

1 PLAINTIFF: Mr. Boston

2 WITNESS: Sarah Butler

3 DEFENSE 1: Mr. Jackson

4 DEFENSE 2: Ms. Walker

5

6 WARM UP

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8 MR. BOSTON: The record should reflect that we are
9 here now for the deposition of Sarah Butler. Why don't
10 we all state appearances for the record.

11 MR. JACKSON: All / right. Thank you. Robert
12 Jackson, and I am representing defendant Bill Evans.

13 MS. WALKER: Jill Walker for the defendant Gold
14 Realty.

15 MR. BOSTON: Thank you. John Boston for the /
16 plaintiffs Larry and Debbie Perkins.

17 MR. JACKSON: Thank you, Ms. Butler, for coming in
18 today. I don't know if they have explained it all to
19 you, but / we are just going to be asking you some
20 questions here today.

21 MR. BOSTON: I was just getting ready to do that,
22 but if you want to / go ahead, that's fine.

23 THE WITNESS: I spoke to my attorney before I came
24 here today and he explained it to me. I believe I
25 understand what's / going to be happening.

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1 MS. WALKER: Excuse me, but did you say your
2 attorney?

3 THE WITNESS: Yes, I retained an attorney.

4 MS. WALKER: Is he planning to be here today?

5 THE WITNESS: No. / I just spoke to somebody to get
6 some information and some advice, but he is not going
7 to be here for this lawsuit.

8 MS. WALKER: Thank you. /

9 MR. JACKSON: Well, if we are not waiting for anyone
10 else, we might as well get started.

11 MR. BOSTON: Is there anything else that either
12 counsel want to put // on the record before we begin
13 with the testimony?

14 MS. WALKER: No, thank you.

15 MR. JACKSON: No. I have some exhibits to mark
16 later, but why don't we begin. /

17 EXAMINATION

18 BY MR. BOSTON: Q. Would you state your name for
19 the record, please.

20 A. Sarah Butler.

21 Q. And would you spell your first and last name
22 for the record, please.

23 A. Sarah, / S-A-R-A-H. Butler, B-U-T-L-E-R.

24 Q. Thank you. Do you understand the oath that you
25 have been given?

26 A. Yes, / I do.

1 Q. Do you understand that it is your obligation to
2 tell the truth here today?

3 A. Yes, I do.

4 Q. Do you have any questions / about that before
5 we begin with the examination?

6 A. No, I don't think I have any questions. I
7 understand the proceedings and I am here to answer /
8 your questions.

9 Q. Thank you.

10 Where are you currently employed?

11 A. I am not employed at this time.

12 Q. Back in June of 2003, where were you working? /

13 A. I worked for Gold Realty.

14 Q. What were your job duties there?

15 A. Basically, I was the office manager. I was
16 responsible for answering the phones and / all the
17 office stuff that goes with running a business.

18 Q. Are you also a real estate agent or broker?

19 A. No, I am not.

20 Q. Did you // have anything to do with selling
21 homes or property?

22 MR. JACKSON: Objection. Vague. I mean, she worked
23 in the office, so I am sure she had something / to do
24 with the business.

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1 EXAM

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3 MR. BOSTON: That wasn't my actual question. I can
4 rephrase it.

5 MR. JACKSON: Okay. If you would please. Thank
6 you.

7 BY MR. BOSTON: Q. You testified that you were
8 not an agent or / broker?

9 A. That's correct.

10 Q. So you didn't sell any houses while you were
11 working there?

12 A. No, I didn't have the license for that.

13 Q. What were your / duties with respect to selling
14 houses?

15 A. Sometimes I would have to file the loan papers
16 or the closing documents with the appropriate people,
17 but that / didn't happen that often.

18 Q. Did you have any contact with the clients of
19 Gold Realty while you were employed?

20 A. Yes, they would come into the / office
21 sometimes and I would see them then.

22 Q. Were you involved in helping the clients to
23 fill out paperwork or anything like that?

24 A. No, not / really. They would bring in
25 documents and drop them off for their agents, but I
26 didn't actually complete them or anything like that.

1 Q. Do you / remember ever meeting my clients,
2 Larry and Debbie Perkins?

3 A. I know I met them at some time, but I couldn't
4 swear to the date or / anything.

5 Q. What was the occasion for your meeting Larry
6 and Debbie?

7 A. They were probably in the office and talking to
8 Mr. Evans. He must have // introduced me to them.

9 MR. JACKSON: Objection. Speculation. Move to
10 strike.

11 BY MR. BOSTON: Q. Do you remember if Bill Evans
12 was a real estate agent for Gold Realty while you /
13 were employed there?

14 A. He certainly was. He was working there before
15 I was hired.

16 Q. Okay. When did you begin working there, if you
17 remember?

18 A. You / know, I was trying to remember that
19 before I arrived today, and I am not exactly sure of
20 the date.

21 Q. Well, can you give us / a ballpark estimate of
22 when you started there?

23 A. I believe it was before I had my baby and that
24 was in April, so I'm guessing / it was sometime before
25 then.

26 Q. What year would that be?

1 A. Oh, I'm sorry. I probably started there March
2 of 1996.

3 Q. And you believe that / Bill Evans was already
4 working there when you started?

5 A. Yes, I think so. I know I met all the
6 employees in the office, and I / remember meeting him.
7 I don't know when he started there, though.

8 Q. Now, on the afternoon that you met my clients,
9 do you remember the approximate / date that happened?

10 A. No, not really.

11 MR. BOSTON: Counsel, could it be stipulated that
12 the contract in dispute was entered into on May 15,
13 2003? //

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1 START TYPING

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3 MR. JACKSON: I will stipulate.

4 MS. WALKER: I don't want to stipulate to that at
5 this time.

6 MR. BOSTON: All right.

7 MS. WALKER: You can just ask her if she remembers
8 the date. / If she doesn't recall, that's perhaps a
9 matter that will have to be proved up at a subsequent
10 time.

11 BY MR. BOSTON: Q. Okay. Then, for the purposes
12 of / my inquiry here today, ma'am, I want you to assume
13 the relevant time period that you met my clients was
14 May of 2003. /

15 A. Okay.

16 Q. Between the period of May and August of that
17 year, do you remember approximately how many occasions
18 you either spoke to or observed my / clients in the
19 office?

20 A. Well, I can guess a number, but I'm not
21 positive.

22 Q. No, we don't want you to speculate. If you
23 don't remember, / it is perfectly all right for you to
24 say you don't know. We just want your best estimate
25 here today.

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1 A. I think I probably saw / them somewhere around
2 five times.

3 Q. Do you remember if Mr. Evans was with them on
4 every occasion that you had contact with them?

5 A. Well, he / was probably in the office, but I
6 couldn't remember if he was standing there with them or
7 not.

8 MR. JACKSON: Objection. Speculation.

9 MS. WALKER: Join.

10 BY MR. BOSTON: Q. Isn't it customary that //
11 when people will come to see their agents in the
12 office, that the agents will come out to greet their
13 clients?

14 A. Sometimes they do and / sometimes the clients
15 just go back to the office.

16 Q. Do you have any recollection of what happened
17 with this case?

18 A. No, I really don't.

19 Q. Do / you remember any discussions that you had
20 with either of my clients relating to the purchase of
21 their home?

22 A. Not anything other than just greeting / them
23 when they came in and asking if they wanted something
24 to drink or something like that.

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1 Q. Is it correct that you don't remember any /
2 phone conversation with them in June regarding their
3 loan papers?

4 A. That's correct, I don't remember ever talking
5 to them about that.

6 Q. Do you remember calling / them at any time
7 about their home loan?

8 A. I don't really have anything to do with any
9 loans. If they had problems with their papers/ for
10 their loan, that wouldn't be my area to deal with.

11 Q. I am sorry, I misspoke. I don't mean their
12 home loan, but the purchase / of their home. Do you
13 have any recollection of any phone conversations with
14 them?

15 A. No, I don't.

16 Q. Are you testifying that no phone calls took //
17 place, or just that you don't remember having any
18 discussions with them?

19 A. I don't remember talking to them about anything
20 that sticks out in my / mind. If they called regarding
21 their purchase, or to discuss something with Bill, I
22 would have answered the phone and spoken to them.

23 Q. I understand. /
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1 A. I just remember that // they were his clients
2 on that deal. They were buying the house and he was
3 the agent for the sale.

4 Q. Do you remember any other / agents in your
5 office working with Bill Evans on this transaction?

6 A. No.

7 Q. What is the standard practice in the office for
8 the agents who work / there and their workload? Is
9 everyone responsible for their own deals, or do people
10 help each other out?

11 MS. WALKER: Objection. Calls for speculation and
12 no personal / knowledge.

13 MR. JACKSON: I am just asking for her opinion.

14 MS. WALKER: Well, you asked her what the standard
15 practice is.

16 MR. BOSTON: Also, she no longer works there, so
17 the / time frame should be clarified.

18 BY MR. JACKSON: Q. During the time you worked
19 there, did you notice if the agents only worked the
20 cases they were assigned, or / whether everyone worked
21 all the deals?

22 A. Everyone had their own houses that they were
23 selling or buying or whatever, yes.

24 Q. Was it a common practice / that one agent might
25 help another agent in regards to closing the deal?

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1 A. I don't really know what they would do as far
2 as closing / the house. I mean, if you are talking
3 about someone dropping off papers for them or something
4 like that, I'm sure that happened.

5 MR. BOSTON: Objection. Nonresponsive. //

6 BY MR. JACKSON: Q. Were you ever made aware that
7 someone other than Mr. Evans was working on this
8 particular transaction?

9 A. No, not that I recall.

10 Q. Do you know / an agent by the name of Joseph
11 Stanton working for Gold Realty?

12 A. Yes, I do. He started working there after I
13 did.

14 Q. Do you know / what his role or duties were at
15 Gold Realty?

16 A. He was a realtor. He sold houses and bought
17 houses for clients.

18 Q. Do you remember Mr. / Stanton bringing you any
19 documents regarding the house on Maple Lane?

20 A. No, I don't. I mean, he might have handed me
21 something to mail, but / I wouldn't know what's
22 contained in the envelope.

23 Q. So you don't remember any specific event where
24 he requested you to do something regarding that file?

25 /

26 A. No.

1 Q. Do you ever work on files for the agents in any
2 way?

3 A. Sometimes I collect the files from the agents
4 and get them ready / for copying, but that only
5 happened a couple times while I was working.

6 Q. Who would do the copying of the documents if it
7 wasn't you? /

8 A. They had employees in the back that just did
9 that.

10 Q. Did you ever work in that position in the
11 office?

12 A. No, I always was in // the front area. Like a
13 receptionist, I guess.

14 Q. You were the person of the company that the
15 public encountered initially if they came in the /
16 front door; is that correct?

17 A. Yes, I suppose that would be correct. It
18 wasn't a large area, but I was in the front.

19 Q. Let me / ask you a question regarding the
20 general practices of the business. When a sale would
21 conclude and all the documents were signed, what would
22 happen / to the case file in the office?

23 A. You mean when the closing documents were signed
24 and everything?

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1 Q. Yes. After the deal was completed and the /
2 people received the keys to their property, what would
3 happen to the file that was maintained in the company?

4 A. After all the copies were made / and everything
5 was done, then the documents would be placed in the
6 storage room where we maintained those things.

7 Q. Was there a specific location in / the building
8 that held those cases?

9 A. Absolutely.

10 Q. Did you have access to that area?

11 A. Sure, everyone did. It was located next to the
12 lunchroom / and it was a storage closet.

13 Q. What else was that room used for?

14 A. It wasn't actually a room, it was basically
15 like a closet. We // kept the completed cases there
16 and then some office supplies in addition.

17 Q. Is it your testimony today that you do not
18 remember personally handling this / file other than
19 just regular processing in your office?

20 A. Yes, that would be it. I might have been the
21 one that put it in the / storage box, but usually it is
22 the agent when everything is done and they have
23 whatever information out of the file that they need.

24 Q. Do / the agents remove things from the file, or
25 are you talking about --

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1 A. No, no. I mean, sometimes they make copies of
2 things that they need, / but they wouldn't remove
3 anything from the file.

4 Q. Thank you again for your cooperation, ma'am.

5 A. You are welcome.

6 MR. JACKSON: No further questions at this time.

7 EXAMINATION

8 BY MS. WALKER: Q. Ms. / Butler, I just have a
9 couple questions for you also.

10 A. Okay.

11 Q. Now, during the time period that you were
12 working at Gold Realty, were you / ever instructed on
13 how to file loan documents in the office?

14 A. Well, just generally, yes. I mean, sometimes
15 filing papers would come in for a / house and I would
16 put them in the mailbox for the agent who was handling
17 that transaction.

18 Q. So you would match up the agent with // the
19 papers; is that correct?

20 A. Yes, that's correct.

21 Q. Did you ever assign certain cases to agents, or
22 was that beyond your responsibility?

23 A. No, I didn't / have anything to do with that.

24 Q. Let me ask you a hypothetical question. If
25 someone walked into your office and was interested in
26 buying a / home, who would you direct them to?

1 A. Well, it wasn't really that kind of business.
2 I mean, I guess people could walk in off the / street,
3 but the people that came in were clients that had
4 appointments or they were meeting someone.

5 Q. In the time period that you worked there / did
6 you ever have anybody come in off the street and
7 request to interview with a realtor regarding a
8 property purchase?

9 A. Not that I ever / remember.

10 Q. If that event had occurred, what would have
11 been the procedure? How were you to handle that
12 situation?

13 A. I would have immediately called my / boss and
14 reported to him someone was in the office who wanted to
15 select an agent.

16 Q. And who was your boss?

17 A. Most of the time / I worked there it would have
18 been Ron Gates.

19 Q. Is that who hired you at Gold Realty?

20 A. Yes, it is. I was just his secretary, // I
21 guess you could say.

22 Q. You were working for Mr. Gates, but you also
23 had other responsibilities in the office dealing with
24 the other agents? /

25 A. Yes, that's true.

26 Q. What was the job title for Mr. Gates?

1 A. He was the owner of the business.

2 Q. Did you ever understand him to be / a realtor
3 or broker?

4 A. I believe so. I mean, I know he sold houses,
5 but he was mostly in the office and always handling the
6 / administrative stuff.

7 Q. Okay. When you say mostly in the office, do
8 you mean as opposed to out showing houses to clients?

9 A. Yes. He did have / some clients and he did
10 sell some properties or purchase some houses for
11 clients, but he mostly was in the office.

12 Q. Would you observe him / on a daily basis while
13 you were employed?

14 A. Yes, most definitely.

15 Q. Do you remember Mr. Gates and Mr. Evans ever
16 working together on a contract? /

17 A. No, I wouldn't imagine that would have
18 happened.

19 Q. Why do you say that?

20 A. Well, I just don't think that would work.

21 Q. Can you explain that / to us?

22 A. Well, it is only my opinion, but I don't think
23 they liked each other very much.

24 MR. JACKSON: Objection. Speculation.

25 THE WITNESS: It is just my opinion, // that's what
26 I believe.

1 BY MS. WALKER: Q. Ms. Butler, did you ever
2 observe any type of fight or altercation between
3 Mr. Evans and Mr. Gates?

4 MR. BOSTON: Objection. Irrelevant unless / it
5 deals with this contract.

6 BY MS. WALKER: Q. You can answer the question,
7 ma'am.

8 A. They didn't really talk to each other that
9 much. Every now and then they / would argue about
10 something, but I mainly tried not to get in the middle
11 of that.

12 Q. Let me ask you some questions about the layout
13 / of the office. Your desk and office area, how far
14 was that from where the different agents were in the
15 office?

16 A. Well, you first walk / into the office.
17 Ultimately, you have to go down the little hallway to
18 get back to where the agents worked.

19 Q. If you were positioned at / your desk, could
20 you see any agents?

21 A. Not really. You have to walk down the hallway.

22 Q. And where was Mr. Gates located in relationship
23 to / your desk?

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1 A. Oh, he was completely in a different area of
2 the building. His office was back beyond the
3 conference room and all the cubicles / for all the
4 agents.

5 Q. I assume you were much closer to the agents
6 than to Mr. Gates; is that correct?

7 A. Yes, I suppose that's correct. //
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