The second thing, is what is what is in -- the second issue</p> <p>5 is, what is encompassed in, under 11(b)1112 of the real</p> <p>6 property code? What is included in books and records? I</p> <p>7 then have a factual question as to whether what has been</p> <p>8 provided by Fairland -- is that all the emails or only</p> <p>9 certain emails? Does that solely respond to Mr. Cobb's</p> <p>10 discovery request, or is it everything that Fairland has?</p> <p>11 Okay? So, with that, the order of proceeding is Mr. Cobb,</p> <p>12 you go first, and you have the burden of proof. So, the</p> <p>13 followed by respondent, and then Mr. Cobb, you get rebuttal</p> <p>14 to whatever the respondent says.</p> <p>15 MR. COBB: Okay.</p> <p>16 HEARING EXAMINER ROBESON: Okay? So with that --</p> <p>17 I don't know if we're -- you don't have a witness here.</p> <p>18 MS. LAKE: No, I don't. Sorry. No, I understood</p> <p>19 it was just the discovery issue, and I understood, but I'm</p> <p>20 prepared to deal with it, that the issue -- there was an</p> <p>21 order from, you at some point, saying that the issue of</p> <p>22 whether the emails were encompassed within books and records</p> <p>23 was going to be reserved for the evidentiary hearing. So, I</p> <p>24 was -- I thought that --</p> <p>25 HEARING EXAMINER ROBESON: Well, there was some</p>	<p>8</p> <p>1 executive committee, he denied it. Then I showed him all the</p> <p>2 pictures, he still denied it, until animal control came out,</p> <p>3 and confronted him, and told him, well it was him, and look</p> <p>4 at the evidence. And eventually he was fined. So yeah, I</p> <p>5 just want to put that on record. And these are people --</p> <p>6 these are the people who are supposed to be overseeing the</p> <p>7 affairs of the community, and ensuring that people take care</p> <p>8 of their community by respecting people's property. And I</p> <p>9 felt violated. As I mentioned, it appears that there was</p> <p>10 some intent because on the video it shows that he came out,</p> <p>11 looked around, he came onto my property, he looked to see if</p> <p>12 anybody is there, and he had his dog pooped, and he left.</p> <p>13 People usually pick up after themselves. So yeah, so that --</p> <p>14 I just want to put that out there for the record. So, I</p> <p>15 don't know if it's some kind of threat and intimidation.</p> <p>16 HEARING EXAMINER ROBESON: Well, we can't address</p> <p>17 it. I'm not sure this is the forum to address it.</p> <p>18 MR. COBB: Yeah, I don't know what that is about.</p> <p>19 HEARING EXAMINER ROBESON: But it is on the record</p> <p>20 now. So you've placed it on the record. But we're here</p> <p>21 today, solely, on the discovery and what you believe is</p> <p>22 lacking. They did provide documents.</p> <p>23 MR. COBB: Uh-huh.</p> <p>24 HEARING EXAMINER ROBESON: And so, the question</p> <p>25 is, does that address -- the documents they provided, do you</p>

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Conducted on May 31, 2019

3 (9 to 12)

<p style="text-align: right;">9</p> <p>1 still feel like they -- there's two things. One is, have 2 they responded to your discovery request as modified? 3 MR. COBB: Yes. As I mentioned, yeah, so it was 4 incomplete and truncated. For example, the email that I -- 5 HEARING EXAMINER ROBESON: Wait, what was 6 incomplete? The documents they provided? 7 MR. COBB: Yeah, yeah, yeah, yeah. The document 8 and also giving me access to the property that was -- to the 9 office, to look at the physical files, as I mentioned. There 10 are two issues with the discovery. One is, the emails they 11 provided me are incomplete, because as I mentioned it's, you 12 know, all the emails are not there and some of their 13 communications, it's truncated, like it's incomplete. 14 HEARING EXAMINER ROBESON: Okay. 15 MR. COBB: So, on the second thing is access to 16 the physical files at the office, there are some issues 17 there. So, these are the two discovery -- 18 HEARING EXAMINER ROBESON: Okay, let's -- okay. 19 So, this is discovery, so let's start with that. The first 20 thing is -- so your first thing is the documents, the emails 21 provided are incomplete. 22 MR. COBB: Right. 23 HEARING EXAMINER ROBESON: Why do you think that? 24 MR. COBB: Right. So, for example, if you have 25 the emails, there's an email on June 16, 2017, you know,</p>	<p style="text-align: right;">11</p> <p>1 can convey, is at all accurate. I think you should contact 2 Gerva (phonetic). I plan on calling April, to make sure. 3 So, all these one emails with no follow-up, which makes no 4 sense. 5 HEARING EXAMINER ROBESON: Okay. 6 MR. COBB: So, I give you at least three examples. 7 HEARING EXAMINER ROBESON: Okay. Now we can do 8 this a couple of ways. We can take each issue and have you 9 respond, and that may be the easiest way. Is there anything 10 else you want to say on the discovery requests? 11 MR. COBB: Well yeah, and so in terms, yeah, as I 12 mentioned, the emails are incomplete. All the emails need to 13 be provided. And the only thing, in terms of access, I don't 14 know when you want to -- 15 HEARING EXAMINER ROBESON: Tell me about the 16 access. 17 MR. COBB: So, the access is -- so we decided on a 18 date. 19 HEARING EXAMINER ROBESON: On a date for -- 20 MR. COBB: On a date for me to go to the office, 21 and I can show you all the emails and so on. So -- and they 22 told me, communicated to me -- well, I asked them, how much 23 do I -- what is it going to cost me? How much is it going to 24 cost me? And they say, all you have to pay is for copying. 25 I think they quoted me something like \$0.40 or \$0.44. I can</p>
<p style="text-align: right;">10</p> <p>1 that -- 2 HEARING EXAMINER ROBESON: I'm sorry, June 16? 3 MR. COBB: Yeah, 2017. Yeah, from Dave Lager 4 (phonetic) to Kim Mauvihanger (phonetic), and this email 5 discovery says, oh, Ignatius, like, rang my doorbell. 6 HEARING EXAMINER ROBESON: Yeah, I saw that. 7 MR. COBB: And so, where is it -- so a lot of 8 emails like that, and there's no response. And so, you can 9 see that this is -- it's incomplete. Like, where is the 10 follow-up email to that? Where are the follow-up emails? So 11 that is an example. 12 HEARING EXAMINER ROBESON: Okay. Any other 13 examples? 14 MR. COBB: Right, so there's another email on 15 September 29, 2017, that's titled OCC vs. Fairland Acres HOA 16 jurisdiction letter. Okay? And they included this, okay? 17 And there's just an email from Kimberly to Mr. Dave Lager. 18 So, where's the rest? They just put the first email, but 19 they don't put the follow-up email. So that's another 20 example. Right, and then there's another email. That's what 21 they included, I'm just -- on March 25, 2017, and it's from 22 Luis. He's the former president to Dave Lager, and it's 23 entitled Cobb FAFAHA (phonetic). Okay, and the restraining 24 order, and the person -- and there is no follow-up email, and 25 they go on to talk about having whiskey, and if what Morey</p>	<p style="text-align: right;">12</p> <p>1 pull up the email. 2 HEARING EXAMINER ROBESON: \$0.40? 3 MR. COBB: Either \$0.40 or \$0.44. \$0.44. If you 4 want, I can pull up this -- 5 HEARING EXAMINER ROBESON: A page? 6 MR. COBB: Yeah. So, let me pull up the email. 7 And I said -- hold on, so I can pull of the email. 8 HEARING EXAMINER ROBESON: Well, we need that -- I 9 need that in the record. 10 MR. COBB: Oh yeah, yeah, so let me pull up all 11 the emails. So, let me pull up the -- 12 MS. LAKE: It's \$0.13 Mr. Cobb. 13 MR. COBB: So, let me -- that's okay. It's 13 -- 14 MS. LAKE: It's \$0.13. 15 MR. COBB: Oh, so you have the email? 16 MS. LAKE: I actually -- if -- I have the whole 17 series of emails with regard to access. 18 MR. COBB: Okay. So, let me -- okay, sure. 19 MS. LAKE: And if I could give one to Ms. Robeson 20 and Mr. Cobb? 21 MR. COBB: Oh sure. 22 MS. LAKE: These begin back in June. 23 HEARING EXAMINER ROBESON: Wait, I'm going to mark 24 this as an exhibit. Now, technically, this is informal, but 25 we don't have any factual witness here to say --</p>

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4 (13 to 16)

<p>13</p> <p>1 MR. COBB: Although only factual is they 2 communicating to me that this is what they're going to charge 3 me. So that is -- 4 HEARING EXAMINER ROBESON: Well, do you disagree 5 that this is the chain of emails on access? 6 MR. COBB: I have to look at that, because yeah, I 7 have to -- can I claim -- okay, I cannot make that -- 8 HEARING EXAMINER ROBESON: Why don't you take a 9 minute and look at it? 10 MR. COBB: Hold on, hold on, hold on, let me look 11 at this here on my chain first. 12 HEARING EXAMINER ROBESON: Okay. 13 MR. COBB: Because they have a way of leaving out, 14 omitting things. I'm not going to -- 15 HEARING EXAMINER ROBESON: No, that's fine. Take 16 your time. Take your time. 17 MR. COBB: Kimberly -- I see this was in June, 18 July. Was this in July? Okay. Oh, there it is. There is, 19 there it is. That was in, yeah that was in October. That 20 was, I don't know, this one you have from July here, it's 21 incorrect. So, you can keep that. It was decided in 22 October. I can show you the emails here, from Kimberly 23 Hanger to myself, and William Senagan (phonetic), they Mr. 24 Cobb, the copy fee of 30, the copy fee -- and that's what -- 25 whether it's incorrect grammatically -- the copy fee of \$0.13</p>	<p>15</p> <p>1 MR. COBB: Okay, hold on. I'll go back and see. 2 That's what I feel comfortable with. 3 MS. LAKE: I believe they're all in there, Mr. 4 Cobb. It might be faster to look. 5 HEARING EXAMINER ROBESON: Because I have some 6 from October 4, October 18 -- 7 MS. LAKE: They start on October 2, and go through 8 October 18, 19, I'm sorry, 19. 9 HEARING EXAMINER ROBESON: Okay. Go to the end. 10 The October 2nd one is at the end of the packet. 11 MS. LAKE: Right. And may I just be heard a 12 moment on the first two pages? 13 HEARING EXAMINER ROBESON: Yes. 14 MS. LAKE: The first two pages are just early 15 emails to Mr. Cobb saying, you can come in and look at the 16 books and records. 17 HEARING EXAMINER ROBESON: Oh. 18 MS. LAKE: And he never responded. But the email 19 chain he's talking about -- 20 MR. COBB: Who? No, me? 21 HEARING EXAMINER ROBESON: No, just a second, just 22 a second. 23 MR. COBB: I was just -- 24 HEARING EXAMINER ROBESON: Don't interrupt please, 25 we have to --</p>
<p>14</p> <p>1 for copy is a fee that will be due tomorrow, at the end of 2 your visit. That was in 10/18/2018, at 1:05 p.m.. Right? 3 So that's what we agreed to. So then when I'm ready to go, 4 and there's like, oh -- so I said, am I going to be charged? 5 They said no. Right? I'm not going to be -- all they going 6 to be charged, is that fee. All right? But the day when I 7 was ready to go in, they say, well, oh, you know, we 8 haven't -- basically, we have a change. A fee will be 9 charged to the Association. Okay? So that was new to me. 10 So, I said, will that fee be then turned around and charged 11 to me? And they couldn't answer that question. 12 HEARING EXAMINER ROBESON: Okay. Do you -- I need 13 to take a look at this real, really briefly. So, do you -- 14 can you take a look at what Ms. Stevenson -- 15 MR. COBB: Yeah, this is not -- yeah, I looked at 16 here, is go back to June or July. The thing started in 17 October. 18 HEARING EXAMINER ROBESON: No, but they've got 19 October in here. They've got what you are referring to in 20 this packet, and I'm just trying to see if -- 21 MR. COBB: I know. I think the issue really 22 started in October. That's what I have -- 23 HEARING EXAMINER ROBESON: I know, but they have 24 October email. So, I'm trying to see if these are the same 25 emails that you are referring to, so I can let it --</p>	<p>16</p> <p>1 MR. COBB: I will respond. 2 HEARING EXAMINER ROBESON: It's okay, but if you 3 don't, we don't get a clear record for the court reporter. 4 Go ahead. 5 MS. LAKE: The email chain he's talking about 6 is -- begins on the second page of what you've marked as an 7 exhibit, with October 19 in there in reverse chronological 8 order. And they go from October 2 to October 19. 9 HEARING EXAMINER ROBESON: Okay. So, October 2 is 10 the last page of -- 11 MS. LAKE: Yes ma'am. 12 MR. COBB: Okay. So, the first email where they 13 have here is September 25, from Ms. Robeson enquiring you 14 about whether or not the discovery requests was met. And 15 then Megan, the attorney, responded and says, basically, that 16 this matter is moot. And to that, Ms. Robeson responded and 17 said, Ms. Williamson, it is not moot, until you have followed 18 Mr. Cobb's criteria for which emails are subject to the 19 request. 20 HEARING EXAMINER ROBESON: Right. 21 MR. COBB: That was October 1, 2018. 22 HEARING EXAMINER ROBESON: Right. 23 MR. COBB: And then, Megan responded in October 1, 24 basically saying, I did follow this criteria, the criteria 25 from his discovery. And then, I responded October 2 saying,</p>

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5 (17 to 20)

<p>17</p> <p>1 there are a number of issues with the discovery submitted by 2 the respondent. One, numerous missing emails. Two, 3 truncated email communications, omissions of substantial 4 parts email thread, the full email thread must be included. 5 Three, lack of full disclosure. Books and records were not 6 fully disclosed. Four, agreement was for complainant to go 7 to respondent's location, to access books and records. This 8 did not happen. And five, respondent's books were not 9 provided. No access were given to inspect books. Okay? 10 That was on the second. And then, you know, Ms. Megan 11 responded with a whole other email where -- so that she got 12 frustrated, you know. 13 HEARING EXAMINER ROBESON: Well, what I -- 14 MR. COBB: On the whole - yeah, she got -- 15 HEARING EXAMINER ROBESON: What I need you to do, 16 just listen to me for a second. 17 MR. COBB: Yeah, uh-huh, okay. 18 HEARING EXAMINER ROBESON: I need you to look at 19 what Ms. -- 20 MS. LAKE: Lake. 21 HEARING EXAMINER ROBESON: I'm sorry, Ms. Lake 22 handed you. 23 MS. LAKE: That's okay. 24 HEARING EXAMINER ROBESON: That packet. 25 MR. COBB: Then have to -- so, you'll give me 20</p>	<p>19</p> <p>1 email on the last page -- I started on the last page, October 2 2nd. 3 HEARING EXAMINER ROBESON: Yeah. 4 MR. COBB: Basically, saying that, you know, I can 5 come to the office to look at the discovery at any time. 6 HEARING EXAMINER ROBESON: Yeah. 7 MR. COBB: That, you know, that is fine. And then 8 there's a response from you saying, with respect to making 9 copies, are there any machine on site for me to use? That 10 was on, you know, October 2nd at 2:10. So that's fine. 11 MS. LAKE: I believe that's October 3rd. I just 12 want to be sure we have -- 13 HEARING EXAMINER ROBESON: At 2:10, yes. I see 14 it. 15 MR. COBB: At 2:10. And then on page 11, there's 16 another email on October 4th, where, basically, Megan said 17 that I will be charged for a copy -- a minimum fee for a 18 copy, per page. And then I went by -- a next email, on 19 October 4th, 12:51, asking her, how much is the fee? Then we 20 go to page 10, and then she, basically, had questions about, 21 you know, what I'm looking for, and -- which was kind of 22 frustrating because, you know, we had already established 23 that in the motions, you know, and the -- so, she had 24 questions about what I'm looking for. And then I think she 25 said something about, yeah -- give me your -- she said, yeah,</p>
<p>18</p> <p>1 minutes to do that? Because I have to compare it to what I 2 have here. 3 HEARING EXAMINER ROBESON: Yes, we have 20 minutes 4 to do that. Can you do that? 5 MR. COBB: Okay, okay, okay. 6 HEARING EXAMINER ROBESON: Okay. So, we're going 7 to go -- I'm going to go off the record for 20 minutes and 8 give you the opportunity to compare everything. So we'll 9 come back -- I'll give you 25 minutes -- will come back at 10 10:15. Okay? All right. With that, we're off the record. 11 (Off the record) 12 (Back on the record) 13 HEARING EXAMINER ROBESON: Okay. Are the parties 14 ready? 15 MS. LAKE: Yes. 16 HEARING EXAMINER ROBESON: Court reporter? Okay. 17 Mr. Cobb, are you ready? 18 MR. COBB: Yeah. 19 HEARING EXAMINER ROBESON: You have to respond in 20 the affirmative or the record won't pick it up. 21 MR. COBB: Yes, yes, yes. 22 HEARING EXAMINER ROBESON: Okay. Did you get a 23 chance to review Ms. Lake's emails? 24 MR. COBB: Yeah. So yeah, so I reviewed these 25 emails here, and they're not really in sequential order. The</p>	<p>20</p> <p>1 Ms. Hanger can respond and schedule. She said she's 2 available the next two Tuesdays, giving you time. Please 3 work with her to arrange a time to view the books, and please 4 be specific in what you are looking for. I thought that was 5 already established, as I mentioned in the motion, you know. 6 So, remember you are billed -- for the time -- and for you 7 to -- it's helpful for you are looking for and can be 8 adequately provided. So then I went and say, am I being 9 billed for time to prepare the books? And the reason I asked 10 that because I'm thinking the books should be already there, 11 prepared. You don't have to go prepare the books again. I'm 12 coming to do a physical -- 13 HEARING EXAMINER ROBESON: Right. 14 MR. COBB: Yeah. 15 HEARING EXAMINER ROBESON: I guess my only 16 question at this point is, are these the -- do you agree that 17 these emails -- 18 MR. COBB: Well, some of them. I think, go to the 19 one to July, because I think the July thing was already 20 resolved through our motions on discovery. 21 HEARING EXAMINER ROBESON: Okay, but I just need 22 to know if these are emails that you sent. 23 MR. COBB: Well, the ones that I'm going over, 24 these -- I mean, if it has my name on it, yeah, pretty much 25 sure that I sent it. I mean, I don't think they would go</p>

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6 (21 to 24)

<p>21</p> <p>1 that far to manipulate the documents either, but the one with 2 my name -- I mean, I didn't go back to July, okay? But the 3 ones in October, I was able to verify them here. 4 HEARING EXAMINER ROBESON: Okay. So, I -- 5 MR. COBB: July, I would probably, yeah, need more 6 time. 7 HEARING EXAMINER ROBESON: You can't verify them. 8 MR. COBB: Yeah. 9 HEARING EXAMINER ROBESON: Okay. So, I'm going to 10 take off the July ones. 11 MS. LAKE: There are first two pages. 12 HEARING EXAMINER ROBESON: First two pages. And 13 then I'm going to admit the rest as Exhibit 5. Okay. So 14 where are we on the access now? 15 (Exhibit 5 admitted into the record) 16 MR. COBB: So where are we on the access is that, 17 as I was going through the notes here -- so one of the things 18 is that -- so the issue is that, you know, two weeks prior to 19 the scheduled visit, so which was October 4th we -- it was 20 agreed on that I'm going to come on October 19th. And they 21 told me that I'm going to pay \$0.13, which I said, yes, 22 because I agree to that. And that was the only fee they 23 communicated to me, okay? Only fee. On the day before, then 24 they start changing their tune, to the effect that, oh well, 25 Mr. Cobb, some of our documentation, they're off-site, and we</p>	<p>23</p> <p>1 mean they have -- you have what you call a call off-site. 2 Let's say they have a fire or something, or they have all 3 documentation, they might store -- 4 HEARING EXAMINER ROBESON: Oh, like archives or 5 something? 6 MR. COBB: Yeah, they might stored it in a 7 different location. 8 HEARING EXAMINER ROBESON: Where is the 9 Association's office, business office? 10 MR. COBB: It's in Gettysburg? It's in 11 Gettysburg? 12 HEARING EXAMINER ROBESON: Okay. All right. Go 13 ahead. 14 MR. COBB: So is not really -- it's also could be 15 a safety thing, for example, you have a fire, which is good 16 to have a -- usually you get -- usually you have an IT. 17 HEARING EXAMINER ROBESON: You have a backup. 18 MR. COBB: Yeah, there's a call site, a backup, 19 yeah. 20 HEARING EXAMINER ROBESON: Okay. So, what 21 happened then? 22 MR. COBB: So yeah, so the time limitation was a 23 big thing, because I don't see myself going there. Then I'll 24 have to go there more often, compared to me going there 9:00 25 and going to 5:00. That will maybe take me two days. And</p>
<p>22</p> <p>1 have to get them ready for you, and that takes time. And all 2 of this was not communicated to me before. And the other 3 thing, they -- the Maryland statute says that the books 4 should be available during regular business hours. They were 5 limiting me from 11:00 to 2:00, and I don't agree with that. 6 From what, you know, the statute said regular office hours, 7 but there were limiting me from 11:00 to 2:00. So, they 8 were -- and -- 9 HEARING EXAMINER ROBESON: Okay, wait a minute. 10 MR. COBB: Sorry. 11 HEARING EXAMINER ROBESON: She brought that in. I 12 want to make sure I get everything. 13 MR. COBB: Yeah. 14 HEARING EXAMINER ROBESON: Okay. So, first is the 15 time limitation. 16 MR. COBB: Yeah, so -- 17 HEARING EXAMINER ROBESON: And then, what was 18 the -- oh, some are located off-site. 19 MR. COBB: Yeah, they said that it was, you know, 20 off-site and they need, you know, they will need time to get 21 it for me, and so on. So the off-site is an issue, and also 22 the limitation with the time, because -- 23 HEARING EXAMINER ROBESON: Now what do they mean 24 by -- what's your understanding of off-site? 25 MR. COBB: Off-site means -- this is a -- off-site</p>	<p>24</p> <p>1 then, the whole off-site thing was the next issue. And so, I 2 think they were just trying to limit my scope and make this 3 thing difficult for me. All of a sudden, as I mentioned, two 4 weeks ago -- two weeks prior to the visit, they told me the 5 only thing I have to pay is \$0.13. Then they call and tell 6 me about \$45.00. 7 HEARING EXAMINER ROBESON: But as I read it, they 8 aren't making you pay. 9 MR. COBB: Right, no, no, no, right, no, no, but 10 I'm -- yeah, right. So, this was happened, as I mentioned, 11 at the last minute. So, I didn't get clarity on that. 12 HEARING EXAMINER ROBESON: Oh, I see. 13 MR. COBB: Yeah, oh, yeah well, I'm not even clear 14 they were, because one thing -- 15 HEARING EXAMINER ROBESON: Well, let me do this. 16 MR. COBB: So, hold on, hold on. 17 HEARING EXAMINER ROBESON: You're testifying to 18 fact, so I'm going to put you under oath. I didn't expect to 19 have to do that, but we are going to do that. So can you 20 raise your right hand? Do you solemnly affirm under 21 penalties of perjury that the statements you're about to make 22 are the truth, the whole truth, and nothing but the truth? 23 MR. COBB: The truth, yeah, nothing but the truth, 24 yeah. 25 HEARING EXAMINER ROBESON: Okay, go ahead.</p>

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<p>25</p> <p>1 MR. COBB: So, on October 18th, 19th, they came 2 with a fee of \$45.00, and you can look at email. 3 HEARING EXAMINER ROBESON: Yes, I saw that. I did 4 look at them. 5 MR. COBB: Yeah, and that was not communicated to 6 me before. The only thing that was communicated to me was 7 the \$0.13. 8 HEARING EXAMINER ROBESON: But they're saying that 9 you're not going to pay the \$45.00. 10 MR. COBB: Right. Right. That's what they said. 11 And so they say a lot of things, but they have a -- the what 12 I've seen is that they change their position, because -- so I 13 said, well if you bill it to the office the \$45.00 fee, and 14 it's not going to be bill -- it's going to be billed to the 15 Association. So my next question -- and they work very 16 closely with the Association. They were there last night. 17 Will the Association turn around and charge me for it? 18 Because they work hand in hand. And they didn't answer that. 19 They didn't answer that. 20 HEARING EXAMINER ROBESON: Okay, well we have the 21 Association's attorney here. So we can ask her whether the 22 Association intends to bill you for it. 23 MR. COBB: No. 24 HEARING EXAMINER ROBESON: So, let me see -- 25 MR. COBB: Oh, she said no, she said no. She on</p>	<p>27</p> <p>1 they haven't provided all of the discovery, correct? 2 MR. COBB: Yeah, so we're still dealing with the 3 on-site visit, right. They have no problem with me coming 4 on. The only issue with the on-site visit -- well, the fee, 5 which is just -- this has been resolved. As you said -- the 6 attorney said they were not going to charge me. The other 7 thing is a time limitation. I can only be there for 11:00 8 until 2:00. 9 HEARING EXAMINER ROBESON: Why did they give him 10 11:00 and 2:00? 11 MS. LAKE: Originally, that was the only thing 12 that worked with the schedule, but if you look at the later 13 emails, there was nothing saying he would be limited in time. 14 HEARING EXAMINER ROBESON: Well, I think he 15 needs -- 16 MR. COBB: Which -- 17 HEARING EXAMINER ROBESON: Just a second. I think 18 he needs an affirmative response to say -- what I'm hearing 19 him say is, he only wants to take one day off, and he would 20 like from 9:00 to 5:00. Will the Association provide him 21 that flexibility? 22 MS. LAKE: Yes. As long as it's coordinated on a 23 date when the person who has to be there to provide the 24 records is available. 25 HEARING EXAMINER ROBESON: And who is that?</p>
<p>26</p> <p>1 the record, she said no. 2 HEARING EXAMINER ROBESON: Wait I -- hold on. 3 Does the Association -- I'm doing this to clarify for the 4 record because the record is a tape that we transcribe. So I 5 have to make sure everything's clear. 6 MR. COBB: Okay. 7 HEARING EXAMINER ROBESON: Does the Association 8 intend to charge Mr. Cobb \$45.00 for reviewing these records? 9 MS. LAKE: No. 10 HEARING EXAMINER ROBESON: Is the full -- will the 11 full charge for copying, be \$0.13 a page? 12 MS. LAKE: Yes. 13 HEARING EXAMINER ROBESON: Are those the only 14 charges? 15 MS. LAKE: Yes. 16 HEARING EXAMINER ROBESON: Okay. So, it's on the 17 record now. 18 MR. COBB: Okay yeah, you know, and so all the 19 records -- so all their records available now, for me to 20 review? 21 HEARING EXAMINER ROBESON: Well, first we have to 22 resolve the question of what the records are, okay? 23 MR. COBB: Well, I thought we resolved that 24 already. 25 HEARING EXAMINER ROBESON: While you're saying</p>	<p>28</p> <p>1 Kimberley Hanger? 2 MS. LAKE: Yes ma'am. 3 HEARING EXAMINER ROBESON: Okay. So, on a date 4 that Kimberley Hanger's there, you can go in from 9:00 to 5 5:00, and review all the records at that time? 6 MS. LAKE: Yes. 7 HEARING EXAMINER ROBESON: Okay. Does that work 8 for you? 9 MR. COBB: Yeah, 9:00 to 5:00 works. Yeah, yeah. 10 HEARING EXAMINER ROBESON: Okay. 11 MR. COBB: Because the statute says that -- 12 HEARING EXAMINER ROBESON: Business hours. 13 MR. COBB: Business hours. And this is -- from 14 9:00 to 5:00 would be -- not 11:00 to 2:00 15 HEARING EXAMINER ROBESON: You're correct. Okay. 16 MR. COBB: Sorry, I just need that in writing. 17 That I -- 18 HEARING EXAMINER ROBESON: Well, you really don't 19 because if she tells it to me and she breaks her word, she's 20 an officer of the court and she can get in big trouble. 21 MR. COBB: Okay. 22 MS. LAKE: But if it would make Mr. Cobb happy, 23 I'll be happy to send you an email. 24 HEARING EXAMINER ROBESON: And why don't you do 25 this. When you get a date arranged, send me a copy of the</p>

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<p>29</p> <p>1 email specifying when he can come. How's that?</p> <p>2 MS. LAKE: May ask Mr. Cobb, is there any day on</p> <p>3 which, during the week, on which you could not come?</p> <p>4 MR. COBB: I mean, Fridays are better for me.</p> <p>5 Fridays are better for me.</p> <p>6 MS. LAKE: Is it the only day on which you're</p> <p>7 available? Because that may make it more difficult.</p> <p>8 HEARING EXAMINER ROBESON: Why?</p> <p>9 MS. LAKE: I don't know what her schedule is, all</p> <p>10 I'm saying is if she's not available next Friday and the</p> <p>11 following Friday, it'll be three weeks out, as opposed to if</p> <p>12 we could do it --</p> <p>13 HEARING EXAMINER ROBESON: Is she part-time?</p> <p>14 MS. LAKE: Say again. No, she's with the</p> <p>15 management company and she's full-time.</p> <p>16 HEARING EXAMINER ROBESON: Then why -- you just</p> <p>17 don't know.</p> <p>18 MS. LAKE: I just don't know.</p> <p>19 HEARING EXAMINER ROBESON: Why don't you call?</p> <p>20 Wait, you know what? We -- and I want to get through more of</p> <p>21 the discovery and what's -- but I tell you what, why don't we</p> <p>22 take some time, while we're all here, and get Ms. Hanger on</p> <p>23 the phone and set up a date.</p> <p>24 MS. LAKE: I think that's an excellent idea.</p> <p>25 MR. COBB: Well, okay but I have to -- okay.</p>	<p>31</p> <p>1 the appointment.</p> <p>2 MS. LAKE: Yes ma'am.</p> <p>3 HEARING EXAMINER ROBESON: So, we've got the</p> <p>4 access issue.</p> <p>5 MR. COBB: Yeah, and the fee issue resolved.</p> <p>6 HEARING EXAMINER ROBESON: And the fee issue.</p> <p>7 MR. COBB: So, the other thing is that the thing</p> <p>8 with the off-site. What's going on with -- what --</p> <p>9 MS. LAKE: I do not see --</p> <p>10 HEARING EXAMINER ROBESON: Okay. Well, okay, go</p> <p>11 ahead.</p> <p>12 MR. COBB: What, what?</p> <p>13 MS. LAKE: I'm sorry. He shouldn't be talking to</p> <p>14 me and I shouldn't be talking to him.</p> <p>15 HEARING EXAMINER ROBESON: That's right. You're</p> <p>16 supposed to talk to me, but it's okay because it's a good</p> <p>17 question. So, what's going on with the off-site Ms. Lake?</p> <p>18 MS. LAKE: I have never heard off-site, I see</p> <p>19 nothing in these -- I just went through the emails again,</p> <p>20 after Mr. Cobb mentioned it, about off-site, and I don't see</p> <p>21 anything about off-site. I believe that that is not an</p> <p>22 issue. I will certainly ask Ms. Hanger, but this is the</p> <p>23 first time I've heard it because it's not in any of these</p> <p>24 emails that we've marked as Exhibit 5.</p> <p>25 HEARING EXAMINER ROBESON: Mr. Cobb, do you know</p>
<p>30</p> <p>1 MS. LAKE: As long as Mr. Cobb</p> <p>2 (Crosstalk)</p> <p>3 HEARING EXAMINER ROBESON: Can you do that Mr.</p> <p>4 Cobb?</p> <p>5 MR. COBB: Not sure if I can do that now because I</p> <p>6 have so many -- I don't know if I can do that now when I'm --</p> <p>7 like, we can set up a date. I mean, you guys --</p> <p>8 HEARING EXAMINER ROBESON: Okay. Well, we don't</p> <p>9 have to, but I'm asking Ms. Hanger to make the effort to be</p> <p>10 available, so we can get through this case.</p> <p>11 MR. COBB: Right, okay. So, within a week, I</p> <p>12 think we can. Because we tried to set up a time and there</p> <p>13 were other back and forth, in terms of which time works for</p> <p>14 them and I. So okay, so the other thing is this --</p> <p>15 MS. LAKE: May I just ask Mr. Cobb to let me know</p> <p>16 what dates he's available first.</p> <p>17 MR. COBB: I have to look at my --</p> <p>18 MS. LAKE: I mean after, not today. Not now.</p> <p>19 HEARING EXAMINER ROBESON: You don't have to do it</p> <p>20 now, but she doesn't want to go arrange dates with Ms. Hanger</p> <p>21 without knowing when you're available. So you need to get</p> <p>22 her dates, and then she'll follow-up.</p> <p>23 MR. COBB: Okay.</p> <p>24 HEARING EXAMINER ROBESON: And then, when you do</p> <p>25 get the appointment, send me the copy of the email setting up</p>	<p>32</p> <p>1 where -- do you have the email where she said off-site?</p> <p>2 MR. COBB: Yeah. Let me see if --</p> <p>3 HEARING EXAMINER ROBESON: Well, maybe we can</p> <p>4 short-circuit it this way. Maybe we can simply say, whatever</p> <p>5 date you set up, all the books and records have to be at the</p> <p>6 management company, rather than, you know.</p> <p>7 MS. LAKE: They have to be at the one location?</p> <p>8 HEARING EXAMINER ROBESON: Correct.</p> <p>9 MS. LAKE: Yes. Very reasonable.</p> <p>10 HEARING EXAMINER ROBESON: Does that satisfy you</p> <p>11 Mr. Cobb?</p> <p>12 MR. COBB: Yes, yeah.</p> <p>13 HEARING EXAMINER ROBESON: And that way we don't</p> <p>14 have to go through a gazillion emails. Okay. So, I'll just</p> <p>15 say, on the date set up, all books and records must be made</p> <p>16 available at the management office, I guess.</p> <p>17 MS. LAKE: I believe so. I would prefer --</p> <p>18 HEARING EXAMINER ROBESON: Or I'll just say at a</p> <p>19 single location.</p> <p>20 MS. LAKE: That would be better. I don't know if</p> <p>21 the intention was for Ms. Hanger to go to the condo -- to go</p> <p>22 to the Homeowners Association office or if they're all at the</p> <p>23 management office, but I certainly will represent that</p> <p>24 they'll all be at the same place.</p> <p>25 HEARING EXAMINER ROBESON: Okay. So, he doesn't</p>

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<p>33</p> <p>1 have to -- okay. All right. Now let's get back to -- now, 2 Ms. Lake, it's your turn. What is your response to Mr. 3 Cobb's statement that he doesn't think he has all the emails? 4 Now, we're just talking the discovery now. 5 MS. LAKE: Yes ma'am, I understand. 6 HEARING EXAMINER ROBESON: So, what's your 7 response to Mr. Cobb's statement that he doesn't have -- it's 8 clear that there's emails missing from the email chains. 9 MS. LAKE: First of all, I don't think it's clear 10 at all. I've gone through them, but when this issue first 11 was brought up by Mr. Cobb, my predecessor, Ms. O'Connor, 12 went back to the Association and Ms. Hanger, and was assured 13 that these are all of the emails. He has identified for us 14 today, three that he says, there's no follow-up, and he 15 thinks there should be a follow-up, but if there is no 16 follow-up, there's no follow-up. I will certainly go back 17 with regard to the three that he believes should have more 18 and ask, but this was done months ago, when he made this 19 claim, and Ms. O'Connor went back, and they said no, that's 20 it. There is nothing else. 21 HEARING EXAMINER ROBESON: So, what you're saying 22 is, that's all the documents in their possession. 23 MS. LAKE: Emails. 24 HEARING EXAMINER ROBESON: Emails. 25 MS. LAKE: And in their possession, is probably</p>	<p>35</p> <p>1 MS. LAKE: Next week. I'm not sure I could 2 promise Monday, but can we -- 3 HEARING EXAMINER ROBESON: No. So today is the 4 31st. so, June 6th? 5 MS. LAKE: Yes. And then you need us to deliver 6 those to you? 7 HEARING EXAMINER ROBESON: Yes. Well, why don't 8 we say the following Monday? 9 MS. LAKE: The 10th? 10 HEARING EXAMINER ROBESON: Yeah. 11 MS. LAKE: Okay. That's more than reasonable. 12 HEARING EXAMINER ROBESON: Okay. Now, so do you 13 know how -- did she go to all the existing and former board 14 members and ask for their emails? 15 MS. LAKE: I believe so, but I can confirm that 16 once again. 17 HEARING EXAMINER ROBESON: Well, next time we have 18 a hearing on the scope of discovery, we need a witness here 19 who can say -- 20 MS. LAKE: Oh, I apologize. 21 HEARING EXAMINER ROBESON: You know, I don't want 22 to keep going through this, but yeah, I -- 23 MS. LAKE: Well, the only person, I mean -- 24 HEARING EXAMINER ROBESON: Who is coordinating the 25 physical discovery? Is it Ms. Hanger?</p>
<p>34</p> <p>1 something of a misnomer because I don't believe any of them 2 had been printed, but all were printed once your -- I'm 3 sorry, once you ruled that they had to be produced. So yes, 4 that is my understanding. 5 HEARING EXAMINER ROBESON: Actually, I don't have 6 printed copies of all of them. I just have the zip file. 7 MS. LAKE: You have a zip file. 8 HEARING EXAMINER ROBESON: Yes. 9 MS. LAKE: No. That's what my associate said when 10 he came down to look at the file. 11 HEARING EXAMINER ROBESON: Right. So it would be 12 helpful -- I mean, I've printed most of them, so anyway. 13 MS. LAKE: If you'd like me to print them all -- 14 HEARING EXAMINER ROBESON: I would really like it, 15 just for the record, because this is going to go to the CCOC, 16 and I don't know how many of them are going to look through a 17 zip file. So, it -- 18 MS. LAKE: We -- my associate copied -- I didn't 19 have hard copies either, but we have the zip file, and so we 20 can print them out from there. 21 HEARING EXAMINER ROBESON: If you could submit 22 that. 23 MS. LAKE: Sure. 24 HEARING EXAMINER ROBESON: Now when do you think 25 you could submit that?</p>	<p>36</p> <p>1 MS. LAKE: Yes, it is. 2 HEARING EXAMINER ROBESON: Then she should be here 3 next time, if we have to do this again. 4 MS. LAKE: Yes. I will bring her here. 5 HEARING EXAMINER ROBESON: Okay. So why don't you 6 have her submit to me something explaining exactly what she 7 did to produce these documents, and why it appears -- you 8 know, I don't want to have to call another hearing, but he 9 would have the right to -- should have the right to cross- 10 examine her. Is she available today? 11 MS. LAKE: She may be. I don't -- I mean, I 12 talked to her yesterday. I didn't ask, but she may be. She 13 may very well be. 14 HEARING EXAMINER ROBESON: Mr. Cobb, what do you 15 feel if we tried to get Ms. Hanger here, instead of going 16 back and forth, and back and forth? Or do you have the time? 17 MR. COBB: No, I don't have the time, but I think 18 your approach of having the respondent send the discovery to 19 you, having another hearing, I think that -- so I could -- I 20 think that is -- that will suffice. 21 HEARING EXAMINER ROBESON: It is acceptable to 22 you? 23 MR. COBB: Because I've provided examples, whereby 24 there are parts of an email, and it's not just one, I've 25 provided three examples, and there's, like, you know, like,</p>

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10 (37 to 40)

<p>37</p> <p>1 just no continuation, which does not make sense at all. And 2 I also have an email here, that was sent to me by mistake. 3 It was mistakenly sent to me by Ms. -- and that was not 4 included, and it has to do by Ms. April Day to Ms. Aimee 5 Wineger, who is the Commissioner, and that email was not 6 included. And the follow-up to that email was not included. 7 So yeah, I think we need, like, you need time to see the 8 discovery. 9 HEARING EXAMINER ROBESON: Well, I don't want to 10 go back and forth. If you disagree with her letter saying -- 11 I don't want to go back and forth, and back and forth by 12 email, because that's -- I can't really do that. People 13 should be under oath, so you can ask her questions. 14 MR. COBB: Yeah. 15 HEARING EXAMINER ROBESON: Now, I'll try it this 16 way. If she wants to submit -- you just heard -- can you 17 print out -- I don't know. 18 MR. COBB: Right, so this email, like, really -- 19 and it has to do with me, who was a board member at this 20 time, and a Fairland Acres manager making very inappropriate 21 comments about me. Very inappropriate. 22 HEARING EXAMINER ROBESON: And that doesn't show 23 up in the discovery provided. 24 MR. COBB: Does not show up in these. This is a 25 very inappropriate comment. And I also have a copy of the</p>	<p>39</p> <p>1 example, one board member said that, oh, Ignatius came to my 2 door and he knocked on my door and whatever, and he said 3 this. So, where's the response? There's like, three, three, 4 there are three, four emails and there are no responses? 5 Really? Come on. And there is no feedback, no response, and 6 that is normal? It's not. It was one, but I provided you 7 with three or four examples. 8 HEARING EXAMINER ROBESON: Well, you'll give her 9 the emails you just mentioned from Ms. -- is it Wineger or -- 10 MS. LAKE: That one, yeah. 11 HEARING EXAMINER ROBESON: Is it Wineger or -- 12 MR. COBB: That one is a very controversial 13 because she said a lot of derogatory -- 14 HEARING EXAMINER ROBESON: How do you say her 15 name? 16 MR. COBB: Wineger. That's the one that's 17 being -- 18 HEARING EXAMINER ROBESON: Yeah, I know. 19 MR. COBB: Yeah, yeah, yeah, that's on the 20 ethics -- 21 MS. LAKE: Yeah, we know who she is. 22 HEARING EXAMINER ROBESON: We -- 23 MS. LAKE: We know. 24 HEARING EXAMINER ROBESON: We're not going to 25 discuss the ethics thing here.</p>
<p>38</p> <p>1 contract that shows I get paid \$150.00, and I'm pretty much 2 sure that shouldn't have gone to me, but it was sent from 3 April Day to Aimee Wineger, but that was -- 4 HEARING EXAMINER ROBESON: Can you send those 5 emails to Ms. Lake? 6 MS. LAKE: Please. 7 MR. COBB: Yeah, yeah, yeah. Well, I -- 8 HEARING EXAMINER ROBESON: So, she knows what 9 you're saying. Now, I'll try this, but if Mr. Cobb doesn't 10 agree with what Ms. Hanger says she did, then we're going to 11 have to have another hearing. 12 MS. LAKE: I understand. 13 HEARING EXAMINER ROBESON: And I don't want to do 14 that. 15 MS. LAKE: I apologize. 16 HEARING EXAMINER ROBESON: All we can just see if 17 Ms. Hanger's available, and -- 18 MR. COBB: Not today, because I don't have -- 19 MS. LAKE: I'll be happy to do it. 20 MR. COBB: I can't do it today. 21 HEARING EXAMINER ROBESON: Okay. Okay, all right. 22 Well, we'll try it. 23 MS. LAKE: Here you go Mr. Cobb, sorry. 24 HEARING EXAMINER ROBESON: So Mr. Cobb -- 25 MR. COBB: The thing is that they provided me, for</p>	<p>40</p> <p>1 MR. COBB: Yeah. I think I'll take some action. 2 HEARING EXAMINER ROBESON: Okay. We're not 3 allowed to discuss that, so go -- so, you're going to submit 4 the emails from Ms. Wineger that weren't included, to Ms. 5 Lake. 6 MR. COBB: Yeah, the ones that are, yeah, 7 requested, yeah. 8 HEARING EXAMINER ROBESON: And when can you do 9 that by, do you think? Can you do it by June 10th? 10 MR. COBB: Wait, okay, June 10th. Yeah, yeah, 11 yeah, June 10th should be -- when's June 10th is, like, two 12 weeks, right? 13 HEARING EXAMINER ROBESON: Yeah, well -- 14 MS. LAKE: A week from Monday. A week from 15 Monday, right. 16 HEARING EXAMINER ROBESON: Is that okay? 17 MR. COBB: Can you give me the 14th? By the 14th? 18 HEARING EXAMINER ROBESON: Just to forward the 19 email to her? 20 MR. COBB: Well, I have to go through the emails, 21 because what I think I want to do -- the questionnaire ones, 22 yeah, I'm going to send them. 23 HEARING EXAMINER ROBESON: Oh, you want to go 24 through the questionable ones. 25 MR. COBB: Yeah, I want to send them to you, the</p>

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<p>41</p> <p>1 ones that are truncated, and just like, where is the follow-</p> <p>2 up?</p> <p>3 MS. LAKE: As opposed to just the examples.</p> <p>4 MR. COBB: Yeah, that's going to help. I think</p> <p>5 that's going to be much better.</p> <p>6 HEARING EXAMINER ROBESON: All right. That's -- I</p> <p>7 think that's a good suggestion.</p> <p>8 MS. LAKE: That's fine.</p> <p>9 HEARING EXAMINER ROBESON: So, when can you do --</p> <p>10 MR. COBB: I'll send maybe a couple of them to</p> <p>11 you, so you can see.</p> <p>12 HEARING EXAMINER ROBESON: So, when can you submit</p> <p>13 all questionable emails? I mean all emails of which you have</p> <p>14 questions.</p> <p>15 MR. COBB: Okay. All, okay.</p> <p>16 MS. LAKE: All of the ones that he believes are</p> <p>17 incomplete.</p> <p>18 MR. COBB: Yeah.</p> <p>19 HEARING EXAMINER ROBESON: Yeah.</p> <p>20 MR. COBB: So, this is -- there are a lot of</p> <p>21 emails, I have them here. Let's say by the 21st, okay?</p> <p>22 MS. LAKE: The what?</p> <p>23 MR. COBB: The 21st, because I need to go through</p> <p>24 everything. The 21st, the 21st, okay? I did want you</p> <p>25 hearing everything I'm saying to you.</p>	<p>43</p> <p>1 MR. COBB: Hanger.</p> <p>2 MS. LAKE: Hanger, Hanger.</p> <p>3 MR. COBB: Take out Wineger, take out, that's the</p> <p>4 one with the problem.</p> <p>5 HEARING EXAMINER ROBESON: Yeah. No, don't go</p> <p>6 there.</p> <p>7 MR. COBB: Take her out, take her out from there.</p> <p>8 HEARING EXAMINER ROBESON: Take that out, yeah.</p> <p>9 We're not going there.</p> <p>10 MR. COBB: Strike her from the record.</p> <p>11 HEARING EXAMINER ROBESON: Okay.</p> <p>12 MR. COBB: I'm trying to help you.</p> <p>13 HEARING EXAMINER ROBESON: Okay, wait a minute. I</p> <p>14 have to clear my brain here, of all names. Okay, Ms. Hanger.</p> <p>15 If you give the list of what you believe is missing by 6/24,</p> <p>16 that means Ms. Hanger has to have, at least, two weeks to</p> <p>17 search and do her due diligence, to see whether she really</p> <p>18 did omit them, or why, or what.</p> <p>19 MR. COBB: Okay.</p> <p>20 HEARING EXAMINER ROBESON: Okay. So, I need to</p> <p>21 get -- I didn't bring my calendar. Let's just go off the</p> <p>22 record for one second, and I'm going to run and get it.</p> <p>23 MR. COBB: So that's going to take us to 7/8, is</p> <p>24 it fair? Two weeks is 7/8.</p> <p>25 MS. LAKE: Well, I'd have to look at my file.</p>
<p>42</p> <p>1 HEARING EXAMINER ROBESON: Okay, well that means</p> <p>2 Ms. Hanger can't respond until after she gets your emails.</p> <p>3 So that's going to mean that she needs time to figure out</p> <p>4 whether she missed some emails or not.</p> <p>5 MR. COBB: Yeah, the 21st, I can send to. You</p> <p>6 see, there's a lot of emails.</p> <p>7 HEARING EXAMINER ROBESON: Okay, well then that --</p> <p>8 I see that. I'm going to give -- there's 240 I think.</p> <p>9 MR. COBB: Yeah, it's a lot.</p> <p>10 HEARING EXAMINER ROBESON: But that means I have</p> <p>11 to give Ms. Wineger how many weeks to --</p> <p>12 MR. COBB: Ms. Wineger?</p> <p>13 HEARING EXAMINER ROBESON: I mean Ms. Hanger, Ms.</p> <p>14 Hanger.</p> <p>15 MS. LAKE: Hanger, right.</p> <p>16 HEARING EXAMINER ROBESON: I have to give Ms.</p> <p>17 Hanger --</p> <p>18 MS. LAKE: A couple weeks.</p> <p>19 HEARING EXAMINER ROBESON: A couple weeks to</p> <p>20 respond. So if you can't get the emails until 6/24, that</p> <p>21 means.</p> <p>22 MR. COBB: 6/21. If you give me the 24th it's</p> <p>23 fine. 6/24 is even better.</p> <p>24 HEARING EXAMINER ROBESON: Yeah, but that means I</p> <p>25 can't make Ms. Wineger?</p>	<p>44</p> <p>1 She's going to give a calendar.</p> <p>2 HEARING EXAMINER ROBESON: Well, I have to get --</p> <p>3 let me get my calendar.</p> <p>4 (Off the record)</p> <p>5 (On the record)</p> <p>6 HEARING EXAMINER ROBESON: All right, we're back</p> <p>7 on the record.</p> <p>8 MS. LAKE: Do you mind if I keep my phone on, for</p> <p>9 the calendar?</p> <p>10 HEARING EXAMINER ROBESON: No, no.</p> <p>11 MS. LAKE: I'm turning the ringer off.</p> <p>12 HEARING EXAMINER ROBESON: Yeah. Okay. So, if</p> <p>13 Mr. Cobb, you will get -- if you get your list of what you</p> <p>14 think are incomplete by 6/24.</p> <p>15 MR. COBB: Uh-huh.</p> <p>16 HEARING EXAMINER ROBESON: I'm going to give Ms.</p> <p>17 Hanger two weeks to respond.</p> <p>18 MR. COBB: 7/8?</p> <p>19 HEARING EXAMINER ROBESON: To respond to your</p> <p>20 request -- to respond to -- what I'd like her to do, is say</p> <p>21 what she did to discover these emails, all right? Explain</p> <p>22 who she contacted, who she had search their records, and just</p> <p>23 explain how the discovery was done.</p> <p>24 MS. LAKE: And then respond.</p> <p>25 HEARING EXAMINER ROBESON: And then respond to the</p>

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<p>45</p> <p>1 specific emails.</p> <p>2 MR. COBB: You mean, like, provide if there are</p> <p>3 any emails missing, she should provide them, right?</p> <p>4 HEARING EXAMINER ROBESON: And provide any missing</p> <p>5 emails, yes. I can do an order with these dates on them.</p> <p>6 MR. COBB: Yeah, that would help.</p> <p>7 HEARING EXAMINER ROBESON: And then, everybody has</p> <p>8 it.</p> <p>9 MR. COBB: Yes.</p> <p>10 MS. LAKE: The only thing I would mention with</p> <p>11 regard to going into July, and being July 8th, is the</p> <p>12 deadline we're talking about --</p> <p>13 HEARING EXAMINER ROBESON: Oh, because of the</p> <p>14 holiday.</p> <p>15 MS. LAKE: Well, that wasn't what I was going to</p> <p>16 say, what I was going to say is that we're running into the</p> <p>17 dates for the prehearing statements. Mr. Cobb's is due on</p> <p>18 the 5th.</p> <p>19 HEARING EXAMINER ROBESON: That's right.</p> <p>20 MS. LAKE: Now, I don't know if that's an issue,</p> <p>21 but I just wanted to bring it to your attention.</p> <p>22 MR. COBB: Well, I need to get discovery first,</p> <p>23 before I can, you know.</p> <p>24 HEARING EXAMINER ROBESON: Well, what she's saying</p> <p>25 is, the hearing date might have to get postponed.</p>	<p>47</p> <p>1 HEARING EXAMINER ROBESON: No, it's okay. It's</p> <p>2 okay.</p> <p>3 MS. LAKE: Looking at it as discovery, and I'm</p> <p>4 sorry. I'm in court too much, and I never have brought a</p> <p>5 client to a discovery hearing, so I apologize.</p> <p>6 HEARING EXAMINER ROBESON: Okay. I'm going to go</p> <p>7 off, one more second, I need another -- we used to have a</p> <p>8 connection to our office, so they could hear when I was</p> <p>9 missing something, and that's gone by the wayside too.</p> <p>10 MS. LAKE: So now you get the exercise.</p> <p>11 HEARING EXAMINER ROBESON: Yeah, I'm going to go</p> <p>12 off. One second.</p> <p>13 (Off the record)</p> <p>14 (Back on the record)</p> <p>15 HEARING EXAMINER ROBESON: Okay, we're back on.</p> <p>16 MR. COBB: So, just one thing.</p> <p>17 HEARING EXAMINER ROBESON: Yes.</p> <p>18 MR. COBB: So, regarding the off-site thing, so if</p> <p>19 you go on page 11 of this document -- of the exhibit that --</p> <p>20 HEARING EXAMINER ROBESON: Exhibit 5 that's</p> <p>21 been --</p> <p>22 MR. COBB: Yeah, the respondent -- Exhibit 5,</p> <p>23 Exhibit 5 -- yeah, the respondent submitted today.</p> <p>24 HEARING EXAMINER ROBESON: Yeah.</p> <p>25 MR. COBB: Page 11, the last email, October 4,</p>
<p>46</p> <p>1 MR. COBB: Yeah, because I don't -- I wouldn't</p> <p>2 be -- if I don't have discovery, how could I be adequately</p> <p>3 prepared for the hearing.</p> <p>4 HEARING EXAMINER ROBESON: Well, do you want to</p> <p>5 switch the hearing dates now? And the prehearing statement</p> <p>6 dates, because Ms. Lake is right. We're running up, right</p> <p>7 against the hearing.</p> <p>8 MR. COBB: Right. Do you -- can you give us a</p> <p>9 week to do that? Or do we need to do it right now? Yeah, I</p> <p>10 think we should, yeah.</p> <p>11 MS. LAKE: Can we do that now? I just --</p> <p>12 MR. COBB: Okay, you want to do it now.</p> <p>13 HEARING EXAMINER ROBESON: Yeah, I think it's</p> <p>14 better to get it on our calendar. We're also moving. So,</p> <p>15 we're moving -- we haven't been informed when, but -- so we</p> <p>16 have to make sure it doesn't -- we're moving in September.</p> <p>17 MS. LAKE: Okay. August 23rd is the current date.</p> <p>18 HEARING EXAMINER ROBESON: I know. So, we were</p> <p>19 just under the wire, and -- now, of course, I didn't bring</p> <p>20 the note. While you're looking for dates, Mr. Cobb, both of</p> <p>21 you, and when you say, I would like enough clients.</p> <p>22 MS. LAKE: I understand, and I intended to, for</p> <p>23 that hearing.</p> <p>24 HEARING EXAMINER ROBESON: Yeah.</p> <p>25 MS. LAKE: I apologize, I --</p>	<p>48</p> <p>1 2018, 11:07.</p> <p>2 HEARING EXAMINER ROBESON: Yeah, yeah.</p> <p>3 MR. COBB: So, it says here -- and this is from,</p> <p>4 you know, the attorney says, this is ensuring we have on-site</p> <p>5 are some filing is stored off-site.</p> <p>6 MS. LAKE: And that's saying she will get it, so</p> <p>7 that it is on-site.</p> <p>8 HEARING EXAMINER ROBESON: So, she'll have --</p> <p>9 okay, so.</p> <p>10 MR. COBB: Right. So, I just wanted to, yeah,</p> <p>11 because --</p> <p>12 HEARING EXAMINER ROBESON: Yes. I see. I see</p> <p>13 what you're saying.</p> <p>14 MS. LAKE: Thank you, Mr. Cobb.</p> <p>15 MR. COBB: And they said that they want me to send</p> <p>16 out a list of the documents, and also -- that's what I'm</p> <p>17 saying -- also it says here, I will also request a list of</p> <p>18 documents, records that have been requested. That, I think,</p> <p>19 is really strange. For me to send a list.</p> <p>20 HEARING EXAMINER ROBESON: Is that on the same</p> <p>21 page?</p> <p>22 MR. COBB: Yes. On the sentence before. Same</p> <p>23 page, same thing. They are asking me to send them a list. I</p> <p>24 think that's inappropriate. I will also request a list of</p> <p>25 the documents and records that have been requested. It's the</p>

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<p>49</p> <p>1 sentence above.</p> <p>2 HEARING EXAMINER ROBESON: Well, they should have</p> <p>3 your modified discovery request. So --</p> <p>4 MR. COBB: Yeah, they should have -- just have the</p> <p>5 regular -- but I have to send them a list? That is --</p> <p>6 HEARING EXAMINER ROBESON: So, it has to be the</p> <p>7 books and records that are covered by the discovery request.</p> <p>8 MR. COBB: And that came from the lawyer.</p> <p>9 HEARING EXAMINER ROBESON: Yes, I know. I saw</p> <p>10 that.</p> <p>11 MS. LAKE: They will have available, what the</p> <p>12 statute requires.</p> <p>13 MR. COBB: Thank you.</p> <p>14 HEARING EXAMINER ROBESON: Okay. So, let me go</p> <p>15 back over this. I want to make sure. By June 10th, Fairland</p> <p>16 will have prints, hard copies of what was provided in</p> <p>17 discovery.</p> <p>18 MS. LAKE: Yes. The emails.</p> <p>19 HEARING EXAMINER ROBESON: Yeah, so what was on</p> <p>20 the zip drive.</p> <p>21 MS. LAKE: Right.</p> <p>22 MR. COBB: So, by June 10th? By June 10.</p> <p>23 MS. LAKE: My office will send Ms. Robeson</p> <p>24 hardcopies of what's on -- you have -- of what's on the zip</p> <p>25 file.</p>	<p>51</p> <p>1 way too long.</p> <p>2 MS. LAKE: Got it.</p> <p>3 HEARING EXAMINER ROBESON: So we need to finish</p> <p>4 this. So Ms. Hanger's response has to be in by --</p> <p>5 MS. LAKE: July 12.</p> <p>6 HEARING EXAMINER ROBESON: By July 12.</p> <p>7 MR. COBB: She has to send them both to me and</p> <p>8 you? Is that --</p> <p>9 HEARING EXAMINER ROBESON: Uh-huh.</p> <p>10 MR. COBB: So just one thing. You said regarding</p> <p>11 the -- my responsibility of providing dates for the on-site</p> <p>12 visit. When should that be done by?</p> <p>13 HEARING EXAMINER ROBESON: Okay. So when do</p> <p>14 you -- that's a good point. What do you think the on-site</p> <p>15 visit can be resolved?</p> <p>16 MS. LAKE: I had asked him today for some days.</p> <p>17 So he's that's how long do you need to give us dates, Mr.</p> <p>18 Cobb?</p> <p>19 MR. COBB: Yeah, so give me -- yeah, hold on.</p> <p>20 MS. LAKE: I would like to start with Mr. Cobb</p> <p>21 given me his available dates.</p> <p>22 MR. COBB: Right.</p> <p>23 HEARING EXAMINER ROBESON: Okay. That's fine.</p> <p>24 MS. LAKE: And more than one, if he could,</p> <p>25 obviously, because we don't know her schedule.</p>
<p>50</p> <p>1 MR. COBB: (Inaudible) will send hardcopies of</p> <p>2 emails to Ms. Robeson.</p> <p>3 HEARING EXAMINER ROBESON: Okay. Then by 6/24 --</p> <p>4 you ready Mr. Cobb, for the next one?</p> <p>5 MR. COBB: Yes.</p> <p>6 HEARING EXAMINER ROBESON: By 6/24, Mr. Cobb is</p> <p>7 going to send Ms. Lake a list of all documents that he</p> <p>8 believes are incomplete.</p> <p>9 MR. COBB: Mm-hmm.</p> <p>10 HEARING EXAMINER ROBESON: Okay. So then we are</p> <p>11 getting into Ms. Hanger's response. So --</p> <p>12 MR. COBB: I think you had that for July 8.</p> <p>13 HEARING EXAMINER ROBESON: Well, I'm going to ask</p> <p>14 her, is that a reasonable timeframe.</p> <p>15 MS. LAKE: What day is the holiday?</p> <p>16 HEARING EXAMINER ROBESON: Monday. The holidays</p> <p>17 Thursday. The 8th is Monday.</p> <p>18 MS. LAKE: I think a little bit more time would be</p> <p>19 needed.</p> <p>20 HEARING EXAMINER ROBESON: Okay. How about the</p> <p>21 12th?</p> <p>22 MS. LAKE: That's fine.</p> <p>23 HEARING EXAMINER ROBESON: Now, that is putting us</p> <p>24 up against the hearing schedule. Now, I really don't want</p> <p>25 this case moving into next year. It's been hanging around</p>	<p>52</p> <p>1 HEARING EXAMINER ROBESON: Right.</p> <p>2 MS. LAKE: Not dates that you could do it, but</p> <p>3 dates that you could tell me when you could do it. Dates</p> <p>4 that you could give me. What deadline could you give me the</p> <p>5 list of the dates that you are available?</p> <p>6 MR. COBB: Yeah. Can I put like 7/10?</p> <p>7 HEARING EXAMINER ROBESON: Well, that's awfully</p> <p>8 late to --</p> <p>9 MR. COBB: Okay. So hold on. Not 7; 6/10, sorry,</p> <p>10 6/10. I'm sorry.</p> <p>11 HEARING EXAMINER ROBESON: That's okay.</p> <p>12 MR. COBB: Six, six. My mistake, I need some</p> <p>13 coffee. 6/10. 6/10. I'm sorry. 6/10. 6/10.</p> <p>14 MS. LAKE: And is that the date by which he will</p> <p>15 let me know when he wants to come look at them?</p> <p>16 HEARING EXAMINER ROBESON: I have -- Mr. Cobb will</p> <p>17 provide dates that he is available to come look at them to</p> <p>18 you on 6/10.</p> <p>19 MS. LAKE: Perfect.</p> <p>20 HEARING EXAMINER ROBESON: And then when you do</p> <p>21 get a date --</p> <p>22 MS. LAKE: Confirmed.</p> <p>23 HEARING EXAMINER ROBESON: Send me a copy.</p> <p>24 MR. COBB: And we do not have to include you on</p> <p>25 the emails. Only if we have an issue.</p>

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14 (53 to 56)

<p>53</p> <p>1 HEARING EXAMINER ROBESON: Only on that one. Only 2 on that one. 3 MR. COBB: Only -- including -- okay. 4 HEARING EXAMINER ROBESON: You don't have to send 5 me a copy of the emails where you tell her what's missing. 6 MR. COBB: Oh, don't include. Okay. 7 HEARING EXAMINER ROBESON: But you do have to send 8 me -- well, actually, maybe you better email me on that. 9 MR. COBB: Yeah, so you can look. Yeah, so you 10 can see where we are in the process. 11 HEARING EXAMINER ROBESON: But as far as setting 12 up a time to look at the books and records, you don't have to 13 CC me on that. Until you get the one where you actually 14 agree on a date and then you can send me that so I can 15 confirm it. 16 MS. LAKE: I will send it. 17 MR. COBB: Right. 18 HEARING EXAMINER ROBESON: Okay? 19 MR. COBB: I send it to the attorney, include the 20 -- 21 HEARING EXAMINER ROBESON: No, send it to the 22 attorney. 23 MR. COBB: And don't -- I don't have to include 24 the management company? 25 MS. LAKE: No.</p>	<p>55</p> <p>1 MR. COBB: No. I'm trying to find a document in 2 the email. You had sent -- was it -- 3 MS. LAKE: I think he did not recall the June 14th 4 date, but we're going to get rid of it anyway. 5 HEARING EXAMINER ROBESON: Right. It's probably 6 in one of the scheduling orders. 7 MS. LAKE: It is. 8 HEARING EXAMINER ROBESON: Not in an email. Or it 9 would be -- 10 MR. COBB: Yeah, I think it would be. 11 HEARING EXAMINER ROBESON: It would be attached to 12 an email. 13 MS. LAKE: Yes, it is. I don't have a docket 14 number, but it is Ms. Robeson's order rescheduling hearing on 15 discovery issues and hearing on the merits and order 16 governing communications with OZHA. And it was entered on 17 February 8, 2019. I could probably put it up against the 18 docket. Oh, docket doesn't go that far. 19 HEARING EXAMINER ROBESON: Oh, you have an old one 20 then. 21 MS. LAKE: Okay. I have one that says -- 22 HEARING EXAMINER ROBESON: Okay. 23 MR. COBB: I got it. So that was sent when? 24 HEARING EXAMINER ROBESON: 2/8/19. 25 MS. LAKE: That was the date of it, yes. Whether</p>
<p>54</p> <p>1 HEARING EXAMINER ROBESON: No. 2 MS. LAKE: I represent -- 3 HEARING EXAMINER ROBESON: She will make sure and 4 get it to the management company. 5 MS. LAKE: Now the next deadline we have coming up 6 under the -- this scheduling order is June 14th for 7 prehearing motions. 8 HEARING EXAMINER ROBESON: Right. 9 MS. LAKE: Which is going to be premature. 10 HEARING EXAMINER ROBESON: Yes, because discovery 11 hasn't been completed. 12 MR. COBB: June 14, you said? 13 MS. LAKE: That is our next deadline in the case. 14 MR. COBB: Let me look at the dates here. 15 HEARING EXAMINER ROBESON: Prehearing motions must 16 be submitted at least 30 days before the hearing. So I 17 think -- 18 MS. LAKE: It's backwards. 19 HEARING EXAMINER ROBESON: We are backwards. We 20 need to set a hearing date and then we are backwards from 21 that. And same thing with the prehearing statements. 22 MS. LAKE: Got it. 23 MR. COBB: So you want -- 24 HEARING EXAMINER ROBESON: I want to set a date 25 for the hearing.</p>	<p>56</p> <p>1 it was sent on that date or not -- 2 HEARING EXAMINER ROBESON: You should -- you can 3 get an updated docket from Hannah. 4 MS. LAKE: I -- right here. That's where I got 5 it. 6 HEARING EXAMINER ROBESON: She must have printed 7 out the wrong one. 8 MS. LAKE: Yeah. It ends on December 20, 2018. 9 HEARING EXAMINER ROBESON: Okay. I have it as 10 docket 215. 11 MS. LAKE: Yeah, we only go to 20 -- the one 12 outside the door was up to 208. 13 HEARING EXAMINER ROBESON: Right. 14 MS. LAKE: That has the old dates. 15 HEARING EXAMINER ROBESON: Right. 16 MS. LAKE: When are you thinking we should choose 17 a date for the hearing? 18 HEARING EXAMINER ROBESON: Well, I don't want it 19 to go -- well, definitely not beyond October. 20 MS. LAKE: Not beyond -- yeah. 21 HEARING EXAMINER ROBESON: October would be good. 22 Or September. The only thing about September is it's going 23 to be a little chaotic with us because we are -- they are 24 moving us out temporarily to an alternative location at the 25 detention center.</p>

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15 (57 to 60)

<p>57</p> <p>1 MS. LAKE: Oh, so October would probably be 2 better?</p> <p>3 HEARING EXAMINER ROBESON: Yeah, so we are 4 literally going to be moving things. But if you need to do 5 it in September, if you can't find another day, I will do it 6 in September because I would like to get the case -- I would 7 like to get it resolved.</p> <p>8 MR. COBB: I finally got it downloaded. Oh here it 9 is. Okay.</p> <p>10 MS. LAKE: How long do you want -- it was set for 11 one day. Is -- do you believe that's enough?</p> <p>12 HEARING EXAMINER ROBESON: Well, I don't know what 13 your -- I don't have your prehearing statements which have 14 your trial estimates.</p> <p>15 MS. LAKE: Right. I would think we could do it in 16 one day.</p> <p>17 HEARING EXAMINER ROBESON: Yeah, I tend to agree, 18 but I don't know what your -- typically, we don't reserve -- 19 what we have done is we schedule it for one day. And if we 20 need additional days, we can continue with at the hearing. 21 So I say --</p> <p>22 MS. LAKE: From my perspective, I would say one 23 day.</p> <p>24 HEARING EXAMINER ROBESON: Okay.</p> <p>25 MR. COBB: Okay. So -- okay. So the prehearing</p>	<p>59</p> <p>1 need time. As you see, there is time between these things so 2 I can prepare. So that's why I am saying, how many items do 3 we need to reschedule. So --</p> <p>4 MS. LAKE: Four.</p> <p>5 MR. COBB: So the last four, okay. Deadline for 6 preliminary motions. So if we do the end of October -- for 7 the end of October -- wow. What do you think that the 8 discovery will be resolved?</p> <p>9 HEARING EXAMINER ROBESON: Well, I would like to 10 resolve it the last -- I'm going to go based on the filings 11 of the parties. So --</p> <p>12 MS. LAKE: July 12.</p> <p>13 HEARING EXAMINER ROBESON: Yeah.</p> <p>14 MR. COBB: Resolve them July 12?</p> <p>15 HEARING EXAMINER ROBESON: I would say I would 16 like to resolve it by July 31st.</p> <p>17 MR. COBB: So after Ms. Hanger submits -- like 18 responds and she submits be missing emails --</p> <p>19 MS. LAKE: If there are missing emails.</p> <p>20 MR. COBB: Okay. If there are missing emails, 21 then you say we need like another, maybe two weeks. What 22 if -- okay. So by the 31st. Probably, yeah. I'll say by 23 the 31st -- hopefully they are not --</p> <p>24 HEARING EXAMINER ROBESON: Well, what you would 25 have to do, if you disagree that she -- if you still disagree</p>
<p>58</p> <p>1 submissions are scheduled for July 5th, right? Is that --</p> <p>2 MS. LAKE: No.</p> <p>3 HEARING EXAMINER ROBESON: No, they are scheduled 4 for June 14th.</p> <p>5 MS. LAKE: The motions; what was scheduled for 6 July 5th was your prehearing statement.</p> <p>7 MR. COBB: For preliminary, okay, on June 14th. 8 Okay, that's the date. Okay.</p> <p>9 HEARING EXAMINER ROBESON: So what we need to do 10 is -- all these deadlines are set based on the hearing date. 11 So we need to set a hearing date. That's what we are looking 12 for. I don't want to go into -- it has to be September or 13 October.</p> <p>14 MR. COBB: Oh yeah. It said based upon the 15 hearing date. Okay.</p> <p>16 HEARING EXAMINER ROBESON: Yeah, they are all 17 based upon the hearing date.</p> <p>18 MR. COBB: So we need to reschedule the hearing 19 date --</p> <p>20 MS. LAKE: First.</p> <p>21 MR. COBB: The prehearing submissions.</p> <p>22 HEARING EXAMINER ROBESON: First we need to 23 schedule the -- reschedule the hearing date. The hearing 24 date is scheduled for August 23rd.</p> <p>25 MR. COBB: The reason why I'm asking is because I</p>	<p>60</p> <p>1 that you can -- you would have to file a motion saying you 2 disagree that she has provided all the documents. But 3 remember, documents just go with what's in their possession 4 and not necessarily -- it's what she can find after 5 reasonable diligence.</p> <p>6 MR. COBB: Okay. Yeah.</p> <p>7 HEARING EXAMINER ROBESON: So you will have to -- 8 if you disagree, you will have to file a motion saying why 9 you disagree that she still hasn't provided all the emails.</p> <p>10 MR. COBB: And based on how this process has gone 11 in terms of the back and forth and the limit of this Court 12 and respect to the time, and then -- I think they have been 13 trying to make this whole process very difficult, by asking 14 me to provide a list of the documents that I need, when that 15 is provided in the statute and the motion. I would say by 16 August 15 to --</p> <p>17 HEARING EXAMINER ROBESON: No. No, that's too --</p> <p>18 MR. COBB: Because I think it's -- this issue 19 should be done with already, but this is the second or third 20 lawyer they are not being upfront and providing the documents 21 -- the documentation.</p> <p>22 HEARING EXAMINER ROBESON: Well, you don't know 23 what they've done. So you don't know that yet. We are 24 waiting for a response from them.</p> <p>25 MR. COBB: Yeah, but I've provided examples.</p>

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16 (61 to 64)

<p>61</p> <p>1 HEARING EXAMINER ROBESON: But I'm not going to 2 wait. I'm not going to wait. 3 MR. COBB: But I provided you with examples. 4 HEARING EXAMINER ROBESON: I know that. 5 MS. LAKE: Today. 6 HEARING EXAMINER ROBESON: I know that. Today, 7 you could have provided the examples to -- you can talk to 8 them without waiting for me. 9 MR. COBB: They didn't have a lawyer for some 10 time. 11 MS. LAKE: Mr. Cobb, I -- sorry. Ms. Robeson, I 12 entered my appearance in January. 13 HEARING EXAMINER ROBESON: Right. So you can talk 14 to them. You don't have to wait for me. You can talk to 15 them. If you have problems with what they've done, you can 16 talk to them. 17 MR. COBB: Yeah, which I communicated. And I 18 communicated. 19 HEARING EXAMINER ROBESON: I know. That was -- 20 but -- 21 MR. COBB: I communicated there. It's in here. 22 HEARING EXAMINER ROBESON: But they said in the 23 communication that you weren't going to pay for the fee. 24 MR. COBB: And I make statements of what full -- 25 if they understand full disclosure because they want -- yeah,</p>	<p>63</p> <p>1 which is factually -- 2 HEARING EXAMINER ROBESON: But you could've 3 provided them with facts before this. You don't have to wait 4 for me. 5 MR. COBB: Well, it's best to do it in this 6 setting. Yeah, it's better that we do it in this setting -- 7 but I don't -- yeah, I don't say the 31st. The 15th, August 8 15. 9 HEARING EXAMINER ROBESON: No, no, okay. I'm not 10 going to go to the 15th. 11 MR. COBB: Well, I mean -- 12 HEARING EXAMINER ROBESON: I'm going to set it -- 13 I'm not going to do that. 14 MR. COBB: Okay. 15 HEARING EXAMINER ROBESON: And what I anticipate 16 right now, without Ms. Hanger here, is that she is going to 17 write back and say we looked for everything. And you are 18 going to say, I don't believe you. 19 MR. COBB: Well, I'm going to prove that with 20 emails. Just I'm going to prove that. And if you look at 21 it -- 22 HEARING EXAMINER ROBESON: And what is -- okay. 23 MR. COBB: You will see that it doesn't make 24 sense. I provided with examples where there are holes in the 25 discovery which I shared today. I'm going to provide that.</p>
<p>62</p> <p>1 so -- 2 HEARING EXAMINER ROBESON: I'm not going to -- the 3 documents speak for themselves. I'm not going to set a 4 deadline as if they've been noncompliant. I need to get this 5 case -- 6 MR. COBB: Yeah. 7 HEARING EXAMINER ROBESON: I need to get this case 8 through and I'm not going to delay until October 15. 9 MR. COBB: Yeah. So part of my issues here are 10 documented why said that I do not have all the emails. A lot 11 of the emails are incomplete because you only provided part 12 of the communication. That was communicated to them on 13 October 4, 2018. It's right here on page 9 of Exhibit 5. 14 HEARING EXAMINER ROBESON: And what's the -- and 15 was the response? 16 MR. COBB: The entire communication thread was not 17 fully disclosed. 18 HEARING EXAMINER ROBESON: That's your statement. 19 What's -- 20 MR. COBB: Yeah, my statement to them on October 21 4, 2018. And then they claim that that's not the case. 22 HEARING EXAMINER ROBESON: Well, then see -- then 23 they are -- but they are going to come back and say again is 24 not the case. 25 MR. COBB: Yeah, but I provide you with facts,</p>	<p>64</p> <p>1 HEARING EXAMINER ROBESON: Okay. Well, I'm not 2 waiting until August 15. 3 MR. COBB: And there is no way she can dispute it 4 because they are playing games. I'm going to provide 5 evidence. Provide other emails that I have issues with. 6 MS. LAKE: Do we need a date for him to file a 7 motion to compel if he is dissatisfied? 8 HEARING EXAMINER ROBESON: Yes. 9 MS. LAKE: Well, I would -- if you would like to 10 get this discovery issue resolved by the 31st July, and if 11 Ms. Anger is required to provide what you've asked for by the 12 12th, I would suggest another week for him to follow his 13 motion if he is going to. That way, you can get it resolved 14 by the 31st, unless there is going to be another hearing. 15 HEARING EXAMINER ROBESON: Well, technically, you 16 get 10 days to respond. 17 MR. COBB: Yeah, that's why I said the 15th by I - 18 - 19 HEARING EXAMINER ROBESON: No, I am not going to 20 the 15th. 21 MR. COBB: Okay. 22 HEARING EXAMINER ROBESON: I'm not going to the 23 15th. 24 MS. LAKE: The 12th is when you are going to get 25 it.</p>

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17 (65 to 68)

<p>65</p> <p>1 HEARING EXAMINER ROBESON: The 12th is when I'm 2 going to -- and less Ms. Hanger is going to get it sooner. 3 MS. LAKE: Well, I will try. 4 HEARING EXAMINER ROBESON: Well -- 5 MS. LAKE: But the problem is, he wanted three 6 weeks to tell me what's missing. 7 HEARING EXAMINER ROBESON: Are you sure you can't 8 do -- 9 MR. COBB: I'm going to try. I mean -- 10 HEARING EXAMINER ROBESON: No, no, no. 11 MR. COBB: I will try to see if I can do prior to 12 this. 13 HEARING EXAMINER ROBESON: It's 240 emails. 14 MR. COBB: Yeah, you're right. It's a lot. 15 HEARING EXAMINER ROBESON: I went to the emails. 16 I went through them all. 17 MR. COBB: 240, it's a lot. 18 HEARING EXAMINER ROBESON: But what's today? The 19 31st. 20 MS. LAKE: So the 24th is 2-1/2 weeks. 21 HEARING EXAMINER ROBESON: I'm going to move up 22 your day to provide them with that missing emails. 23 MR. COBB: So you are putting me more under the -- 24 so white didn't you extend the time? You're putting me under 25 pressure. That's unfair.</p>	<p>67</p> <p>1 of -- 2 MR. COBB: And you insisted that a jury should be 3 rescheduled. I have the motions. And I said, no. 4 MS. LAKE: This was scheduled in December of 2018 5 and it was -- 6 MR. COBB: No, it was way before that. 7 MS. LAKE: Well, right now I'm talking about 8 December of 2018. Mr. Cobb asked for a postponement and it 9 did get postponed for quite a while, but that had nothing to 10 do with my client or Mr. Cobb other than he asked for the 11 December date to be postponed. 12 HEARING EXAMINER ROBESON: Let's do this. Let's 13 find -- 14 MR. COBB: But I ask for -- 15 HEARING EXAMINER ROBESON: Okay. That's enough 16 argument. We are going to -- I can't go -- 17 MR. COBB: Yeah. 18 HEARING EXAMINER ROBESON: We're going to set a 19 hearing -- we're going to set a hearing time deadline. I 20 will go to October for the hearing and we will back up from 21 there. 22 MR. COBB: So you did put a limitation? You 23 limiting it through to October. That's what you are saying. 24 HEARING EXAMINER ROBESON: Well, this is your 25 burden of proof, Mr. Cobb. I can't -- I don't know what you</p>
<p>66</p> <p>1 HEARING EXAMINER ROBESON: Well, okay. Let's set 2 a hearing date then. Let's set a hearing date. Go for the 3 hearing date. 4 MR. COBB: What do you mean by a hearing date. 5 HEARING EXAMINER ROBESON: Let's set the hearing 6 date and we'll backup from there. Okay? Let's go and set 7 the -- 8 MR. COBB: But you are giving us the limitation 9 based upon -- 10 HEARING EXAMINER ROBESON: I haven't done that 11 yet. 12 MR. COBB: Well, you give us limitation that it 13 has to be by October. Maybe that is your requirement for 14 the -- 15 HEARING EXAMINER ROBESON: This is your case. 16 MR. COBB: No, you -- 17 HEARING EXAMINER ROBESON: This case has been 18 pending for year and a half. 19 MR. COBB: Yeah, but -- and is because of them 20 HEARING EXAMINER ROBESON: No, you asked for the 21 postponements. 22 MR. COBB: No, you remember they are the ones that 23 have -- and I have all the motions that I told you in the 24 motions that it should not be rescheduled. 25 MS. LAKE: Okay. This was scheduled in December</p>	<p>68</p> <p>1 want. Don't you want to resolve this? 2 MR. COBB: Yes. 3 HEARING EXAMINER ROBESON: Then -- 4 MR. COBB: I am wanting to resolve it over a year 5 ago when I told you not to extend the time and you went ahead 6 and you extended it. 7 HEARING EXAMINER ROBESON: That was in July a year 8 ago. 9 MR. COBB: Yes. Yes. And I told you not -- and 10 you insisted and you went in and you extended it because they 11 have a new attorney. And we had a big back and forth because 12 of that. 13 HEARING EXAMINER ROBESON: Okay. When do you want 14 the hearing? 15 MR. COBB: Well, okay. So, okay. So by 7/12, Ms. 16 Hanger is going to provide a response. I believe after -- 17 and if I don't agree with it, then I have a -- I have to file 18 a motion to see what I don't agree with; 7/12. So 7/26 will 19 be my deadline to file a motion. File a motion to Ms. 20 Hanger's response. And I -- 21 HEARING EXAMINER ROBESON: And then she gets -- 22 MS. LAKE: Ten days. 23 HEARING EXAMINER ROBESON: She gets 10 days to 24 respond. 25 MR. COBB: Oh, she gets 10 days to respond?</p>

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18 (69 to 72)

<p>69</p> <p>1 HEARING EXAMINER ROBESON: Yeah.</p> <p>2 MR. COBB: She gets 10 days to respond.</p> <p>3 HEARING EXAMINER ROBESON: I think it's 8/5/18.</p> <p>4 MR. COBB: No. Ten days is -- it's not 10</p> <p>5 business days? Just 10 days, okay.</p> <p>6 MS. LAKE: Can I suggest October 24?</p> <p>7 MR. COBB: For what?</p> <p>8 MS. LAKE: For the hearing.</p> <p>9 MR. COBB: I'm getting to that. Oh, I'm getting</p> <p>10 to that. No, that's fine. I can recommend 10, 9, 15, 8:30.</p> <p>11 Oh, will it be 9/11? But these are the things I came up with</p> <p>12 here. So Ms. Hanger will submit a response by 7/24.</p> <p>13 HEARING EXAMINER ROBESON: 7/24?</p> <p>14 MR. COBB: 7/12, and I will respond by 7/26 during</p> <p>15 the --</p> <p>16 MS. LAKE: If necessary.</p> <p>17 MR. COBB: Okay.</p> <p>18 MS. LAKE: Sorry.</p> <p>19 MR. COBB: And then I think Ms. Robeson mentioned</p> <p>20 by 8/5, Ms. Hanger has 10 days, right? So she has to respond</p> <p>21 by 8/5. All right. And I think the discovery should end by</p> <p>22 8/30. And you guys can dispute that; that's fine. But I</p> <p>23 think by 8/30, I feel that discovery should be complete by</p> <p>24 then. And the deadline for the preliminary motions --</p> <p>25 preliminary motions --</p>	<p>71</p> <p>1 MS. LAKE: Fridays are bad. I did. And it's not</p> <p>2 on here. And I'm wondering if it's on my personal calendar.</p> <p>3 This is -- I think it's okay.</p> <p>4 HEARING EXAMINER ROBESON: Well, I don't want to</p> <p>5 leave and --</p> <p>6 MS. LAKE: You don't want to leave. Could we make</p> <p>7 it the 7th, Mr. come?</p> <p>8 MR. COBB: Yeah.</p> <p>9 MS. LAKE: Which is Thursday.</p> <p>10 MR. COBB: Yeah, 7/12 to respond yeah. I mean,</p> <p>11 you can check. I mean, we can send out all the dates, with</p> <p>12 the exception of the 5th. And then you can check your</p> <p>13 calendar and then get back to us.</p> <p>14 HEARING EXAMINER ROBESON: No, the 8th. No, the</p> <p>15 7th.</p> <p>16 MS. LAKE: The 7th. And then, Ms. Robeson --</p> <p>17 HEARING EXAMINER ROBESON: Wait a minute. Wait a</p> <p>18 minute. I don't understand what you're saying.</p> <p>19 MR. COBB: No, Ms. Lake said -- basically she was</p> <p>20 saying she is okay with all the dates with the exception of</p> <p>21 August 5th.</p> <p>22 MS. LAKE: What?</p> <p>23 HEARING EXAMINER ROBESON: Oh, no. I don't think</p> <p>24 she said that.</p> <p>25 MR. COBB: Is that not what she said?</p>
<p>70</p> <p>1 HEARING EXAMINER ROBESON: Let's get through --</p> <p>2 MR. COBB: The deadline preliminary motions should</p> <p>3 be by 9/13. The complainant's pre-submission hearing</p> <p>4 deadline should be 9/27.</p> <p>5 HEARING EXAMINER ROBESON: That's your deadline.</p> <p>6 MR. COBB: Yeah. The respondent should be by</p> <p>7 10/11 on that, and the hearing should be 11/11.</p> <p>8 HEARING EXAMINER ROBESON: 11/11?</p> <p>9 MR. COBB: Yes, those are my dates.</p> <p>10 HEARING EXAMINER ROBESON: That's Veterans Day.</p> <p>11 MR. COBB: Oh, it is?</p> <p>12 HEARING EXAMINER ROBESON: Yes.</p> <p>13 MR. COBB: Well, then -- oh, it's Veterans Day.</p> <p>14 Okay. All right. I didn't know that. I don't keep things -</p> <p>15 - then you want to -- yeah, 11/8, sorry. 11/8. Okay, 11/8,</p> <p>16 sorry. November 8 for the hearing.</p> <p>17 HEARING EXAMINER ROBESON: Do you want to respond</p> <p>18 Ms. Lake?</p> <p>19 MS. LAKE: No. If those are the dates -- if those</p> <p>20 dates are -- I think it should be your decision.</p> <p>21 HEARING EXAMINER ROBESON: I will be very</p> <p>22 reluctant to grant any postponements of these dates.</p> <p>23 MS. LAKE: The 8th is the only -- the Friday, I</p> <p>24 have in the back my head I have something that first Friday.</p> <p>25 HEARING EXAMINER ROBESON: Can you check?</p>	<p>72</p> <p>1 MS. LAKE: No.</p> <p>2 HEARING EXAMINER ROBESON: She said she can't do</p> <p>3 August. She believes she has a conflict on 11/8.</p> <p>4 MR. COBB: Oh, so all the dates are okay with the</p> <p>5 exception of 11/8?</p> <p>6 HEARING EXAMINER ROBESON: And she wanted to do it</p> <p>7 11/7 instead of 11/8.</p> <p>8 MR. COBB: So are you saying all the dates are</p> <p>9 okay with the exception of 11/8?</p> <p>10 MS. LAKE: If they are okay with the office. If</p> <p>11 they are okay with Ms. Robeson. Yes, with the following</p> <p>12 caveat; and I can call. I need to confirm my witnesses</p> <p>13 availability.</p> <p>14 HEARING EXAMINER ROBESON: Right. So --</p> <p>15 MS. LAKE: And I anticipate at least two, possibly</p> <p>16 three.</p> <p>17 HEARING EXAMINER ROBESON: Exactly. And that's --</p> <p>18 and so --</p> <p>19 MR. COBB: Fridays work better for me. So if you</p> <p>20 want to put them in 15, that's fine. Fridays --</p> <p>21 HEARING EXAMINER ROBESON: No, how about the --</p> <p>22 11/1? Because you've got a lot of time before the hearing.</p> <p>23 MR. COBB: 30 days, I think -- 30 days. Not even</p> <p>24 30 days.</p> <p>25 HEARING EXAMINER ROBESON: Usually we don't even</p>

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19 (73 to 76)

<p style="text-align: right;">73</p> <p>1 have that much time.</p> <p>2 MR. COBB: But I need the time. So, okay. You</p> <p>3 want to do it on the 7th. I need time. Let's do it on the</p> <p>4 seventh.</p> <p>5 HEARING EXAMINER ROBESON: Wait. Wait. I get to</p> <p>6 say when we are doing it, not you.</p> <p>7 MR. COBB: So she asked the 7th and I said yes.</p> <p>8 MS. LAKE: Mr. Cobb, it's not up to you and me.</p> <p>9 HEARING EXAMINER ROBESON: He had -- she has to</p> <p>10 check with her witnesses. She has to make sure they are</p> <p>11 available that day, okay? Because she is saying she has</p> <p>12 three witnesses.</p> <p>13 MS. LAKE: I have two for sure. Possibly three.</p> <p>14 HEARING EXAMINER ROBESON: Possibly three, okay.</p> <p>15 So we can't -- we can go to the dates that we think we are</p> <p>16 available, but then she has to check with her witnesses. Now</p> <p>17 we can take a half hour now if you want to try and check with</p> <p>18 our witnesses, so we don't have any further back and forth</p> <p>19 and back and forth about the dates.</p> <p>20 MS. LAKE: I can try. Whether I can reach the</p> <p>21 people, I don't know. It's -- I can try.</p> <p>22 HEARING EXAMINER ROBESON: Why don't you -- what</p> <p>23 we go off the record for a half hour. Why don't you try and</p> <p>24 then we don't have to have any email communications about the</p> <p>25 dates?</p>	<p style="text-align: right;">75</p> <p>1 me.</p> <p>2 HEARING EXAMINER ROBESON: She can tell Ms.</p> <p>3 Johnson.</p> <p>4 MR. COBB: But most of the time is 30 minutes,</p> <p>5 right? You're not allowing more than 30 minutes for this?</p> <p>6 HEARING EXAMINER ROBESON: I'm going to wait and</p> <p>7 hear back from her. I don't understand what the problem is.</p> <p>8 MR. COBB: The problem is --</p> <p>9 HEARING EXAMINER ROBESON: We are on the record</p> <p>10 right now.</p> <p>11 MR. COBB: Yeah, I'm just saying, is she only</p> <p>12 allotted 30 minutes? And if she finishes before that, she</p> <p>13 notifies you? Or can she an hour, two hours doing this?</p> <p>14 MS. LAKE: If I find -- Ms. Robeson, if I find I</p> <p>15 cannot reach people, I will be able to tell you immediately.</p> <p>16 HEARING EXAMINER ROBESON: Okay.</p> <p>17 MR. COBB: Right. I'm just saying, how much time</p> <p>18 do you --</p> <p>19 HEARING EXAMINER ROBESON: I'm just --</p> <p>20 MR. COBB: How much time? 30 minutes for this?</p> <p>21 HEARING EXAMINER ROBESON: I will see. She will</p> <p>22 report back when she is done.</p> <p>23 MR. COBB: So she can take two hours?</p> <p>24 HEARING EXAMINER ROBESON: We will wait and see</p> <p>25 what happens, Mr. Cobb. I am the one running this hearing,</p>
<p style="text-align: right;">74</p> <p>1 MS. LAKE: I would --</p> <p>2 MR. COBB: So just be clear, Ms. Lake is okay with</p> <p>3 all the dates with the exception of November 8?</p> <p>4 HEARING EXAMINER ROBESON: Correct.</p> <p>5 MR. COBB: Correct, okay. So she willing to</p> <p>6 resolve the issue with November 8.</p> <p>7 MS. LAKE: It was November 7.</p> <p>8 HEARING EXAMINER ROBESON: November 7.</p> <p>9 MS. LAKE: November 7.</p> <p>10 MR. COBB: Okay. All right.</p> <p>11 HEARING EXAMINER ROBESON: Okay. So I'm going to</p> <p>12 go off the record. I will come back -- why don't you come</p> <p>13 get Nana if you -- when -- Nana Johnson of our office.</p> <p>14 MS. LAKE: Yes. Yes.</p> <p>15 HEARING EXAMINER ROBESON: And let her know</p> <p>16 whether you can or can't.</p> <p>17 MS. LAKE: Yes, okay. Is there someplace else</p> <p>18 that I can speak with my client?</p> <p>19 HEARING EXAMINER ROBESON: Yes, there is a</p> <p>20 library.</p> <p>21 MS. LAKE: Oh, I see.</p> <p>22 HEARING EXAMINER ROBESON: If you take the next</p> <p>23 door on the left, go this way --</p> <p>24 MR. COBB: But most of time you have allotted for</p> <p>25 is 30 minutes. She finishes just before that she can notify</p>	<p style="text-align: right;">76</p> <p>1 not you.</p> <p>2 MR. COBB: Yeah, but I just these -- I need to</p> <p>3 know, because maybe I need to go out to. If she's going to</p> <p>4 take two hours -- you just said -- so how long are you</p> <p>5 allotting --</p> <p>6 HEARING EXAMINER ROBESON: I don't need to do</p> <p>7 anything.</p> <p>8 MR. COBB: Are you allotting an hour? Are you</p> <p>9 allotting two hours for, sure how long?</p> <p>10 HEARING EXAMINER ROBESON: I'm going to give</p> <p>11 her --</p> <p>12 MR. COBB: As much time as --</p> <p>13 HEARING EXAMINER ROBESON: A half an hour at the</p> <p>14 moment, but it may be longer if she has one more call to</p> <p>15 make, okay. So I'm going to give her a half hour at the</p> <p>16 moment. We're going to stop now so she can start making her</p> <p>17 phone call. Okay.</p> <p>18 (Off the record)</p> <p>19 (On the record)</p> <p>20 HEARING EXAMINER ROBESON: We are on the record.</p> <p>21 It's 12:06. Ms. Lake has informed Ms. Johnson that she is</p> <p>22 ready and has been able to contact her witnesses, but Mr.</p> <p>23 Cobb is not here. It's now 12:06. We are going to go off</p> <p>24 the record again until someone can find Mr. Cobb, and</p> <p>25 reconvene at that time.</p>

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20 (77 to 80)

<p>77</p> <p>1 THE COURT REPORTER: You want to set -- set a 2 time? 3 HEARING EXAMINER ROBESON: Oh, we will reconvene 4 at 12:25. 5 MS. LAKE: I will go outside and look. 6 HEARING EXAMINER ROBESON: And then we are off the 7 record now. 8 (Off the record at 12:06 p.m.) 9 (On the record at 12:26 p.m.) 10 All right. We are back on the record. Mr. Cobb 11 is here. It's 12:26. Ms. Lake? 12 MS. LAKE: Yes, Ms. Robeson, I spoke with my 13 client and both of my witnesses. And right now I think it's 14 too, but even if it's three, everybody is available on 15 November 7. 16 HEARING EXAMINER ROBESON: Okay. Mr. Cobb? 17 MR. COBB: That's fine. 18 HEARING EXAMINER ROBESON: Okay. So I'm not going 19 to go into -- two things. 20 One, Mr. Cobb, your behavior was argumentative and 21 disrespectful of this tribunal. It is my decision when to 22 set the dates considering both sides of the party. I am 23 going to -- and based on the fairness to both sides, and part 24 of what the homeowners association has been saying, is that 25 this is taking quite a bit of time. Now -- and so I'm going</p>	<p>79</p> <p>1 will be just docketed as hard copies. 2 MS. LAKE: I got it. And should it be delivered 3 just to this office in general? To you in particular? 4 HEARING EXAMINER ROBESON: To my attention. 5 MS. LAKE: Okay. Okay. Got it. 6 HEARING EXAMINER ROBESON: And the next date, I 7 have 6/24. Mr. Cobb must send Miss Lake a list of the 8 documents that he believes are incomplete or are missing. 9 MS. LAKE: Right. 10 HEARING EXAMINER ROBESON: Okay. 7/12, Ms. 11 Hanger, or the HOA -- 12 MS. LAKE: The HOA. 13 HEARING EXAMINER ROBESON: Through Ms. Lake should 14 respond to Mr. Cobb's list of documents. And I would also 15 like her to describe the scope of who she requested documents 16 from, so that we can make sure it complies with my order on 17 discovery. Because I said not just current Board members, 18 but past Board members, okay? So then on 7/12/19, Ms. 19 Hanger's response with any additional documents, if any. 20 There may not be any. All right. So then we have 7/26, Mr. 21 Cobb must have his motion. If he disagrees that Ms. Hanger 22 has provided all of the documents, he can file a motion on 23 7/26/19; 8/5/19, the respondent, if they wish, will be able 24 to file a response to Mr. Cobb's motion; 8/15 is the close of 25 discovery.</p>
<p>78</p> <p>1 to give you the dates that you just suggested with the 2 11/7/19 hearing date. And we will go over them again before 3 I leave, but I'm not going to have more argument that I am 4 curtailing your time, because it's -- I set the time. And I 5 said it in a way that's fair to both parties. Now, so what I 6 have now is 7/26/18 -- or -- 7 MS. LAKE: I believe the first deadline is mine. 8 HEARING EXAMINER ROBESON: I have 6/10. Fairland 9 will provide hard copies of what was forwarded on the zip 10 drive. 11 MS. LAKE: And how would you like those? Should 12 we hand-deliver? I just talked to my associate when we were 13 on a break and he said -- and she realizes it's a lot. At 14 that, yeah, she knows how many it is. So we will deliver the 15 paper copies. 16 HEARING EXAMINER ROBESON: They can be in boxes. 17 MS. LAKE: Okay. Okay. 18 HEARING EXAMINER ROBESON: Just so that -- and 19 they will be marked as an exhibit in the case. 20 MS. LAKE: Okay. And -- 21 HEARING EXAMINER ROBESON: Or they will be placed 22 in the docket. 23 MS. LAKE: Okay. And they -- but they are already 24 in the docket, aren't they? 25 HEARING EXAMINER ROBESON: As the -- yes, but they</p>	<p>80</p> <p>1 MR. COBB: I thought we said 8/30. That was the 2 day that we said. 3 HEARING EXAMINER ROBESON: I wrote 8/15. 4 MS. LAKE: I believe 8/30 was Mr. Cobb's. 5 HEARING EXAMINER ROBESON: Oh. 6 MR. COBB: Yeah and (inaudible). 7 HEARING EXAMINER ROBESON: Well, let me ask you 8 something. You have -- if I close discovery at 8/15 -- on 9 8/30, you said your preliminary motions are due on 9/13. So 10 I don't have a problem closing discovery on 8/30 as long as 11 we stick to the rest of your -- the schedule here. 12 MR. COBB: Yeah, this is what we agreed to like 45 13 minutes ago. 14 HEARING EXAMINER ROBESON: Okay. So 8/30/19 is 15 the close of discovery. Any preliminary motions are due on 16 9/13/19. Mr. Cobb's prehearing statement is due on 9/27/19. 17 And then -- well, I didn't have a date down for your -- 18 MS. LAKE: I had October 11. 19 MR. COBB: Okay. 20 HEARING EXAMINER ROBESON: Oh, yes. I do have 21 that down. October 11 for Fairland's preliminary statement, 22 prehearing statement. And then the hearing on 11/7/19. 23 Okay. Now, I will except those deadlines this time, but I'm 24 going to be very reluctant to grant any postponements of 25 those deadlines. Now we have a couple of -- we've addressed</p>

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21 (81 to 84)

<p style="text-align: right;">81</p> <p>1 the two discovery issues. When I went back through the file 2 during the break, Ms. Lake, I don't know why I remembered 3 that she, Ms. O'Connor, said she wanted to resolve the issues 4 of-- 5 MS. LAKE: The emails. 6 HEARING EXAMINER ROBESON: Books and records. I 7 cannot find that email. So I think it is deferred to -- and 8 I looked at the notice for today and it just said, discovery 9 hearings. So we did defer that issue to the hearing and so 10 we will address the legal issue of what books and records are 11 in encompassed within the real property article section 12 112 -- 11(b)112, okay. What I would like you to do though, 13 and I'm going to give you what I'm thinking so that you can 14 address them. I have questions because Ms. O'Connor 15 initially filed saying she thinks there are just certain 16 documents and they are not emails. 17 MS. LAKE: Right. Are we talking about the 18 memorandum of law? 19 HEARING EXAMINER ROBESON: Yes. 20 MS. LAKE: Defining books and records? 21 HEARING EXAMINER ROBESON: Yes. 22 MS. LAKE: Got it. 23 HEARING EXAMINER ROBESON: She said they don't 24 include emails. Mr. Cobb points out, and I think he has a 25 good argument, well, a lot of business is done these days by</p>	<p style="text-align: right;">83</p> <p>1 factual issue, that would be a good place to do that. But 2 those are the questions when I looked at both of your -- I 3 think Mr. Cobb has a point that you can do business by email. 4 That's part of-- the way we do business now. I think the 5 Association has a point that would be every single email. It 6 would be very difficult to comply with, even though 7 governments regularly have to comply. As I read the AG's 8 testimony, I think they were going for more disclosure, not 9 less disclosure. So those are my preliminary thoughts and I 10 wanted to give you both a heads up. So that's -- you can 11 address those in your motions regarding books and records of 12 the corporation. All right? So I'm going to send a notice 13 out with the dates we agreed on, all right? And that will be 14 our hearing schedule, our revised hearing schedule. And 15 again, I'm going to be very -- I've accepted Mr. Cobb's 16 deadlines. I'm going to be very reluctant to extend them. 17 All right? So with that, now the other wrinkle is, I'm not 18 sure -- I think we are going to be located at the detention 19 center off of the Seven Locks Road. We are not in detention, 20 but that's where they are moving County offices while they 21 relocate. So even though I'm going to send this hearing 22 notice out with this address, I will notify you when we 23 actually move so that you know where to come. All right. I 24 don't even know where we're going to have -- where we are -- 25 whether we will have a -- you know, whether there will be a</p>
<p style="text-align: right;">82</p> <p>1 email. I think he submitted support of decisions being made 2 by email. And my question is, is email really the tests? 3 Because even the records I have seen in some discrimination 4 cases, I have seen -- Ms. Williams -- or Ms. O'Connor 5 acknowledges that the exemptions from 11-112(b), which 6 include personnel records are records of the Association. 7 And in past cases, I have seen personal records that come by 8 email. So I guess the -- you know, warnings and things like 9 that. So I guess the question is; I'm really looking for, 10 what is the boundary and why shouldn't it be -- a lot of the 11 things -- were this a government agency as opposed to a 12 homeowners association, it would be covered by the MPIA. Why 13 isn't this the same disclosure requirement? Mr. Cobb, for 14 you I have the question; is it realistic for every single 15 email under 11(b)-112? Is that -- is it realistic for 16 contractor's emails to the management company -- that creates 17 a pretty large burden on a homeowners association to provide 18 them. So my question to you is; isn't that a little bit 19 going too far, as far as, does every email to every -- you 20 know, that's a pretty big burden to place on a homeowners 21 association. So if there is a line, where is that line. 22 That's my question to you. 23 MS. LAKE: And is this something you would like us 24 to address in the prehearing motions? 25 MR. COBB: That would be -- unless there is a</p>	<p style="text-align: right;">84</p> <p>1 hearing room available here or whether there will be a 2 hearing room available there. So watch for that. We're 3 going to have to follow up on that. All right. 4 MR. GROSSMAN: It's near the detention center. 5 HEARING EXAMINER ROBESON: Oh, it's not the 6 detention center. 7 MS. LAKE: Oh, it's not? 8 HEARING EXAMINER ROBESON: This is Mr. Grossman. 9 He is the director of our office and he is the one that was 10 at the most recent meeting about our renovation move. So -- 11 MR. GROSSMAN: It's the old police first District 12 station, I believe. 13 HEARING EXAMINER ROBESON: The police -- what is 14 it? 15 MR. GROSSMAN: 1B is what they call it. 16 MS. LAKE: First District? 17 MR. GROSSMAN: Yeah, I guess. I'm not familiar 18 with it. That's it -- is not the detention center. 19 MS. LAKE: Do we have an address? 20 MR. GROSSMAN: I don't yet. 21 HEARING EXAMINER ROBESON: We can get it. I 22 don't. 23 MR. GROSSMAN: Sure. 24 MS. LAKE: Sure. 25 HEARING EXAMINER ROBESON: I'm sure when -- yeah,</p>

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22 (85 to 88)

<p>85</p> <p>1 I'm not sure what -- so with that, are there any final 2 matters? Have I forgotten anything? 3 MR. COBB: Yeah, the only final matters here, one, 4 regarding the office visits. So I have some dates for that. 5 And so I could visit the office and do the physical 6 inspection of the documents, August 2, from 9:00 to 5:00, 7 August 9, from 9:00 to 5:00, and August 16, from 9:00 to 8 5:00, if needed. 9 HEARING EXAMINER ROBESON: What was the last one, 10 Mr. Cobb? 11 MR. COBB: 16th from 9:00 to 5:00, if needed. 12 Those are my dates and time. 13 HEARING EXAMINER ROBESON: Are you asking her to 14 reserve all 3 just to make sure you -- 15 MR. COBB: Yes, yeah. 16 MS. LAKE: All three? 17 MR. COBB: Yes. 18 MS. LAKE: I will check. So Mr. -- does Mr. Cobb 19 believe he is going to need 24 hours to review the books and 20 records? 21 MR. COBB: Why 24 hours? 22 MS. LAKE: Three days at -- 23 MR. COBB: 24 hours you said? 24 HEARING EXAMINER ROBESON: No. No, she is saying 25 the combined total of all three dates is 24 hours.</p>	<p>87</p> <p>1 MR. COBB: Okay. So this has to do with the 2 amendment? 3 HEARING EXAMINER ROBESON: Yes. 4 MR. COBB: Okay. 5 HEARING EXAMINER ROBESON: The July 10th amended 6 complaint. 7 MR. COBB: July 10th amendment, okay. 8 HEARING EXAMINER ROBESON: And you're saying, as I 9 understand it -- I mean, maybe we should take a minute and 10 clarify that. As I understand what you're saying is that 11 every email written by the management company for the -- on 12 behalf of the Association, is a book and record of the 13 Association. Is that what you are saying? 14 MR. COBB: You know, you have to revisit my motion 15 and my communications. But I think at one point, the -- even 16 the motion, the management company said that no emails from 17 them should be included. 18 HEARING EXAMINER ROBESON: Yes, that was their 19 position, yes. 20 MR. COBB: Which makes no sense because the other 21 ones who are conducting all business for the -- the other 22 ones who are conducting all business transactions on behalf 23 of the organization, of the Association, the Association has 24 not paid them, do it themselves. Hence the reason the 25 Association pays the management company a fee. So I believe</p>
<p>86</p> <p>1 MR. COBB: Well, I have to meet -- 2 HEARING EXAMINER ROBESON: You just want one of 3 those days? 4 MR. COBB: I mean, it is going to take time for me 5 to go to the records and then make copies, right? 6 MS. LAKE: I assume. 7 MR. COBB: Why don't you just ask if they are 8 available. 9 MS. LAKE: I will. I will. 10 MR. COBB: Yeah, these are the dates I'm 11 requesting, yeah. 12 MS. LAKE: Do you want me to do that now? 13 HEARING EXAMINER ROBESON: No. 14 MS. LAKE: Good. 15 HEARING EXAMINER ROBESON: Just send me the emails 16 setting up -- 17 MS. LAKE: When it's set. 18 HEARING EXAMINER ROBESON: When it's set. And I 19 don't need to be on the emails back and forth about, I can do 20 this time or that time. Just for our record, I want to know 21 that it's set. Anything else? 22 MR. COBB: So the books on records that you 23 mentioned, I thought this was already resolved. Does it have 24 to do with the amendment that I submitted more than -- 25 HEARING EXAMINER ROBESON: Yes.</p>	<p>88</p> <p>1 all-emails related to transactions and related to any affairs 2 of the organization -- and so if Kimberly Hanger sends an 3 email to -- 4 HEARING EXAMINER ROBESON: By Kimberly, you mean 5 Ms. Hanger? 6 MR. COBB: Yeah you send an email to the president 7 saying, hi. How are you doing? Happy fourth of July. I 8 don't expect that to be included. You know, that just has 9 nothing to do with the affairs of -- 10 HEARING EXAMINER ROBESON: Well, I guess what the 11 thing is, that's getting into the -- what we said we were 12 going to do on the merits. So I think the best way to handle 13 that is you produce what you believe are the books and 14 records. And he can file the motion saying these are not all 15 the books and records. 16 MS. LAKE: Okay. I'm confused, because I thought 17 there were two separate issues. The emails have all but -- 18 we did take that position that the emails were not books and 19 records and didn't have to be produced. And you ruled that 20 they did have to be produced in discovery. 21 HEARING EXAMINER ROBESON: Right. 22 MS. LAKE: And I understand that you are deferring 23 the issue of whether they are, quote, admissible at the 24 hearing until the hearing date. 25 HEARING EXAMINER ROBESON: Right. No, what I</p>

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23 (89 to 92)

<p style="text-align: right;">89</p> <p>1 deferred is the issue of whether there are books and records 2 under 11(b)-112 of the real property article. 3 MS. LAKE: Right. But the books and records that 4 are going to be produced when Mr. Cobb comes to the office or 5 not the emails. He's got all the emails. And they don't 6 have a -- they don't -- none of those emails were with the 7 homeowners association books and records. They pulled all of 8 those to comply with your order. So, I mean, I guess I can 9 take them out. 10 HEARING EXAMINER ROBESON: But the question is -- 11 we are back in the fundamental question, which is; what are 12 books and records of an association that have to be made 13 available. That's the fundamental question in his amended 14 complaint. He is saying your position was -- and I know you 15 weren't counsel at the time. Your position was that we will 16 give you the emails under the discovery request, but we don't 17 believe the emails are part of the books and records of the 18 Association, and he is saying they are. 19 MS. LAKE: Does that mean you want -- I need to 20 have them all printed out and be at the office when he comes 21 in? Because he has them all. I understand he has them all 22 as part of discovery. 23 HEARING EXAMINER ROBESON: Oh, I see. 24 MS. LAKE: I'm not making myself clear. 25 HEARING EXAMINER ROBESON: No, I see what you're</p>	<p style="text-align: right;">91</p> <p>1 MR. COBB: Yes. And these are, I'm going to send 2 to Ms. Hanger on June 24. 3 HEARING EXAMINER ROBESON: Okay. So you are 4 saying -- okay. 5 MR. COBB: Yeah. These are -- 6 HEARING EXAMINER ROBESON: So you are equating 7 books and records with your discovery requests? You think 8 they are the same set of documents? 9 MR. COBB: If I'm equating books and records -- 10 HEARING EXAMINER ROBESON: Well, there could be 11 emails, for instance. What you are saying is there could be 12 emails that have nothing to do with you. Your discovery 13 request was for items pertaining to you including emails. 14 MR. COBB: Right, okay. 15 HEARING EXAMINER ROBESON: There could be emails; 16 come fix the HVAC and unit or whatever or address whatever. 17 There could be emails like that, that technically relate to 18 management business. 19 MR. COBB: Right. So for the books and records, 20 so for example there was an issue that I communicated with 21 the accountants taking a long time to finish the audit. And 22 there were issues under the audit report that I communicated 23 to Ms. April Day, who was a prior property manager to amend, 24 to address. So any emails relating to the audits, that 25 should be included in discovery. That was not included --</p>
<p style="text-align: right;">90</p> <p>1 saying. You're saying he has -- you are saying he has all of 2 the emails already. 3 MS. LAKE: Except for what he thinks are missing, 4 which we're going to address. 5 MR. COBB: Right. 6 HEARING EXAMINER ROBESON: Okay. And so -- 7 MS. LAKE: When he comes to look at the books and 8 records, I didn't intend to print out 500 emails that he 9 already has. 10 HEARING EXAMINER ROBESON: Emails, okay. 11 MS. LAKE: I mean, the books and records -- 12 HEARING EXAMINER ROBESON: What do you say to 13 that, Mr. Cobb? 14 MR. COBB: So I think -- and so only some of the 15 emails were provided. The rest of the emails -- the rest of 16 them -- 17 HEARING EXAMINER ROBESON: Okay. We went through 18 that. My question is, are you saying that there is 19 anything -- well, I guess a lot of this depends on the scope 20 of what you provided. 21 MR. COBB: Right. 22 HEARING EXAMINER ROBESON: He says we don't need 23 the -- and saying happy fourth of July. But are there other 24 emails that you think are part of the books and records that 25 she needs to provide?</p>	<p style="text-align: right;">92</p> <p>1 that should be included in the records. 2 HEARING EXAMINER ROBESON: Okay, well, let's do 3 this. 4 MR. COBB: It should be included in the records. 5 HEARING EXAMINER ROBESON: What I would like to 6 do -- okay. I think the best way to get to the bottom of 7 this is, you produce what you think are the books and 8 records. And when we get to preliminary motion, if Mr. Cobb 9 thinks there are items that should be included, he can 10 discuss that with -- he can file a motion -- or he can say 11 that in his preliminary motion. 12 MS. LAKE: I still have the question -- is -- 13 should I print out the hundreds and have them in the office 14 when he comes to look at them? 15 HEARING EXAMINER ROBESON: No, because he has 16 them. 17 MR. COBB: No, I do not have that for the 18 physical -- so if you have financial records that are 19 electronic, you can send them to me. 20 HEARING EXAMINER ROBESON: No. No, that's not 21 what she is saying. 22 MR. COBB: If she wants to print them out that's 23 fine. 24 HEARING EXAMINER ROBESON: No, she doesn't want 25 to. She is trying -- just a second. Everybody stop. What</p>


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24 (93 to 96)

<p>93</p> <p>1 she is saying is, that she need to print copies of all the 2 emails you already have? That's what she is saying. Since 3 you already have them, I am saying no, she doesn't have to 4 reprint them. She just has to reprint them for OZHA so I 5 have them in our record.</p> <p>6 MR. COBB: I don't -- but that is for the 7 discovery. I think she is saying for my physical visit, the 8 visit to the --</p> <p>9 HEARING EXAMINER ROBESON: What the act permits at 10 the physical visit is for you to inspect the public -- 11 inspect the records. And then they will charge \$.13 a page 12 for copies.</p> <p>13 MR. COBB: Right. So if she is saying that if -- 14 so if I am, you know, emails includes records. Would I be 15 able to inspect the emails that are considered records? 16 Which is things like financial files, communications to the 17 auditors, which I don't have. And that's a part of the 18 records.</p> <p>19 MS. LAKE: All I'm saying is, do I have to have 20 the ones that he does have there?</p> <p>21 HEARING EXAMINER ROBESON: No.</p> <p>22 MS. LAKE: Thank you.</p> <p>23 MR. COBB: Yeah.</p> <p>24 HEARING EXAMINER ROBESON: You've already got the 25 ones electronically. She doesn't have to have -- duplicate</p>	<p>95</p> <p>1 records. They've already been produced in discovery, but 2 will not be produced as books and records because we don't 3 believe they are. But if there are other emails in the 4 discovery phase, other emails that he thinks are incomplete 5 like he was talking about earlier today, or if he is able to 6 identify something that's not in what he has, I will 7 certainly go back to my client and respond.</p> <p>8 HEARING EXAMINER ROBESON: Okay. So we will have 9 a memo on the books and records later on in the process. 10 Because I have to say, he did produce, for instance, some 11 architectural decisions that were made via email; if I'm 12 recollecting correctly.</p> <p>13 MR. COBB: Yeah.</p> <p>14 HEARING EXAMINER ROBESON: So --</p> <p>15 MS. LAKE: That were not in the emails produced? 16 Is that --</p> <p>17 HEARING EXAMINER ROBESON: No, they are in the 18 emails produced, but you are saying emails aren't books and 19 records.</p> <p>20 MS. LAKE: Oh, okay.</p> <p>21 HEARING EXAMINER ROBESON: And yet, it was an 22 official action of the HOA. So that's what I'm saying. 23 That's the issue I want you to flesh out.</p> <p>24 MS. LAKE: Oh, okay.</p> <p>25 HEARING EXAMINER ROBESON: And Mr. Cobb's says</p>
<p>94</p> <p>1 those because you've already got them.</p> <p>2 MR. COBB: Right, and that's a part of discovery. 3 A lot of them has us yeah, that's a part of discovery. But 4 for example, the financial communications between the 5 Association and the auditors, I need those.</p> <p>6 HEARING EXAMINER ROBESON: Well, some of them 7 are -- I thought I saw some of them in here.</p> <p>8 MS. LAKE: Yes, they are.</p> <p>9 MR. COBB: Yeah, but I didn't see any with the 10 auditors.</p> <p>11 MS. LAKE: I thought I did.</p> <p>12 MR. COBB: Because they were saying that the 13 auditors -- I mean, I can pull it up.</p> <p>14 MS. LAKE: No.</p> <p>15 HEARING EXAMINER ROBESON: No, that's okay. Why 16 don't you -- if you think there are some, then you put that 17 in your list that you submit on June 24.</p> <p>18 MS. LAKE: Right.</p> <p>19 MR. COBB: Okay.</p> <p>20 HEARING EXAMINER ROBESON: So on -- when you set 21 up the time, you will provide what you think our books and 22 records. If there are items that Mr. Cobb disagrees with or 23 things he didn't get, then he can put that in his motion.</p> <p>24 MS. LAKE: And that is the reason I was asking 25 about hard copies, because we believe those are not books and</p>	<p>96</p> <p>1 does the management company really have to give every email 2 from the management company to a vendor and make them -- even 3 if they are unrelated to this case, are they parts of the 4 books and records.</p> <p>5 MR. COBB: Every email from a vendor you said?</p> <p>6 HEARING EXAMINER ROBESON: No. I'm saying, what 7 is the scope of what you believe are the books and records? 8 Is it only emails that relate to the management of the condo? 9 Is it emails that go -- and say there is a problem with an 10 HVAC units, and well, this isn't a condo. But say there is a 11 maintenance problem at the community pool. Are those books 12 and records?</p> <p>13 MR. COBB: Yeah.</p> <p>14 HEARING EXAMINER ROBESON: I'm not asking you to 15 answer. That's what I want you to address in your motion.</p> <p>16 MR. COBB: Yeah, but --</p> <p>17 HEARING EXAMINER ROBESON: What's the end of books 18 and records was</p> <p>19 MR. COBB: But I thought you addressed that in the 20 motion and you --</p> <p>21 HEARING EXAMINER ROBESON: That was for discovery.</p> <p>22 MR. COBB: Okay.</p> <p>23 HEARING EXAMINER ROBESON: That wasn't for books 24 and records.</p> <p>25 MR. COBB: Okay. Okay.</p>

Transcript of Administrative Hearing
Conducted on May 31, 2019

25 (97 to 100)

<p>97</p> <p>1 MS. LAKE: Can we just also clarify the issues 2 that are going to be decided in November? Because the way -- 3 the original -- it looked to me like everything was moot 4 other than this issue.</p> <p>5 HEARING EXAMINER ROBESON: Well, we don't know 6 that. I don't have any evidence saying it's moot.</p> <p>7 MS. LAKE: Okay.</p> <p>8 HEARING EXAMINER ROBESON: I mean, if there is 9 something that you can submit as an affidavit or you can do 10 something by -- you know, for a summary decision, we do have 11 the ability to do summary decisions. If you think -- which 12 are part of the preliminary motions. If there is something 13 that you can submit by affidavit or is otherwise verifiable, 14 you can eliminate those issues by summary decision.</p> <p>15 MR. COBB: All right. And that's what the 16 preliminary motions are for, right?</p> <p>17 HEARING EXAMINER ROBESON: Yes.</p> <p>18 MR. COBB: That's what it is. So we have a time 19 set for that, which is -- yeah, I think by September. Is it 20 September or October 11 to submit the preliminary motions was 21 with yeah, so there is a date set for that already.</p> <p>22 HEARING EXAMINER ROBESON: Wait.</p> <p>23 MS. LAKE: No.</p> <p>24 MR. COBB: It is --</p> <p>25 HEARING EXAMINER ROBESON: 9/13 is what I have.</p>	<p>99</p> <p>1 CERTIFICATE OF TRANSCRIBER</p> <p>2 I, Molly Bugher, do hereby certify that the 3 foregoing transcript is a true and correct record of the 4 recorded proceedings; that said proceedings were transcribed 5 to the best of my ability from the audio recording and 6 supporting information; and that I am neither counsel for, 7 related to, nor employed by any of the parties to this case 8 and have no interest, financial or otherwise, in its outcome.</p> <p>9</p> <p>10  11 _____</p> <p>12 Molly Bugher</p> <p>13 DATE: June 11, 2018</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>98</p> <p>1 MR. COBB: September, yeah, 9/13.</p> <p>2 HEARING EXAMINER ROBESON: So we do have the 3 summary decision authority under -- we are governed by 4 Section 2A of the county code that sets out -- and also the 5 CCOC has some guidelines or regulations.</p> <p>6 MS. LAKE: And I have those.</p> <p>7 HEARING EXAMINER ROBESON: So if it's something 8 disposable on summary judgment, summary decision, you can do 9 that. Okay. Anything else?</p> <p>10 MR. COBB: No. No.</p> <p>11 HEARING EXAMINER ROBESON: Anything else? All 12 right. With that, we will adjourn this hearing. I'm going 13 to try to get an order out as soon as possible with these 14 revised deadlines in the order, okay?</p> <p>15 MS. LAKE: Thank you.</p> <p>16 HEARING EXAMINER ROBESON: Thank you.</p> <p>17 (Off the record)</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	