

CAUSE NO. 2013-05455

CARL HENRY BRUNSTING,) IN THE DISTRICT COURT OF
INDEPENDENT EXECUTOR OF)
THE ESTATES OF ELMER H.)
BRUNSTING AND NELVA E.)
BRUNSTING,)
))
Plaintiffs,)
))
V.) HARRIS COUNTY, TEXAS
))
CANDACE L. KUNZ-FREED)
AND VACEK & FREED, PLLC)
F/K/A THE VACEK LAW)
FIRM, PLLC,)
))
Defendants.) 164TH JUDICIAL DISTRICT

ORAL AND VIDEOTAPED DEPOSITION OF
CARL H. BRUNSTING
FEBRUARY 3, 2015

ORAL AND VIDEOTAPED DEPOSITION of
CARL H. BRUNSTING, produced as a witness at the
instance of DEFENDANTS, and duly sworn, was taken in
the above-styled and numbered cause on FEBRUARY 3,
2015, from 10:06 a.m. to 1:05 p.m., before Stephanie M.
Harper, RPR, CSR in and for the State of Texas,
recorded by machine shorthand, at the offices of
THOMPSON, COE, COUSINS & IRONS, LLP, One Riverway,
Suite 1600, Houston, Texas, pursuant to the Texas Rules
of Civil Procedure and the provisions stated on the
record or attached hereto; that the deposition shall be
read and signed before any notary public.

JOB NO. 177755

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A P P E A R A N C E S

FOR PLAINTIFFS:

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VIDEOGRAPHER:

MS. BRANDI MATHESON

ALSO PRESENT:

MS. DRINA BRUNSTING
MS. CANDACE L. KUNZ-FREED

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ORAL AND VIDEOTAPED DEPOSITION OF
CARL H. BRUNSTING
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1 THE VIDEOGRAPHER: On the record, 10:06,
2 Tape 1.

3 CARL H. BRUNSTING,
4 having been first duly sworn, testified as follows:

5 EXAMINATION

6 BY MS. FOLEY:

7 Q. Hello, Mr. Brunsting. My name is Zandra
8 Foley, and I represent Candace Freed and her law firm
9 in this lawsuit. Could you please state your full name
10 for the record.

11 A. Carl Henry Brunsting.

12 Q. Okay. Have you ever given a deposition
13 before?

14 A. Not that I remember. I don't know, yeah.

15 Q. Okay. I'm sure your lawyer's already talked
16 to you about it, but I'm just going to go over a couple
17 of housekeeping rules. No. 1 is sometimes you're going
18 to be able to anticipate the question that I'm asking.
19 But I'm going to do my best to not talk over you.

20 A. Okay.

21 Q. And I just ask that you not talk over me, just
22 because there's a court reporter here who's taking
23 everything down, and we just want to make sure that the
24 record is clear.

25 The second thing is that if I ever ask you a

1 question that you don't understand, let me know that
2 you don't understand it --

3 A. Thanks.

4 Q. -- And I will be happy to rephrase it.

5 Also you're doing a good job right now
6 answering audibly, meaning you're saying "yes," "no."
7 Please continue to do that, because the court reporter
8 can't take down --

9 A. Right.

10 Q. It's harder to -- shaking heads, and "uh-huh"
11 and "huh-uh." And so sometimes I may even -- if you
12 just happen to say "uh-huh" or "huh-uh," then what I'll
13 do is I'll say, "Is that a 'yes' or a 'no'?"

14 A. Yeah, right.

15 Q. And if I do that, I'm not trying to be ugly.
16 I'm just trying to make sure we've -- we've got a clean
17 record.

18 The last thing is that if you need to take
19 a break for any reason at all, you just say so and
20 we'll take a break. The only thing that I ask is that
21 if there is a question that's on the floor, if you
22 could please answer that question first, and then --

23 A. Yeah.

24 Q. -- and then we can take the break, all right?

25 A. Um-hmm.

1 Q. Okay. What is your date of birth?

2 A. July 31st, 1957.

3 Q. Okay. And what are your parents' names?

4 A. Elmer and Nelva Brunsting.

5 Q. Okay. And I understand you have some sisters;
6 is that correct?

7 A. Yes.

8 Q. Okay. How many sisters do you have?

9 A. Four.

10 Q. Okay.

11 A. Yeah.

12 Q. And what are their names?

13 A. Candy, Carol, Amy, and Anita.

14 Q. Okay. Do you have any children?

15 A. Yes.

16 Q. How many children do you have?

17 A. One.

18 Q. And what's your child's name?

19 A. Marca, M-A-R-C-A.

20 Q. Where does she live?

21 A. North Houston. I can't remember the name of
22 the town, but out in the country just west of Conroe
23 kind of.

24 Q. Okay. Have you ever been married before?

25 A. No.

1 Q. Okay.

2 A. I mean, other than this one? No.

3 Q. Right. Correct. Okay. But you are currently
4 married --

5 A. Yes, uh-huh.

6 Q. -- correct?

7 And what is your wife's name?

8 A. Drina.

9 Q. Okay. And how long have you been married?

10 A. Oh, I think 32 -- -3 years, yeah.

11 Q. Okay. Where did you grow up?

12 A. Born in Pryor, Oklahoma, and then moved to
13 Kansas City, Kansas; Kansas City, Missouri; and down to
14 Houston.

15 Q. Okay.

16 A. Yeah.

17 Q. Where did you go to high school?

18 A. In Westchester here in Houston.

19 Q. And after high school, what did you do?

20 A. Went to A&M for undergraduate, and then to
21 Rice for graduate school.

22 Q. What did you study at A&M?

23 A. Archi- -- environmental architecture or
24 environmental design. They didn't call it
25 architecture, but -- yeah.

1 Q. Okay. And did you get a BS --

2 A. Yes.

3 Q. -- a Bachelor of Science?

4 A. Yeah, yeah.

5 Q. What year did you come out of A&M?

6 A. I have to think about that. Sorry.

7 I was 21, so -- yeah. 1978, yeah. I
8 don't -- yeah.

9 Q. Okay. And then after you left A&M, where did
10 you go?

11 A. Rice.

12 Q. What did you study at Rice?

13 A. A Master's in Architecture.

14 Q. Okay. And how long did it take you to get out
15 of Rice?

16 A. Two years.

17 Q. After leaving Rice, what did you do?

18 A. We got married after Rice, yeah.

19 Q. Okay. Did you meet your wife at Rice?

20 A. No, no.

21 Q. Okay.

22 A. We met before that.

23 Q. Okay. Did you get -- become employed after
24 you graduated from Rice?

25 A. Yes, uh-huh.

1 Q. And where is the first place that you worked?

2 A. Charles Tapley, Tapley Luna Architects in --
3 on Sunset here in -- in Houston, yeah.

4 Q. Okay. What did you do for them?

5 A. Architecture, yeah. I got registered, and,
6 you know, did a lot of residential things, but, yeah.

7 Q. Okay. How long did you work for that company?

8 A. I'd say 18 years or so.

9 Q. And after you left there, did you go work
10 somewhere else?

11 A. No, I worked for myself, yeah.

12 Q. Okay. What was the name of your business
13 called?

14 A. Carl Brunsting Architecture. I don't know
15 actually --

16 Q. Okay. Other than yourself --

17 A. -- yeah.

18 Q. I'm sorry. Go ahead.

19 A. I'm sorry. That's right.

20 Q. I'm sorry. I thought I interrupted you.

21 A. No, you're fine.

22 Q. Other than yourself, was there anybody else
23 who was employed by your architecture firm?

24 A. No, only a secretary. Nothing -- no, not that
25 I remember.

1 Q. Okay. Is that business still in existence
2 today?

3 A. No, uh-uh.

4 Q. When did you stop working under that business
5 name?

6 A. About five years ago.

7 Q. Okay. And why did you stop working?

8 A. My illness.

9 Q. Okay. How old is your daughter again? I'm
10 sorry.

11 A. I'd say 32, but I'm not sure.

12 Q. Okay. Okay. All right. Other than the --
13 the two jobs we just talked about --

14 A. Um-hmm.

15 Q. -- have you worked anywhere else since getting
16 out of Rice?

17 A. Hmm-um.

18 Q. I'm sorry. Is that a "no"?

19 A. Um-hmm.

20 Q. Could you say "no"?

21 A. No, I didn't.

22 Q. Okay. Sure. And that's just --

23 A. Yeah.

24 Q. -- to keep the record clear.

25 A. I worked at Charles's and then was

1 self-employed, yeah.

2 THE REPORTER: I worked at what?

3 THE WITNESS: Charles Tapley -- Tapley
4 Luna Architects and -- and was self-employed after
5 that, yeah.

6 Q. (BY MS. FOLEY) Okay. Okay. Now I want to
7 ask you some questions about the illness that you --
8 that you referred to.

9 What was your diagnosis?

10 A. I'll say encephalitis but I'm -- yeah.

11 Q. Okay. And what -- do you remember when you
12 first became ill?

13 A. About five years ago, and it just kind of hit
14 me.

15 Q. Okay. When -- when you say it kind of hit
16 you, what do you mean by -- by that?

17 A. That it just ended. I mean, I was nearly
18 dead, yeah.

19 Q. Okay. Were you hospitalized?

20 A. Yes, um-hmm.

21 Q. And do you know how long you were
22 hospitalized?

23 A. I don't know.

24 Q. Okay. Is that what also made you stop
25 working; you stopped working after you fell ill?

1 A. Oh, yeah, yeah.

2 Q. Okay. Do you know if the encephalitis that
3 you were diagnosed was, was it viral or bacterial?

4 A. (Shook head.)

5 Q. You don't know? I'm sorry. Is that --

6 A. No, I don't know.

7 Q. Okay. Do you remember who treated you for
8 that illness?

9 A. Well, somebody in the Medical Center, but
10 mostly my wife did, yeah.

11 Q. Okay. Do you remember the name of any of your
12 doctors?

13 A. No.

14 Q. And what is your understanding of the -- the
15 -- the symptoms of your illness?

16 A. It unplugged my brain. I mean, they were
17 every -- yeah.

18 THE REPORTER: Repeat your answer?

19 THE WITNESS: It unplugged my brain, my
20 loss of memory and ability for -- yeah.

21 Q. (BY MS. FOLEY) Okay. What treatment did you
22 have to take after you got out of the hospital?

23 A. Exercising, good food, and -- yeah, just kind
24 of growing back and getting back again, yeah.

25 Q. Okay. Did you have to take medication?

1 A. Probably, but I don't remember, yeah.

2 Q. Okay. Are you on any medication today?

3 A. Some vitamins and -- uh-huh.

4 Q. Other than vitamins, are you on any
5 prescription medication?

6 A. Hmm-um.

7 Q. I'm sorry. Is that a "no"?

8 A. No. No.

9 Q. Okay. And before today, have you been taking
10 prescription medication to treat your illness?

11 A. No. Not recently. Yeah.

12 Q. Okay. Are you currently seeing a doctor for
13 your illness?

14 A. (Shook head.)

15 Q. Is that a "no"?

16 A. No, uh-uh. Not -- not -- no, uh-uh.

17 Q. Okay. What type of, I guess -- well, strike
18 that. Do you currently still suffer from any symptoms
19 or injuries as a result of your illness?

20 A. There's some feeling that's coming back down
21 there where it was numb. My feet and my groin, and
22 again it's more normal now.

23 Q. Okay. And what about as far as like your --
24 your mental faculties, have you been, I guess, told by
25 a doctor that you have effects as a result of your

1 illness?

2 A. I don't know if I've been told by the doctor,
3 but, yeah. I mean five years ago, I didn't know where
4 I was born and what had happened, and then my memory
5 came back through my life.

6 Q. Okay.

7 A. And now I'm designing things, and driving and
8 tasting things properly, yeah, because of treatment,
9 because of getting through it, yeah.

10 Q. Okay. And -- and you say "treatment." What
11 kind of treatment are you referring to?

12 A. Exercise and good food, yeah.

13 Q. Okay. But you're not -- you're not talking
14 about seeing a doctor or anything?

15 A. Not -- not recently, no, uh-uh.

16 Q. Okay. Do you remember when was the last time
17 you saw a doctor?

18 A. I don't know.

19 Q. Do you have any current plans today to see a
20 doctor in the future?

21 A. No, uh-uh.

22 Q. Do you remember what year it was that you
23 became ill?

24 A. Five years ago, so it was 2009. Yeah, 2009,
25 yeah.

1 Q. Okay. 2009 or 2010 --

2 A. Yeah.

3 Q. -- maybe?

4 A. Yeah. Not 2010, but 2009.

5 Q. 2009, okay.

6 Prior to 2009 --

7 A. Um-hmm.

8 Q. -- did you -- other than the job that you had
9 working for your own company --

10 A. Um-hmm.

11 Q. -- did you have any other income at that time?

12 A. No.

13 Q. Okay. Did your wife work?

14 A. Yeah, uh-huh.

15 Q. Okay. What did she do?

16 A. A nurse, uh-huh.

17 Q. Okay. And does she still work today?

18 A. Yes, she's just started again, yeah.

19 Q. Okay. After your illness, did you -- was
20 there -- well, strike that.

21 After your illness, did you receive income
22 from any other place?

23 A. No.

24 Q. So you didn't have any income after you became
25 ill?

1 A. No, uh-uh.

2 Q. Okay. After you became ill, did you receive
3 financial assistance from any of your family members?

4 A. Well, we just did, yeah.

5 Q. I'm sorry?

6 A. Yes, we did. Just got an inheritance from
7 Drina's dad who died.

8 Q. Okay. And when was that?

9 A. A few months ago now.

10 Q. Okay. Going back to after you fell ill --

11 A. Um-hmm.

12 Q. -- so back in 2009 --

13 A. Um-hmm.

14 Q. -- do you know whether or not somebody in your
15 family or otherwise provided you with financial
16 assistance after you fell ill?

17 A. No. No one did.

18 Q. No one did?

19 A. No.

20 Q. Okay. Do you know whether or not your mother
21 provided you any financial assistance after you fell
22 ill?

23 A. Not that I know of, no, but -- asked about my
24 mom. I'm sorry, no. Can't tell you about her.

25 Q. You can't tell me about her?

1 A. She was unhappy about -- she was glad to see
2 me getting back before she died, and just --

3 Q. Ok.

4 A. -- anyway.

5 Q. With respect to -- to your mother before
6 you --

7 A. Um-hmm.

8 Q. -- fell ill, do you have any -- or do you know
9 what her physical state was; was she healthy?

10 A. She was 88 and getting old, and could hardly
11 talk. But she had people -- somebody taking care of
12 her at home.

13 Q. Okay. Did you provide her with any financial
14 assistance?

15 A. No.

16 Q. Okay. Do you know if any of your other
17 siblings did?

18 A. I don't know.

19 Q. Okay. After you became ill in 2009 --

20 A. Um-hmm.

21 Q. And eventually you got out of the hospital,
22 correct?

23 A. Yeah. Sure. Oh, yeah.

24 Q. Okay. After you got out of the hospital, did
25 you go home to live?

1 A. Yes. Yeah.

2 Q. Okay. And do you still live -- live in the
3 same house that you went home to today?

4 A. Yeah, yeah.

5 Q. Okay. Was there ever a time that you actually
6 went to live with your -- your mother --

7 A. No.

8 Q. -- after your illness?

9 A. Actually, there was a little short time. I
10 can't remember, yeah.

11 Q. Okay. And do you remember why you went to go
12 live with your mom for that short time?

13 A. No. Drina had to go out of town or something.
14 I'm not sure.

15 Q. Okay. During the time that you were staying
16 with your mom, did you have an occasion to help her
17 with any of her finances or anything like that?

18 A. No, not at all.

19 Q. Okay.

20 A. I was just getting back myself, I mean --
21 yeah.

22 Q. Right. Was she taking care of you during that
23 time?

24 A. No, no. There was a sort of helper there that
25 was doing -- taking care of both of us, yeah.

1 Q. Okay. Who was that helper?

2 A. I don't know.

3 Q. Okay. Was it one or more than one person?

4 A. Actually, I don't know if there might have
5 been two, but it was one that was normally the one who
6 was there.

7 Q. Um-hmm. Okay. As a result of your illness,
8 did you have to have any type of surgery or anything
9 like that?

10 A. No. Well, what I've had recently. I just
11 can't remember. I'm sorry. No, I just had some little
12 minor things.

13 Q. Minor things like what?

14 A. (Pauses.)

15 Q. You can't recall?

16 A. I don't know what. No, uh-uh.

17 Q. Okay. And when you -- are -- are you thinking
18 of thing that happened in the hospital or...

19 A. No, afterwards. Treatment of -- yeah.

20 Q. Okay. Did -- did the helpers who kind of
21 helped you out around the house, did they ever come and
22 provide you with any treatment per doctor's orders?

23 A. Not at all, no.

24 Q. Okay.

25 A. They were maid -- not maids, but, yeah.

1 Q. Um-hmm. During the time that you were living
2 at home after your illness --

3 A. Um-hmm.

4 Q. -- other than your wife, did -- was there any
5 nurse who would come by your home to check on you?

6 A. No, not at all, huh-uh.

7 Q. What about any doctors' visits while you were
8 at home?

9 A. No.

10 Q. Okay. Do you recall if you saw more than one
11 doctor for your illness?

12 A. No, I don't.



13 Q. Okay. Do you recall any of the doctors you
14 saw?

15 A. Hmm-um.

16 Q. You don't recall their names?

17 A. No.

18 Q. During the time that you were staying with
19 your mother, were you the only one of your siblings,
20 say, staying with her at that time?

21 A. Um-hmm.

22 Q. And then other than the people that were kind
23 of helping out, was there anyone else living in the
24 house at that time?

25 A. No, uh-uh.

1 Q. Since you were ill and got out of the
2 hospital, did your mother ever provide you with any
3 gifts, financial gifts?

4 A. No, not that I know of, huh-uh.

5 Q. Do you know whether or not your mother
6 provided any of your other siblings with any gifts?

7 A. Not that I know of, no.

8 Q. Did your siblings ever come to -- to see you
9 after you got out of the hospital?

10 A. Yes.

11 Q. Okay. Did all of them or just some of them?

12 A. No, two that I remember when I was at my mom's
13 house. They came in, kind of checked in to --

14 Q. Okay. Do you remember which two that was?

15 A. Anita and Carol.

16 Q. Okay. And were you close to Anita and Carol?

17 A. No.

18 Q. Are you close to any of your sisters?

19 A. No.

20 Q. Well, are all of your sisters your biological
21 sisters?

22 A. No, the oldest one, Candy, was adopted.

23 Q. Okay.

24 A. Yeah. And the -- and the rest of them were,
25 yeah.

1 Q. Be- -- Before you fell ill --

2 A. Um-hmm.

3 Q. -- who was -- what -- did any one of the
4 siblings or you -- who was the main person caring for
5 your mom?

6 A. I don't know.

7 Q. Okay. Do you know Candace Freed?

8 A. Name is familiar. I don't know.

9 Q. Okay. Do you know this lady who's sitting
10 right besides me?

11 A. Hmm-um.

12 Q. Okay. Before you became ill, did you ever
13 have an opportunity to speak with any of your -- your
14 mom's lawyers?

15 A. (Shook head.)

16 Q. Is that a "no"? You have to say audibly.

17 A. Yeah, no, no. I'm sorry.

18 Q. Okay. Do you ever recall meeting with anybody
19 who claimed to be an attorney for your mother?

20 A. (Shook head.)

21 Q. Is that a "no"?

22 A. No. No.

23 Q. Sorry.

24 A. That's all right.

25 Q. And you under -- you understand that we're

1 here today because you filed a -- a lawsuit --

2 A. Um-hmm.

3 Q. -- against Ms. Freed and her firm, correct?

4 A. Um-hmm. Um-hmm.

5 Q. Why did you file that lawsuit?

6 A. Because of what she's doing that -- I don't
7 know. She's illegally doing -- trying to cover up what
8 the -- her side did, yeah.

9 Q. Okay. Any other reason?

10 A. (Shook head.)

11 Q. I'm sorry. That's a "no"?

12 A. No.

13 Q. Okay. What did you do, if anything, to
14 prepare for your deposition today?

15 A. Thought about getting back and thought about
16 what's happened, yeah.

17 Q. Okay. Did you -- other than your lawyer, did
18 you talk to anyone to prepare for your deposition
19 today?

20 A. With my wife, yeah.

21 Q. Okay. And what did y'all talk about?

22 A. What was done against me and my mom to -- to
23 handle things and -- sorry, let me think a minute.

24 Q. Sure.

25 A. (Pauses.)

1 Q. Can you -- can you recall anything specific
2 y'all spoke about?

3 A. Who?

4 Q. You and your wife to prepare for your
5 deposition today.

6 A. Not that I can specifically say, sorry.

7 Q. Okay. Do you remember how long you and your
8 wife talked about the deposition?

9 A. Oh, just recently. Yeah. I mean, I don't
10 know.

11 Q. I mean, how long was the conversation, if you
12 recall?

13 A. Oh, real short. Yeah.

14 Q. Okay. Other than your wife, did you speak to
15 anyone else --

16 A. No.

17 Q. -- to prepare for your deposition?

18 A. No.

19 Q. Okay. Did you review any documents to prepare
20 for your deposition?

21 A. Documents? No.

22 Q. Did you review any e-mails to prepare for your
23 deposition?

24 A. Notes about what had happened or what was
25 done, yeah.

1 Q. And whose notes were those?

2 A. Where they came from, I'm not sure. But Drina
3 gave them for -- to me, and about what was planned with
4 me and my mom being sick, going after...

5 Q. And what do you mean by "what was planned"?

6 A. Let me think about it for a minute.

7 Q. Sure.

8 A. I don't know that I can clearly say, but --

9 Q. Okay.

10 A. -- what my sisters did to get the inheritance
11 and leave me out of it. That was a change to the trust
12 where I was left out of it or essentially left out of
13 it.

14 Q. Okay. And which sister are you talking about?

15 A. Well, all three of the four of them. Not the
16 adopted one, but the -- Anita, Amy, and Carol.

17 Q. Okay. And these notes that you saw, were they
18 handwritten notes?

19 A. No.

20 Q. Were they typed out?

21 A. Yep. Yep.

22 Q. And were they notes between the sisters?

23 A. No.

24 Q. Do you know who -- who wrote the notes or
25 typed the notes?

1 A. Bobbie, from what she understood from what had
2 happened, yeah.

3 MS. BAYLESS: He's talking about the
4 pleadings.

5 A. Yeah. I'm sorry. Yeah.

6 Q. (BY MS. FOLEY) Any other documents you
7 reviewed to prepare for your deposition, other than the
8 notes we just talked about?

9 A. No.

10 Q. And so who exactly filed this lawsuit?

11 A. Drina. You mean filed our version of it?

12 Q. This lawsuit, yes, sir.

13 A. Yeah, yeah. Drina, my wife, yeah.

14 Q. Okay.

15 A. But I signed -- I mean, she -- you know, I had
16 to understand it and sign it more, yeah.

17 Q. Okay. Are you the executor of Ms. Brunsting's
18 estate?

19 A. I was, but I don't -- I don't think I am now,
20 so...

21 Q. But you're what now?

22 A. I was, but I'm not now. I don't think so.

23 Q. You're not the executor anymore?

24 A. No, I don't believe so. I don't know.

25 Q. Do you know who is?

1 A. No.

2 Q. I'm sorry, the answer.

3 A. No, I don't.

4 Q. Currently, do you have any responsibilities
5 with respect to your mother's estate?

6 A. (Shook head.)

7 Q. And I'm sorry, that's a --

8 A. No, no, no.

9 Q. And -- and currently do you know who, if
10 anyone, has any responsibility as an executor or
11 representative of your -- your mother's estate?

12 A. I think it -- no, I can't specifically say.

13 Q. Okay. Are you the independent executor of the
14 estates of Elmer H. Brunsting and Nelva E. Brunsting?

15 A. Was at one point, yeah, but not --

16 Q. Okay. But you're not anymore?

17 A. No. No.

18 MS. FOLEY: Let's go off the record a
19 second.

20 THE VIDEOGRAPHER: Off the record, 10:32.

21 (Break from 10:32 a.m. to 10:33 a.m.)

22 THE VIDEOGRAPHER: On the record, 10:33.

23 Q. (BY MS. FOLEY) You mentioned earlier you have
24 kind of started to remember things, and you're
25 designing?

1 A. Um-hmm.

2 Q. Are you currently working right now?

3 A. No, no. Just kind of going through college or
4 my first job of learning things again, yeah.

5 Q. Okay.

6 A. An architect, I'm doing a -- a little project
7 on a -- on a house where I can do wall sections and
8 details and --

9 Q. Um-hmm.

10 A. -- dimensions and -- anyway, yeah.

11 Q. Okay. Are you working with a therapist?

12 A. No, no. Just what I'm doing at home, yeah.

13 Q. Got you.

14 In the lawsuit -- in this current lawsuit, you
15 have not sued your sisters, correct; they're not
16 involved in this lawsuit?

17 A. I don't know specifically about the lawsuit.
18 They're responsible for what's happening to me in a bad
19 way, but I don't know.

20 Q. Okay. Well, let me ask it this way: Have you
21 taken any steps to -- have you -- have you filed suit
22 against your sisters?

23 A. Yes.

24 Q. Okay.

25 A. Yeah.

1 Q. And that's another lawsuit, correct?

2 A. Yeah.

3 Q. They're not in this one, correct?

4 A. Um-hmm. I think it's -- I think it's two
5 separate ones, yeah.

6 Q. Okay.

7 A. The lawyer against the sisters, but I'm not
8 sure.

9 Q. Okay. And why did you file that lawsuit
10 against your sisters?

11 A. Because of what they did to try to get
12 inheritance with me being sick, yeah.

13 Q. Okay.

14 A. Being nearly dead, yeah.

15 Q. Got you.

16 And what evidence do you have that your
17 sisters did that?

18 A. Cut -- tried to cut me out of the inheritance,
19 yeah.

20 Q. And what evidence do you have that your
21 sisters tried to cut you out of your inheritance?

22 A. I can't say.

23 Q. What -- what do you mean by you can't say?

24 A. (Pauses.)

25 Q. Are you -- are you aware of any evidence

1 that's out there?

2 A. It would be over by now, if we'd -- if it had
3 been not messed up by them, yeah. My mom died a few
4 years ago, and hadn't been resolved because of what
5 they've blocked with trying to keep me and my adopted
6 sister out of it. Yeah.

7 Q. Okay. And you mentioned earlier that the --
8 they tried to cut you out of your inheritance. What
9 exactly do you mean by that?

10 A. They tried to have it -- I don't know. They
11 tried to cut me out of it. Tried to not get me -- let
12 me get any money from the inheritance.

13 Q. Okay.

14 A. They were unhappy that I was alive, yeah.

15 Q. They were unhappy that you were alive; is that
16 what you said?

17 A. Yes, yeah.

18 Q. Okay. You think they wanted you to die?

19 A. Yes.

20 Q. And why do you think that?

21 A. Because they -- last time I saw -- seen any of
22 them, they were unhappy to see me being alive, and, you
23 know, getting back.

24 Q. And when was the last time you saw them?

25 A. I don't know. I'd say three years ago might

1 have been -- I don't remember.

2 Q. Okay. Did you ever confront or talk to any of
3 them about this?

4 A. Not specifically, no.

5 Q. Why not?

6 A. Well, the last time I remember being with any
7 of them, they were -- my sister, Anita, lives down in
8 Victoria, came all the way here to see me, see my
9 sister Carol take me to see my mom. And Anita came in
10 to kind of see what was going on. And -- and mom was
11 sitting in this recliner about to die and couldn't even
12 talk. And Anita came in from Victoria to see what was
13 going on while Carol took me over there. And it was
14 like a big thing for them to perform and see where I
15 was, yeah.

16 Q. Okay. And -- and you didn't talk to any of
17 them at that time about --

18 A. Well, I --

19 Q. -- the way you felt?

20 A. Going over I talked to Carol a little bit.
21 She took me over -- she lived here in Houston, and took
22 me over there for this performance to -- you know, to
23 show that they were handling things so I could see my
24 nearly dead mom. Anita came all the way from Victoria
25 just to understand things. And she didn't talk the

1 whole time. And then, you know, Carol took me home.
2 And I didn't talk to her the rest of the way, because
3 she had acted so -- I saw what they were doing,
4 performing this thing to -- yeah, let me see Mom and
5 say that they were handling things. But Anita coming
6 all the way from Victoria just to understand it, rather
7 than... you know.

8 Q. Okay. So -- and as you said, they were trying
9 to cut you out of your inheritance. Did they actually
10 do that?

11 A. I don't think they -- they haven't, no.

12 Q. Okay. So you have not been cut out of your
13 inheritance?

14 A. Not yet, no.

15 Q. Do you -- do you expect that that's going to
16 happen?

17 A. No. Two things: The facts and the fact that
18 the -- the family owns the farm in Iowa, which is --
19 they couldn't get -- they couldn't sell it. Split it
20 up like they did socks -- stocks that they went into
21 and took hundreds of thousands of dollars, yeah.

22 Q. Okay. And which stocks are you referring to?

23 A. Oh, I think Exxon. I'm not sure, yeah.

24 Q. Do you know what percentage of the estate you
25 are supposed to inherit under the current will?

1 A. Well, it should have been one fifth, equally.
2 But they've done so much -- I don't know.

3 Q. Has -- has there been any distribution of any
4 part of the estate?

5 A. Yes.

6 Q. Okay. So you have received some?

7 A. No, I haven't received anything, no.

8 Q. Okay.

9 A. It's -- yeah.

10 Q. What distributions are you aware of?

11 A. Stocks from the -- the -- Amy, Anita, and
12 Carol have split up, yeah.

13 Q. Okay. Do you know when your mother hired
14 Ms. Freed and her law firm for services?

15 A. Hmm-um. (Shook head.)

16 Q. And I'm sorry, is that a "no"?

17 A. No.

18 Q. Okay. And so then you also then don't know
19 how she came to find them, correct?

20 A. No. No, I don't.

21 Q. Okay. And as -- I believe you said earlier
22 you've never been to any meetings with Ms. Freed or her
23 law firm with your mother, correct?

24 A. No.

25 Q. Okay. You've never attended any meetings

1 where your mother signed off on any documents, correct?

2 A. No. No.

3 Q. Okay. "No," you have not, correct?

4 A. That's right.

5 Q. You've also never been present for any
6 conversations that your mother had with Ms. Freed about
7 any of the documents she was signing, correct?

8 A. No, I haven't.

9 Q. Do you -- do you ever recall your mother
10 calling you for any input with respect to any of the
11 documents she was signing?

12 A. No.

13 Q. And that would be documents that were prepared
14 by her lawyers?

15 A. (Shook head.)

16 Q. Were you in --

17 A. Yes, yes, I mean --

18 Q. I mean -- that was -- I messed up that
19 question, that's why I'm --

20 A. Yes, no, I -- yes, I think so.

21 Q. Okay. So just so I can clean it up, you
22 were -- you were not present for any -- hang on a
23 second -- let me see what I'm saying now.

24 Okay. You don't recall your mother ever
25 calling you for any input with respect to any documents

1 that she was signing prepared by Ms. Freed or her firm?

2 A. No, I don't.

3 MS. BAYLESS: Can you -- I'm just going
4 to object to form. Can you narrow it down to time
5 frame?

6 MS. FOLEY: Okay.

7 MS. BAYLESS: I mean, we're talking about
8 different documents at different times.

9 MS. FOLEY: Sure. Well, I think he's
10 already said that from the time -- that he's never had
11 any conversations.

12 MS. BAYLESS: Well, if you'll just put
13 your question that way, then. I'm just saying --

14 MS. FOLEY: Um-hmm.

15 MS. BAYLESS: Are we talking about for
16 all time, or are we talking about these documents after
17 he was ill? I'm just trying to --

18 MS. FOLEY: Okay. Sure.

19 MS. BAYLESS: I don't understand your
20 question.

21 MS. FOLEY: Sure.

22 Q. (BY MS. FOLEY) Before you were ill, you'd
23 never been present for any meetings or conversations
24 your mother may have had with her attorneys at Vacek &
25 Freed, correct?

1 A. Not that I remember, yeah.

2 Q. Okay. And since you've been ill, after your
3 illness, you also never were present for any meetings
4 or conversations your mother had with the attorneys at
5 Vacek & Freed?

6 A. No, no.

7 Q. Before you were sick, you -- your mother never
8 called you to get your input or to talk to you about
9 any services she was receiving from Vacek & Freed?

10 A. Not that I remember, no.

11 Q. And since you were sick, your mother never
12 called you to confer with you --

13 A. No.

14 Q. -- about any conversations she may have had
15 with Ms. Freed or any other attorneys at her law firm?

16 A. No.

17 Q. Okay. You understand that part of this
18 lawsuit concerns the Brunsting Family Living Trust?

19 A. Um-hmm.

20 Q. You understand that?

21 A. Yes.

22 Q. Okay. And do you know what that is?

23 A. What the family owns, as far as, yeah, stocks
24 and the farm value, yeah.

25 Q. Okay. Do you know who told her to -- who told

1 your -- your parents to create such a trust?

2 A. No.

3 Q. Do you know who advised them to create such a
4 trust?

5 A. Um-hmm.

6 Q. I'm sorry. Is that --

7 A. No, I don't.

8 Q. Okay. And do you know when it was created?

9 A. (Shook head.)

10 Oh, I would say 2009. I'm not sure if
11 that's right or not.

12 Q. Okay.

13 A. Something close to that, yeah.

14 Q. One of the claims that you've made in this in
15 this positi- -- in this -- in this lawsuit is that
16 Ms. Brunsting, your mother, was misled about some of
17 the documents she was signing.

18 A. Um-hmm.

19 Q. Do you -- do you understand that to be the
20 case?

21 A. Yes.

22 Q. Okay. What documents do you believe your
23 mother was misled to sign?

24 A. I don't know.

25 Q. Okay. And what makes you believe your mother

1 was misled into signing those documents?

2 A. I can't say specifically.

3 Q. Okay. Do you have any evidence that Ms. Freed
4 or the law firm misled Ms. Brunsting into signing
5 documents?

6 A. Yes, I do. They faked her signature or
7 something like that, yeah.

8 Q. Okay.

9 A. I don't know if that's right, but yeah.

10 THE REPORTER: That's what?

11 THE WITNESS: I don't know if that's
12 right or not, but yeah.

13 Q. (BY MS. FOLEY) Okay. So -- so you're not
14 sure about that, correct?

15 A. Yeah.

16 Q. So then you don't have any evidence that
17 anybody at the law firm faked Ms. Brunsting's
18 signature, correct?

19 A. Let me think about that a minute.

20 Q. Sure.

21 A. Not that I can say, no.

22 Q. Okay. You al- -- one of the claims you also
23 make in this lawsuit is that Ms. Brunsting was unduly
24 influenced to sign certain documents. Do you
25 understand that to be one of your claims?

1 A. Yes, uh-huh.

2 Q. Okay. What evidence do you have that the law
3 firm or Ms. Freed unduly influenced Mrs. Brunsting?

4 A. I can't specifically say. Sorry.

5 Q. Okay. Have you ever seen any evidence to that
6 effect?

7 A. I think they faked her signature, but I'm not
8 really sure, yeah, if that's...

9 Q. And are you saying that because that's what
10 somebody told you?

11 A. No, that's what I'm looking at. I look at
12 Mom's signature, and it wasn't like she normally would
13 write things. It's like somebody signed it. But I'm
14 not sure if that's right now.

15 Q. Okay. Did your mother ever tell you that
16 somebody faked her signature?

17 A. No. No, uh-uh.

18 Q. So that's just your --

19 A. Yeah.

20 Q. -- your belief?

21 A. Yes.

22 Q. Okay. She -- with respect to your -- your
23 claim that she was misled and she was unduly
24 influenced --

25 A. Um-hmm.

1 Q. -- you -- you agree with me that you weren't
2 present during the time that she signed any of these
3 documents, correct?

4 A. Right.

5 Q. Okay. So then you have no evidence whatsoever
6 that that in fact occurred, correct?

7 A. No evidence, yes. I mean...

8 Q. Another claim that you're making in this
9 lawsuit is that Miss -- Mrs. Brunsting did not have the
10 capacity -- um-hmm -- to sign certain trust documents
11 and power of attorney. What evidence do you have that
12 Ms. Brunsting did not have capacity?

13 A. She was sitting in a chair and could hardly
14 move. She had somebody taking care of her, yeah.

15 Q. Okay.

16 A. I mean, she was almost -- yeah.

17 Q. Okay.

18 A. Could have been in a nursing home, but she was
19 taken at home with somebody who cared for her every
20 day, fed her and moved her from her chair to her bed
21 and -- yeah.

22 Q. And what time frame are you talking about?

23 A. I don't know. Five years ago or -- yeah. I
24 don't know. Mom died a few years ago, but -- yeah.

25 Q. And so that's just based on your observation,

1 correct?

2 A. What's that?

3 Q. That's based on what you observed, correct?

4 A. Yes.

5 Q. Okay. No doctor's ever told you that your
6 mother was incapacitated at that time, correct?

7 A. No, no. It's obvious that she was, but --
8 yeah.

9 Q. Okay. But no doctor ever told you that your
10 mother --

11 A. Not that I remember, no, uh-uh.

12 Q. -- was incapacitated?

13 A. No.

14 Q. And let me -- let me finish my questions,
15 because we're --

16 A. Sure.

17 Q. -- kind of talking over each other. And
18 I'll --

19 A. Sure.

20 Q. I'll try to let you finish your answer.

21 But just so we've got it clean, no doctor ever
22 told you your mother was incapacitated in the 2009 time
23 frame, correct?

24 A. Not that I remember, no.

25 Q. Okay. In fact, at that time, your mother was

1 still living at her house, correct?

2 A. Yes, uh-huh.

3 Q. Okay.

4 A. Being cared for, though, yeah.

5 Q. Right. But she was living at her house?

6 A. Yeah, yeah.

7 Q. She was -- you -- you were -- you would be
8 able to come over and speak to her, correct?

9 A. She couldn't talk, but, yeah.

10 Q. She couldn't talk?

11 A. No. Not that I remember, huh-uh.

12 Q. Okay. So your memory is that she couldn't
13 talk at all?

14 A. No. That's right, yeah. At least the last
15 few times I saw her, yeah.

16 Q. Okay. When was the last few times you saw
17 her?

18 A. I don't know, three, four years ago, yeah.

19 Q. Okay. What about in the 2009 time frame
20 before you fell ill; she was able to talk then,
21 correct?

22 A. Oh, yeah, yeah.

23 Q. Okay. And then in 2010 after you -- after you
24 became ill, she was able to talk at that time, correct?

25 A. Not that I remember right now.

1 Q. Okay. Other than what -- other than your view
2 of your mother, what other evidence do you have that
3 she was incapacitated from 2009 until the time she
4 passed away?

5 A. Evidence that I have that she was
6 incapacitated? Just not... you know, going over there
7 and seeing that she was in the same chair the whole
8 time and couldn't walk around, had somebody taking care
9 of her, yeah.

10 Q. Okay. And what do you mean by "in the" -- "in
11 the same chair the whole time"?

12 A. Oh, one of those big easy chairs, yeah. And
13 somebody had to get her up and move her into the bed
14 and kind of take care of her like.

15 Q. Okay. But you'll agree with me that just
16 because someone can't move around as well as they --

17 A. Um-hmm --

18 Q. -- could in the past, that doesn't mean that
19 they're mentally incapacitated, correct?

20 A. Well, not -- no, uh-uh, not completely. I
21 don't know.

22 Q. In -- in 2009, would you -- do you know if
23 your mother was seeing any doctors?

24 A. I don't know.

25 Q. Okay.

1 A. Because that was about the time that I was
2 getting ill, so, yeah.

3 Q. Okay. What about in 2010, do you know if your
4 mother was seeing any physicians at that time?

5 A. I don't know.

6 Q. What about 2011?

7 A. I don't know, yeah.

8 Q. And what about 2012?

9 A. I think she was, but I don't know what -- I
10 don't have any memory about that time, yeah --

11 Q. Okay.

12 A. -- about what happened.

13 Q. Okay. Eventually, Anita Brunsting, your
14 sister --

15 A. Um-hmm.

16 Q. -- became the trustee for the family trust.

17 A. (Nodded head.)

18 Q. Do you understand that to be the case?

19 A. Yes, yes.

20 Q. Okay. And in order to do that, there was a --
21 a document that was executed that stated such, correct?

22 A. Yes.

23 Q. And that document was executed by your mother,
24 correct?

25 A. I don't know how that was done, but, yes.

1 Q. Okay. And the reason you don't know is
2 because you weren't there, correct?

3 A. Yeah, uh-huh.

4 Q. And you don't know what was explained to your
5 mother at the time --

6 A. No.

7 Q. -- that she signed it?

8 A. No. No.

9 Q. You don't know what discussions she may have
10 had with her attorneys about it, correct?

11 A. No, no.

12 Q. And -- and you don't know -- you don't have
13 any information as to why that was done, meaning that
14 Anita became the trustee, correct?

15 A. To go after the inheritance, yeah.

16 Q. Okay.

17 A. Because Dad was dead, and Mom was sick, and
18 they -- and they had the value of the farm and the
19 stocks.

20 Q. Okay.

21 A. And I was sick, so they were trying to get me
22 out of the inheritance, yeah.

23 Q. And why do you believe that?

24 A. Because of where we are right now, being a
25 legal problem because they tried to get me out of --

1 they were unhappy that I was surviving, yeah.

2 Q. Okay.

3 A. I'm sorry. I don't know a good way to put
4 that, but...

5 Q. Do you know whether or not Ms. Brunsting
6 actually requested that that happen, that Anita become
7 the trustee?

8 A. Not that I know of. I don't know.

9 Q. Okay. Do you agree that it's possible that
10 she in fact did want Anita to be the trustee?

11 A. No.

12 Q. Why not?

13 A. I don't know. I think Mom could have been
14 talked into it instead of -- because saying, "Oh,
15 Carl's about dead, and you've got to change this
16 thing." I don't know.

17 Q. Um-hmm. Do you know if that actually
18 happened?

19 A. I don't know. Not specifically, no.

20 Q. You understand that Anita was also named as
21 the power of attorney named to have power of attorney
22 over your mother, correct?

23 A. Um-hmm, um-hmm.

24 Q. Okay. And that was also in a document that
25 was -- that was done that was made possible because

1 your mother signed off on a document; you understand
2 that?

3 A. Somewhat, yes.

4 Q. Okay.

5 A. Anita, Amy, and Carol, yeah -- or Anita and
6 Amy, yeah.

7 Q. Okay. And again, you weren't present when
8 that document was signed, correct?

9 A. No, no, no.

10 Q. And you don't know what discussions were had
11 between your mother and her attorney about that
12 document, correct?

13 A. No, no.

14 Q. You don't know if your mother specifically
15 requested that document?

16 A. No, I don't.

17 Q. Do you -- is Anita and Amy, are they still the
18 trustees?

19 A. As far as I know, yes, uh-huh.

20 Q. Okay. You're aware that Carol was named
21 Nelva's healthcare power of attorney, correct?

22 A. Not specifically. I don't remember that, no.

23 Q. Okay.

24 A. I think you're right, but...

25 Q. All right. And of course if that occurred,

1 you understand that your mother would have signed off
2 on a document to that effect, correct?

3 A. I don't know.

4 Q. Okay. You don't have any information about
5 any healthcare power of attorney your mother may have
6 signed, correct?

7 A. (Shook head.)

8 Q. I'm sorry. Is that a "no"?

9 A. No, I don't, yeah.

10 Q. Okay. Do you know whether or not Carol was
11 assisting your mother in going to the doctor?

12 A. Not that I'm aware of, no.

13 Q. Okay. Specifically in between 2009 until the
14 time of her death, do you know whether or not Carol
15 assisted your mother in going to the doctor?

16 A. I don't know, no.

17 Q. Do you know whether or not any of your sisters
18 were responsible for paying for your -- helping your
19 mom pay for her medical bills?

20 A. I don't know.

21 Q. And do you know what, if any, involvement
22 Ms. Freed may have had in assisting your mom with
23 having money so that she can pay her medical bills?

24 A. No, I don't.

25 Q. What is -- when's the last time you talked to

1 Candace Curtis?

2 A. I don't remember.

3 Q. Okay. I'm talking about your sister.

4 A. Oh, Can- -- oh, a couple of years ago, yeah,
5 she came in town for -- and yeah. Candy, I'm sorry,
6 yeah.

7 Q. Okay. So you call her Candy?

8 A. Yeah, yeah.

9 Q. Okay. What about Carol, when's the last time
10 you talked to Carol?

11 A. When she took me over to Mom's about -- just
12 before Mom had -- Mom died, yeah.

13 Q. And then I believe you said earlier you
14 haven't spoken to Amy or Anita in several years.

15 A. No, no.

16 Q. Okay.

17 MS. FOLEY: Let's take a -- take a short
18 break real quick.

19 THE VIDEOGRAPHER: Off the record, 10:57.

20 (Break from 10:57 a.m. to 11:02 a.m.)

21 THE VIDEOGRAPHER: On the record, 11:02,

22 Tape 2.

23 Q. (BY MS. FOLEY) Hello, Mr. Brunsting. We're
24 back on the record here. We just took a short break,
25 and I saw you looking at some handwritten notes on the

1 break. Are those your notes?

2 A. Yeah.

3 Q. Can I take a look at them?

4 A. Sure. I didn't write any down. I just
5 brought a -- thought about writing something and
6 didn't, so...

7 Q. Um-hmm. And these are just notes that you've
8 taken about --

9 A. I do every day, yeah.

10 Q. Like a journal?

11 A. Yeah.

12 Q. Okay.

13 MS. FOLEY: We can take a break later.

14 MS. BAYLESS: I haven't even seen them.
15 I don't even know what we're talking about.

16 MS. FOLEY: Okay. Let's take a break
17 now, then.

18 THE VIDEOGRAPHER: Off the record, 11:03.

19 (Break from 11:03 a.m. to 11:04 a.m.)

20 THE VIDEOGRAPHER: On the record, 11:04.

21 Q. (BY MS. FOLEY) Mr. Brunsting, we were just
22 talking about a journal that you keep, correct?

23 A. Yep.

24 Q. And is that a daily journal you keep?

25 A. Yeah, yeah.

1 Q. Why do you keep it?

2 A. Just so I know what I've done, and where we
3 went. You know, we did our school walk and -- and what
4 I'm working on, and what I've read recently. I mean,
5 like, pick up -- an architectural record has these
6 notes in it where you've got to get -- be AIA or
7 American Institute or -- or -- and so I read, and I
8 make a little note about it and yeah.

9 Q. Okay.

10 A. Just what I've done every day, yeah, a diary.

11 Q. And when -- were you reviewing any part of it
12 on the break?

13 A. Just --

14 Q. Were you --

15 A. No, I was going to, but I didn't.

16 Q. Okay. Did you -- do you write information in
17 your journal about this case?

18 A. No. Not specifically, no. It's just what I
19 do every day. And what -- what me getting back is
20 about -- about, yeah.

21 Q. Okay. How long have you been keeping the
22 journal?

23 A. Oh, I don't know. Four years, I mean,
24 something -- since I'm coming back from -- yeah.

25 Q. Okay. Do you write about your sisters in your

1 journal?

2 A. No. Um-hmm.

3 Q. Okay.

4 A. Just what happens every day, and what I've --
5 what we've done. Yeah.

6 Q. Um-hmm.

7 A. Like I look at the clock, and I see -- okay,
8 we just did our walk, and I -- I'm working on -- I'm
9 reading an AIA thing. And, you know, what I'm doing
10 every day, a diary.

11 Q. And do you use it to refresh your -- your
12 memory sometimes?

13 A. Just to -- not only refresh -- sometimes I do
14 read it, but, yeah, usually it's just to kind of record
15 just what's happened, yeah.

16 Q. Okay. And are you doing that at a direction
17 of a doctor or --

18 A. No, no, uh-uh.

19 Q. Okay. Do you recall if -- well, strike that.
20 Do you believe that there's any document that
21 Candace Freed or her law firm drafted that cut you out
22 of your inheritance?

23 A. Not that I know of, no.

24 Q. Okay. Do you recall whether or not your
25 mother gave you any gifts, financial gifts, in your

1 lifetime?

2 A. Not that I can remember, no.

3 Q. Okay. Do you know if she gave gifts to any of
4 your other siblings?

5 A. I don't know.

6 Q. Okay. What about to any of her grandchildren?

7 A. No.

8 Q. What about to your wife, do you know if your
9 mother ever gave financial gifts to your wife?

10 A. No.

11 Q. One of the things you've also claimed in your
12 lawsuit is that -- that my clients helped to implement
13 a scheme to change the terms of the family trust.

14 A. Uh-huh.

15 Q. What scheme are -- are you referring to?

16 A. To get me out of it, and -- me and my adopted
17 sister, Candy, out of it. Yeah.

18 Q. Okay. And what evidence do you have that my
19 clients, Ms. Brunsting's lawyer and law firm, were
20 involved in that scheme?

21 A. I don't know. I can't specifically say.

22 Q. Okay. Have you seen any such evidence?

23 A. Yes.

24 Q. What evidence have you seen?

25 A. I can't say. Sorry.

1 Q. Okay. What can you tell me about the scheme?

2 A. That I got sick and my sisters decided how to
3 go in and get the inheritance in a way that left me out
4 of it.

5 Q. Okay.

6 A. And -- yeah.

7 Q. And you -- as we sit here today, you don't
8 have any evidence that my clients -- that that was
9 their point, too, was to cut you out of your
10 inheritance, do you?

11 A. Yes, I do. I just can't get specific about
12 what that is, yes.

13 Q. Okay. Well, can you speak generally about --
14 about what that is?

15 A. I was sick, and my mom was sick, and they took
16 advantage, and tried to get me out of the inheritance,
17 and that's why we're in this problem right now, of it
18 not being split five ways.

19 Q. Okay. And is that mainly based on what
20 your -- based on what you believe your sisters' goals
21 were?

22 A. Yes.

23 Q. Okay. That's not based on anything that
24 you've heard my clients say, correct?

25 A. Your clients are?

1 Q. Ms. Freed and her law firm, Ms. Brunsting's
2 lawyers.

3 A. (Shook head.)

4 Q. I'm sorry. Is that a -- is that a "no"?

5 A. When you say "Ms. Brunsting's," who do you
6 mean?

7 Q. Ms. Nelva Brunsting.

8 A. I don't know.

9 Q. Okay. Another thing you claim is that my
10 clients, the lawyer and the law firm, improperly
11 removed assets from Elmer and Nelva's estates from the
12 family trust. What evidence do you have that my
13 clients did that, meaning the lawyer or the law firm?

14 A. That they helped it happen. I'm not sure --
15 yeah.

16 Q. Okay. Do you know if they helped it happen?

17 A. Well, where we are right now, trying to get
18 this resolved in a good way, and...

19 Q. Well, I understand that. But do you know if
20 my client helped that happen?

21 A. Not that I can specifically say, no.

22 Q. But can you tell me what assets you believe
23 were improperly removed from the trust?

24 A. My access to the inheritance of the value of
25 the farm and stocks.

1 Q. And when you say your access, what do you mean
2 by that?

3 A. That we couldn't get this solved in a good way
4 where it was five -- it was split five ways.

5 Q. And you're -- and when you say "it was" -- "it
6 was split five ways," are you talking about all assets
7 or a specific asset?

8 A. Stocks, and the farm value is -- farm value is
9 more than the stocks were, and -- are -- and -- yeah.

10 Q. Okay.

11 A. Mom died, and it should have been split five
12 ways, but they put up -- tried to get me out of it,
13 so...

14 Q. Okay. But again, they have not been
15 successful at this point, correct?

16 A. No. No. They partially are. They both --
17 the three of them got a bunch of inheritance out -- or
18 I mean stock money out, so...

19 Q. Okay. And you don't have any evidence that my
20 client had anything to do with that, do you?

21 A. Your client is who?

22 Q. The -- Miss -- Ms. Freed and her law firm.

23 A. I -- I don't know. Sorry.

24 Q. I'm sorry. I didn't...

25 A. I don't know.

1 Q. Okay. One of the things that you've alleged
2 in your petiti- -- your petition is that -- that there
3 were changes made to the trust documents that Nelva
4 Brunsting did not want made; do you recall that
5 allegation?

6 A. Yeah, that -- that -- not specifically, no.

7 Q. Okay. Do you believe that there were changes
8 made to the trust documents that Ms. Nelva Brunsting
9 did not want made?

10 A. Yeah. Yes. I think she was talked into
11 trying to get me out of the inheritance.

12 Q. Okay. What changes do you -- are you talking
13 about?

14 A. Nothing. I can't give you specifically, so...

15 Q. Okay. And -- and with respect to what you
16 said earlier, which is just your -- your sisters trying
17 to cut you out of the inheritance, again, you don't
18 have any evidence that Ms. Freed or -- or the law firm
19 was -- had a -- had an intent or a goal to cut you out
20 of your inheritance, do you?

21 A. Not any evidence, but I think that's what
22 happened, is they were trying to help what my sisters
23 were trying to do, which was keep me out of the
24 inheritance.

25 Q. Okay. You weren't -- you weren't privy to any

1 conversations Ms. Nelva Brunsting and her lawyers may
2 have had regarding changes to those documents, correct?

3 A. No.

4 Q. So you don't know if she actually requested
5 those changes?

6 A. No, uh-uh.

7 Q. Another allegation you've made in your --

8 A. Um-hmm.

9 Q. -- by filing this lawsuit is that Ms. Nelva
10 Brunsting's lawyers and her law firm, Candace Freed and
11 Vacek & Freed, took steps to undermine Ms. Nelva
12 Brunsting's control of her assets.

13 A. Um-hmm.

14 Q. Do you understand that allegation?

15 A. Yes, yeah.

16 Q. Okay. And what evidence do you have that
17 Ms. Freed and her law firm took steps to undermine
18 Ms. Nelva Brunsting's control of her assets?

19 A. Where we are right now without it being
20 solved, because they're trying to keep me out of it.

21 Q. Okay. And I understand where we are right
22 now. But what evidence do you have that my clients,
23 Ms. Freed and her law firm, has done anything like
24 that?

25 A. I don't know.

1 Q. Another thing you've claimed is that my
2 clients Miss -- Ms. Freed and her law firm has -- has
3 placed certain assets at risk of loss.

4 A. Certain assets -- assets?

5 Q. Yes. Um-hmm. Do you recall the allegation?

6 A. Yes, they tried to keep me out of it. But I
7 don't know how to specifically say what -- what they
8 did or how it was done, yeah.

9 Q. Okay. And with respect to the -- the assets
10 that -- that you've pled were at risk of loss, do
11 you -- which assets are you referring to?

12 A. Well, both stocks and the farm value, because
13 like I said, the farm value's probably two-and-a-half
14 million and the stocks were a million. And they've
15 gone into and gotten a bunch of the stocks, but they
16 couldn't sell the farm, so...

17 Q. Okay. And it's -- and what -- who is -- who
18 do you understand to have done that?

19 A. Anita and Amy -- Anita, apparently, yeah.

20 Q. Okay. And you don't have any evidence that --
21 that my client had anything to do with transferring
22 stocks, correct?

23 A. Your client is who?

24 Q. Ms. Freed and her law firm.

25 A. That she helped them get me out or trying to

1 get me out of it? I'm sorry. Yeah.

2 Q. Okay. Specifically, though, what evidence do
3 you have that Ms. Freed and her law firm had anything
4 to do with transferring stock?

5 A. I can't say.

6 Q. Okay. And does that mean you don't know, or
7 you --

8 A. Yeah. I can't -- like I said, I can't say. I
9 don't know.

10 Q. Another thing you've alleged -- alleged in
11 this case is that Ms. Nelva Brunsting did not
12 understand the documents that were prepared for her --

13 A. Um-hmm.

14 Q. -- by Ms. Freed and her -- and her lawyers at
15 Vacek & Freed.

16 A. Um-hmm.

17 Q. Did you understand that allegation?

18 A. Yes, yeah.

19 Q. Okay.

20 A. I think Mom was talked into things, and --
21 because she was old and sick, yeah.

22 Q. Okay. What evidence do you have that
23 Ms. Brunsting was talked into things by either
24 Ms. Freed or Vacek & Freed?

25 A. I don't know.

1 Q. Okay. And again, whenever any such documents
2 were presented to your mother or discussed with your
3 mother by her attorneys, you weren't present for that,
4 correct?

5 A. No. No, uh-uh.

6 Q. Another thing you've alleged in this lawsuit
7 is that Ms. Freed and Vacek & Freed, the law firm,
8 failed to address Ms. Nelva Brunsting's lack of
9 capacity.

10 A. Yes.

11 Q. Do you understand that allegation?

12 A. Yeah.

13 Q. Okay.

14 A. Mom and me, yeah.

15 Q. Okay.

16 A. Kept me out of it.

17 Q. And -- and what -- what do you mean by kept
18 you out of it?

19 A. That it was just done without notifying me or
20 my mom about what was happening, yeah.

21 Q. Okay. And how do you know your mother wasn't
22 notified?

23 A. I don't know.

24 Q. Okay. And you -- you said you also were not
25 notified.

1 A. Yeah.

2 Q. And -- and what do you think that somebody
3 failed to notify you of?

4 A. What -- what they were planning to do. I
5 don't know, yeah.

6 Q. Okay. And specifically with respect to what
7 you've alleged in this suit, which is that Vacek &
8 Freed and -- and Candace Freed failed to address
9 Ms. Nelva Brunsting's lack of capacity --

10 A. Um-hmm.

11 Q. -- do you know when and if that ever came up?

12 A. Not specifically, no.

13 Q. Okay. Do you know what, if anything, was done
14 by Ms. Freed to address it?

15 A. No.

16 Q. Do you know if Ms. Freed had any conversations
17 with your sisters about Ms. Nelva Brunsting's capacity?

18 A. Not that I can say, no.

19 Q. Okay. And so then if there was any attempt
20 made by Ms. Freed or her law firm to address Ms. Nelva
21 Brunsting's capacity, you would not have any
22 information whatsoever about that, correct?

23 A. Not specific -- no, no.

24 Q. And forgive me for the pause. I'm just trying
25 to make sure I don't go over something I've already

1 been over.

2 A. Uh-huh.

3 Q. One of the allegations that you've made in the
4 case is that -- excuse me -- Ms. Freed and her law firm
5 failed to advise Elmer and Nelva of the terms of the
6 family trust and the proper administration --

7 A. Um-hmm.

8 Q. -- of the family trust.

9 A. Um-hmm.

10 Q. What evidence, if any, do you have that they
11 failed to provide such advice?

12 A. What we're in right now, we're trying to get
13 it resolved in a good way, five -- split five ways.
14 Instead of all this problem. I don't know.

15 Q. Okay.

16 A. I don't know how to say specifically.

17 Q. Okay. So you're saying that because there's a
18 dispute amongst you and your -- your sisters --

19 A. Yes.

20 Q. -- that's -- that's why you believe that --

21 A. Yeah, she was --

22 Q. -- your parents weren't provided proper
23 advice?

24 A. Yeah.

25 Q. Okay. Anything other than that?

1 A. Not that I can remember. Sorry.

2 Q. Another claim that you've made in this lawsuit
3 is that Ms. Freed and her law firm failed to protect
4 Nelva's rights with respect to the family trust.

5 A. Um-hmm.

6 Q. What do you mean by that exactly?

7 A. That she -- they -- she helped get it resolved
8 where I was going to be kept out of it and -- yeah.

9 Q. Okay. How so?

10 A. I can't say specifically. I don't know.

11 Q. Okay. What specific rights do you mean when
12 you say that Ms. Nelva Brunsting's rights were not
13 protected by Ms. Freed and her law firm?

14 A. Where we are right now, instead of having
15 resolved in a good way, yeah.

16 Q. Okay. So again, you're saying because you and
17 your sisters are having a dispute about the trust --

18 A. Yeah.

19 Q. -- and the assets --

20 A. Yeah.

21 Q. -- that that's why you believe that Ms. Nelva
22 Brunsting's rights aren't -- weren't protected?

23 A. That's right. It should have been split five
24 ways, and then it would be -- would be over by now,
25 yeah.

1 Q. Okay. And what you basing that on?

2 A. Pardon?

3 Q. What are you basing that on, that it should
4 have been split five ways?

5 A. Well, there are five kids.

6 Q. Okay.

7 A. And the value of the farm and stocks, and that
8 should have been after Mom died, all split, yeah.

9 Q. Okay. And is that based on something your mom
10 told you or --

11 A. No, it's just what it should be with five kids
12 and --

13 Q. Okay.

14 A. Mom and Dad are dead, and inheritance, yeah.

15 Q. But you understand that your parents could
16 have changed their mind about how they want to
17 distribute property after their death, correct?

18 A. I guess they could have, but I don't think
19 they did, yeah.

20 Q. Okay. Another allegation you've made in this
21 case is that Ms. Freed and her firm failed to advise
22 Nelva Brunsting that Ms. Freed and her firm were also
23 representing the trustees --

24 A. Yes.

25 Q. -- Amy and Anita; is that correct?

1 A. Yes.

2 Q. Okay. And how do you know that?

3 A. What happened without mom knowing it, I don't
4 know.

5 Q. How do you know -- how do you know your mother
6 did not know?

7 A. She was old and sick, and the -- it changed
8 from being split five ways to being this problem right
9 now, yeah.

10 Q. Okay. But again, you were never present for
11 any discussions your mom may have had --

12 A. No, no.

13 Q. -- with Ms. Freed --

14 A. No.

15 Q. -- or her law firm about that, correct?

16 A. No, no. Yeah.

17 Q. Okay. And so you agree then it's possible
18 that Ms. Freed and her law firm did in fact tell
19 Nelva -- Nelva Brunsting about the fact that she was
20 representing the trustees as well as Ms. Brunsting?

21 A. I don't know.

22 Q. Okay. And so -- but so what you're saying is
23 you can't say one way or the other, because you weren't
24 there, correct?

25 A. Yeah. Yes.

1 Q. What -- another allegation you have in your
2 lawsuit is that Ms. Freed and her law firm failed to
3 take steps to inform Nelva Brunsting of the objectives
4 of the current trustees.

5 A. Um-hmm.

6 Q. What objectives are you referring to?

7 A. Having it done five ways, and after Mom died,
8 it had -- I don't know what to say.

9 Q. Okay.

10 A. And where we are right now.

11 Q. Got you.

12 And I guess, do you have any evidence
13 that -- that Miss -- Ms. Freed or her law firm intended
14 to do anything, other than comply with what Ms. Nelva
15 Brunsting and Mr. Elmer Brunsting wanted?

16 A. Where we are right now, and that it's taking
17 so long to get through this, yeah.

18 Q. Okay. So again, the -- the fact of the
19 dispute --

20 A. Yeah, the dispute.

21 Q. -- is your evidence?

22 A. Yes, uh-huh.

23 Q. Okay.

24 MS. FOLEY: Did you ever dismiss the
25 conversion claim? You said in some interrogatories

1 that you would, but it's still in the petition.

2 MS. BAYLESS: You know, I did.

3 MS. FOLEY: Okay.

4 MS. BAYLESS: But I think that it's
5 referred to in one -- I think the word "conversion"
6 didn't get taken out in one paragraph.

7 MS. FOLEY: Yeah. Okay. So -- but it is
8 gone?

9 MS. BAYLESS: But it is; it's gone, yeah.

10 MS. FOLEY: All right.

11 MS. BAYLESS: Yeah. I saw that actually
12 when I was looking at this.

13 MS. FOLEY: Okay.

14 MS. BAYLESS: I just need to take it out
15 in the next amendment.

16 MS. FOLEY: Sure.

17 Q. (BY MS. FOLEY) Another allegation you've made
18 in your suit is that my clients, Ms. Freed and her law
19 firm, helped -- tried to help the trustees, meaning Amy
20 and Anita, hide their improper actions.

21 A. Um-hmm.

22 Q. What evidence do you have of that?

23 A. Where we are right now, having to get through
24 this instead of it being split up five ways.

25 Q. Okay. But other than that, do you have any

1 other evidence that -- that Ms. Freed or -- or her law
2 firm tried to hide any actions by Amy or Anita?

3 A. Not specifically, no, no.

4 Q. Okay. Because it -- it sounds like you -- you
5 believe that you are aware of what Amy and Anita were
6 trying to do, correct?

7 A. Yes. Yeah.

8 Q. Okay. And you understand that my client,
9 Ms. Freed and her law firm, have provided documents in
10 this case?

11 A. Yes.

12 Q. Okay. Another claim that you've made in your
13 lawsuit here is that there are documents that were not
14 signed at Ms. Freed's law firm, but were made to appear
15 that they were. Do you recall that allegation?

16 A. No, I don't.

17 Q. Okay.

18 A. Sorry.

19 Q. Do you believe that occurred?

20 A. Yes.

21 Q. Why?

22 A. Tell me that again.

23 Q. Sure. That you believe that there's -- there
24 are documents that were not signed by your mother --

25 A. Yeah.

1 Q. -- in Ms. Freed's office that were made to
2 look like they were signed in her office.

3 A. Yes. Yeah, yeah.

4 Q. Okay. Why do you believe that?

5 A. There's a signature from Mom that didn't look
6 like hers at all, like it was --

7 Q. Okay.

8 A. -- mocked up. Yeah.

9 Q. Okay. Do you know what document that was?

10 A. No, uh-uh.

11 Q. Okay. And so I guess it's your belief that
12 somebody else completely signed the document?

13 A. Yes, uh-huh.

14 Q. Okay. And other than your looking at the
15 signature and coming to that conclusion, what other
16 evidence do you have that makes you believe that that's
17 not your mother's signature?

18 A. I don't know. It -- yeah, it doesn't look
19 like Mom -- I don't know -- Mom's handwriting. Like
20 somebody else faked it.

21 Q. That's what it looks like to you?

22 A. Yeah, uh-huh.

23 Q. Okay. Anything other than that that makes you
24 believe that that particular document was not signed by
25 your mother?

1 A. No.

2 Q. Other than the one document we're discussing,
3 are there any other documents that you believe were not
4 signed by your mother?

5 A. Not that I can remember, no.

6 Q. Okay. So but you recall one, correct?

7 A. Well, no, there were several that were that
8 way, but -- yeah.

9 Q. Several documents?

10 A. Yeah. Uh-huh.

11 Q. Okay. I guess -- are you -- you're not
12 alleging that Ms. Freed signed those documents, are
13 you?

14 A. I don't know.

15 Q. You're not alleging that anybody at her law
16 firm signed those documents, are you?

17 A. No.

18 THE REPORTER: What was your answer?

19 THE WITNESS: No.

20 Q. (BY MS. FOLEY) There's another allegation in
21 your lawsuit where you claim that Nelva Brunsting had
22 refused to sign a document that was prepared by the
23 trustee -- at the request of the trustees --

24 A. Um-hmm.

25 Q. -- and by my client and her law firm.

1 A. Um-hmm.

2 Q. What document is that you're referring to?

3 A. Well, I have no -- I don't know. I don't know
4 specifically.

5 Q. I'm sorry?

6 A. I don't know. I just remember seeing her
7 signature didn't look like hers at all, so...

8 Q. Okay. Now -- now I'm talking about something
9 that's a little bit different, though. There's another
10 allegation in your lawsuit where you claim that
11 Ms. Nelva Brunsting had refused to sign some
12 documents --

13 A. Oh.

14 Q. -- that were prepared for her at the request
15 of Amy and Anita.

16 A. Uh-huh.

17 Q. Do you recall that allegation?

18 A. Yes.

19 Q. What document are you referring to?

20 A. I don't know what specifically.

21 Q. Okay. What evidence do you have that
22 Ms. Nelva Brunsting refused to sign any document that
23 was prepared for her by Ms. Freed or her law firm?

24 A. Well, I think it's a fake signature, and how
25 it's gone instead of being -- I don't know.

1 Q. Okay. Kind of like what we -- we discussed
2 earlier?

3 A. No.

4 Q. Anything other than that?

5 A. Not that I can --

6 Q. Okay.

7 A. -- say. Sorry.

8 Q. Meaning, you weren't told by Nelva Brunsting
9 that she refused to sign any documents --

10 A. Oh, no, no.

11 Q. -- correct?

12 A. No.

13 Q. Okay. And were you -- I guess, were you told
14 by either Amy or Anita that Ms. Nelva Brunsting refused
15 to sign any documents that they requested for her?

16 A. No.

17 Q. Okay. Another thing -- some other things that
18 you complain about in your -- in your lawsuit is that
19 there were improper expenses, improper trustees' fees,
20 improper payments made to the trustees, Amy and Anita.
21 Do you recall that allegation?

22 A. Yes.

23 Q. Okay. Do you have any evidence whatsoever
24 that my client, Candace Freed and her law firm, had
25 anything to do with that?

1 A. I don't know.

2 Q. Okay. Do you know what, if any, power or
3 control Ms. Freed or her law firm may or may not have
4 over, for instance, taking money out of the -- the
5 trust assets and providing them to the trustees?

6 A. No, I don't.

7 Q. Okay. Do you know who is responsible for
8 paying trustee fees?

9 A. Trustee fees?

10 Q. Yeah.

11 A. I don't know. I'd say Anita, but I'm not
12 sure.

13 Q. Okay.

14 A. She's been the leader of the three of them.

15 Q. What do you mean by that?

16 A. I think she told Carol and Amy what to do to
17 get this all done.

18 Q. Okay.

19 A. For me and Candy to not get anything, so...

20 Q. Okay.

21 A. Although, they kind of considered maybe Candy
22 being involved.

23 THE REPORTER: Although they...

24 THE WITNESS: Considered Candy being
25 involved with -- yeah.

1 Q. (BY MS. FOLEY) Okay. But either way, you
2 don't have any evidence that my clients were involved
3 in that at all?

4 A. Your clients are who?

5 Q. Ms. Freed and her law firm.

6 A. (Nonverbal response.)

7 Q. I'm sorry. Was that a --

8 A. No.

9 Q. Okay. One of the claims you have in this
10 lawsuit is that my clients, Ms. Freed and her law firm,
11 made misrepresentations to Nelva Brunsting and Elmer
12 Brunsting.

13 A. Um-hmm.

14 Q. What specific misrepresentations do you
15 believe Ms. Freed and Mister -- I'm sorry -- Ms. Freed
16 and her law firm made to Nelva and Elmer Brunsting?

17 A. Specifically, I don't know. I just --
18 generally, it was to try to...

19 Q. Generally what?

20 A. It was to try to get it over without me being
21 involved.

22 Q. Okay. But you don't have -- you don't --
23 you're not aware of any misrepresentations made by
24 Ms. Freed or her law firm, correct?

25 A. No, not specifically, no.

1 Q. Okay. And -- okay.

2 In the -- in your lawsuit, you're -- you're
3 claiming damages in this case --

4 A. Um-hmm.

5 Q. -- correct?

6 A. Yeah.

7 Q. What is your understanding of your damages
8 that you've suffered as a result of this lawsuit?

9 A. What we're going through right now instead of
10 it being divided five ways.

11 Q. Okay. Anything else?

12 A. Not specifically, no.

13 Q. You've also asked for attorney's fees in this
14 case?

15 A. Yeah.

16 Q. Have you paid any -- your attorney any fees to
17 date?

18 A. Yes.

19 Q. Okay. How much have you paid her, if you
20 know.

21 A. A quarter of a million dollars.

22 Q. Okay. And the quarter of a million dollars
23 that you've paid to your attorney, has that all been
24 related to this lawsuit, or has it been related to
25 other lawsuits as well?

1 A. I can't speak specifically, but about this
2 inheritance stuff, yeah.

3 Q. Okay. And as I understand it right now, you
4 have at least two lawsuits, correct?

5 A. Um-hmm.

6 Q. And one is against my client, Ms. Freed and
7 her law firm, correct?

8 A. Um-hmm.

9 Q. I'm sorry. That's a "yes"?

10 A. Yes.

11 Q. And the other has to -- is -- is related to
12 your sisters, correct?

13 A. Yes, yes.

14 Q. Okay. Do you know if the \$250,000 that you've
15 spent on attorney's fees is related to either suit or
16 both?

17 A. Both of them, I think.

18 Q. Ok.

19 A. Yeah.

20 Q. Okay. Do you know how much of those fees are
21 actually related to this lawsuit?

22 A. No, no, no.

23 Q. Okay. Have you ever heard of Rosewood Family
24 Physicians?

25 A. The name sounds familiar, but I don't remember

1 why.

2 Q. Okay. What about Clarence F. Kendall, II?

3 A. Um-hmm.

4 Q. No. Do you know -- do you know that to be a
5 doctor?

6 A. Yeah. Rosewood is that who was taking care of
7 Mom.

8 Q. Okay.

9 A. Yeah.

10 Q. All right. What about Dr. Robert White, do
11 you know who that is?

12 A. (Shook head.)

13 Q. What about Medical Chest Associates PA; is
14 that somebody you may have seen?

15 A. I may have, but I'm not sure.

16 Q. Okay. Or your mom, maybe?

17 A. Could be. I don't know.

18 Q. Okay. What about G. Thomas Keith; do you know
19 who that is?

20 A. (Shook head.)

21 Q. What about Dr. A.J. Jane?

22 A. (Shook head.)

23 Q. You don't know who that is?

24 A. (Shook head.)

25 Q. And could you --

1 A. No, I don't.

2 Q. Okay. What about Rudolph and Sri Kumala
3 Shahendra?

4 A. No.

5 Q. Do you know who that is?

6 They live on Pinerock Lane.

7 A. Oh, really? Say the name again.

8 Q. Sure. I could barely pronounce it, but it's
9 Rudolf and Srikumala Suhendra, which -- it's spelled
10 S-R-I-K-U-M-A-L-A, and their last name is Suhendra.

11 A. Mom lives on Pinerock. I don't know why --
12 who those people are.

13 Q. Okay. Possibly neighbors --

14 A. Yeah.

15 Q. -- of your mom?

16 A. Uh-huh.

17 Q. But you don't know them?

18 A. No, no. I mean, it was 40 years ago when I
19 lived there, and so I don't know --

20 Q. Okay.

21 A. -- who her neighbors were, yeah.

22 Q. What about Tio Vasquez, do you know who that
23 is?

24 A. (Shook head.)

25 Q. Do you know if he was one of the caregivers

1 who took care of your mom?

2 A. I don't know. Oh, that sounds familiar, but I
3 don't know, yeah.

4 Q. Okay. What about Robert Cantu?

5 A. I don't know.

6 Q. You don't know who he is?

7 A. Um-hmm.

8 Q. Do you know if he may have been one of the
9 caregivers who took care of your mom?

10 A. I don't know. Yeah.

11 Q. Okay. Do you know who Stan McCormick is?

12 A. Um-hmm.

13 Q. I'm sorry. Is that a "no"?

14 A. No.

15 Q. Do you know who Judy Lennox is?

16 A. No.

17 Q. What about Charles Gerhart?

18 A. No.

19 Q. What about Charles -- Dr. Charles Kevorkian?

20 A. No.

21 Q. Is he not one of your medical providers,
22 Dr. Kevorkian?

23 A. Not that I remember, no.

24 Q. Okay. You provided some responses to
25 interrogatories in discovery in this case. One of the

1 statements you've made is that your mother would
2 sometimes become disoriented.

3 A. Um-hmm.

4 Q. When would this happen?

5 A. At the end of her life, yeah.

6 THE REPORTER: Can you repeat your
7 answer?

8 THE WITNESS: At the end of her life.

9 Q. (BY MS. FOLEY) Okay.

10 A. And she couldn't talk, and she kind of -- you
11 could see her thinking about things, but couldn't talk,
12 I guess.

13 Q. But you don't know how long that was going on?

14 A. No, I don't know. A year or two.

15 Q. Okay. And do you know if she was seeing a
16 doctor for that?

17 A. Pardon?

18 Q. Do you know if she was seeing a doctor for
19 that?

20 A. Oh, I'm sure she was.

21 Q. But you don't know?

22 A. No, not specifically.

23 Q. Do you know if your mom had any medical
24 conditions, like specific diagnoses?

25 A. I couldn't say specifically, but she was

1 unable to move almost, and had to be cared for. Yeah.

2 Q. Okay.

3 A. But cared for at home. She had somebody to
4 feed her and take her here and...

5 Q. Had she suffered any significant -- for
6 instance, like a heart attack, or stroke, or anything
7 like that?

8 A. Not that I know of.

9 Q. In some of your responses, you talk about a
10 safe deposit box. Did your mom have a safe deposit
11 box?

12 A. I don't remember. I'm -- I'm sure she did,
13 though. Yes, yes.

14 Q. Okay.

15 A. I don't specifically remember. Sorry.

16 Q. Do you know what she kept in the safety
17 deposit box?

18 A. No.

19 Q. Do you know if anything has been taken or
20 removed from that safety deposit box?

21 A. I don't know.

22 Q. Did your mom have savings bonds?

23 A. (Nodded head.)

24 Q. Is that a "yes"?

25 A. No. I'll just say, yes, I think so. Yeah.

1 Q. Okay. Do you know what happened to those
2 savings bonds?

3 A. No, uh-uh. In her -- the stock's in her --
4 and the farm value are what the inheritance was about,
5 yeah --

6 Q. Okay.

7 A. -- or is about, yeah.

8 Q. Are you aware of a conference call that took
9 place between your sisters and Ms. Freed and her law
10 firm?

11 A. No.

12 Q. You don't know anything about that?

13 A. No.

14 Q. Another allegation that you may have made
15 about the documents in this case is that you believe
16 that there were some documents that were notarized by
17 Ms. Freed and her law firm, even though Ms. Nelva
18 Brunsting was not present when they were notarized --

19 A. Um-hmm.

20 Q. -- or did not sign when they were notarized.

21 A. Yes.

22 Q. Do you understand that allegation?

23 A. Yes.

24 Q. Okay. Do you know what documents you're
25 talking about or what documents you saw?

1 A. Changing the inheritance. I don't know what
2 they're called. Sorry.

3 Q. Okay. What about the document that made you
4 believe that it was notarized at Ms. Freed's law firm
5 but not signed by Ms. Brunsting at the law firm?

6 A. The fake signatures that was there, yeah.

7 Q. Okay.

8 A. And Mom wouldn't have wanted to do this. I
9 don't know. Sorry.

10 Q. Okay. Anything else?

11 A. No.

12 Q. There's a statement in your discovery
13 responses that says that the -- you believe that
14 representations by Ms. Freed and her law firm were made
15 in presentations at Elmer and Nelva Brunsting's church.

16 A. I don't specifically remember that. Sorry.

17 Q. Okay. So you're not aware of any speech or
18 presentation Ms. Freed or her law firm may have done at
19 your parents' church?

20 A. No, not that I know of, no.

21 Q. Okay. Which church did they go to?

22 A. A Methodist church, Chapelwood United --
23 Chapelwood Methodist.

24 Q. Did you go to that same church?

25 A. Yes, uh-huh.

1 Q. Another allegation -- well, I don't know.

2 MS. FOLEY: Are you still making
3 allegations of criminal misconduct, Bobbie?

4 MS. BAYLESS: No.

5 MS. FOLEY: Okay.

6 MS. BAYLESS: Sorry, I didn't know you
7 were talking to me.

8 MS. FOLEY: No, that's okay.

9 Q. (BY MS. FOLEY) There's an allegation that you
10 have in your claims that your -- your sisters were
11 making improper personal -- payments for personal
12 expenses.

13 A. Um-hmm.

14 Q. Do you recall that allegation?

15 A. Yes.

16 Q. What kind of things were they spending money
17 on that you claim are improper personal expenses?

18 A. I can't say specifically. I don't know.

19 Q. Okay. What documents have you looked at to --
20 to come to that determination?

21 A. What's been taken out of -- I can't be
22 specific about it, but what's been taken out of
23 inheritance and spent.

24 Q. Okay. But you don't know what they were spent
25 on?

1 A. No. Well, one of them I do. She built a new
2 house, Amy.

3 Q. Okay. And do you remember what time frame you
4 believe she did that?

5 A. I don't know. A few years ago. I'm not for
6 sure.

7 Q. Was it before or after your mom had passed
8 away?

9 A. I don't know. I'd say a little bit after.
10 I'm not real sure.

11 Q. Okay. Are you aware of any funds or money
12 that was spent on your mom's care while she was at
13 home?

14 A. Not that I'm aware of, no.

15 Q. Do you know where the money came from that
16 paid for that care, the care that she received while
17 she was at home?

18 A. From Mom's accounts or whatever. I'm not
19 sure.

20 Q. Okay. You're not sure where the money came
21 from?

22 A. No, I'm not. No, I'm not.

23 Q. Do you know -- so then you don't know who paid
24 for the -- for that care that she received while she
25 was at home, correct?

1 A. Well, I think she did for a while, and then
2 she couldn't, and somebody else took care of it, I'm
3 not sure.

4 Q. Do you know who that was?

5 A. No, uh-uh. I would say Anita, but I'm not
6 sure. I shouldn't keep saying that. Sorry.

7 Q. Okay. Do you know how long she was receiving
8 care at home?

9 A. No.

10 Q. There's also an allegation that you believe
11 that your mother did not know that documents were
12 prepared to disinherit your daughter.

13 A. Oh, yes.

14 Q. Okay. Do you recall that allegation?

15 A. Yeah.

16 Q. Okay. What evidence did you have that
17 Ms. Nelva Brunsting did not know documents were
18 prepared to disinherit your daughter?

19 A. I can't say. I don't know.

20 Q. Okay. Have you seen any documents that were
21 prepared that would disinherit your daughter?

22 A. No, not that I can remember.

23 Q. Okay. Had you ever had any discussions with
24 your -- with your mom or -- or anybody else about your
25 mom or your dad possibly disinheriting your daughter?

1 A. No, no, no.

2 Q. Okay. Other than the two lawsuits, the one
3 you have against Ms. Freed and her law firm, and the
4 one you have against your sisters, do you have any
5 other lawsuits pending right now related to your
6 inheritance?

7 A. Not that I'm aware of. Sorry.

8 Q. With respect to the lawsuit that you have
9 against your sisters, have any of them filed any claims
10 against you?

11 A. Not that I'm aware of, no.

12 Q. There's another allegation that you've made
13 which is that Nelva Brunsting was bullied.

14 A. Um-hmm.

15 Q. Okay. What evidence do you have that
16 Ms. Brunsting was bullied by anyone?

17 A. What's happened and -- yeah.

18 Q. Okay. You don't have any evidence that my
19 clients, Ms. Freed and her law firm, bullied Ms. Nelva
20 Brunsting, do you?

21 A. Not evidence, I don't. Sorry.

22 Q. Okay.

23 A. Not that I can get specific about.

24 Q. I'm sorry. What now?

25 A. Not that I can get specific about.

1 Q. Okay. Well, what about even generally?

2 A. Yeah, they...

3 Q. You don't have anything?

4 A. Not that I can say, no.

5 Q. And I just have to ask this: You say not that
6 you can say. What -- what do you mean by that, because
7 you're under oath to tell the truth, so you can -- I
8 mean, if you have evidence, I mean, this is my only
9 time to get it.

10 A. I think she was -- I'm sorry, handled by my
11 sisters in trying to get me out of this. I don't know
12 what to say specifically.

13 Q. Okay. So it's -- it's related to -- to what
14 you -- what you believe your sisters were trying to do,
15 correct?

16 A. Yeah, it's -- the inheritance, yeah.

17 Q. Okay.

18 A. It should have been five ways, but they tried
19 to keep me out of it.

20 Q. Okay. But you don't have anything specific
21 that you're aware of --

22 A. Not that I can say.

23 Q. -- that Miss -- let me finish the question --
24 that Ms. Freed and her law firm were involved in that,
25 correct?

1 A. Yes, they were, but I can't be specific about
2 it. Yeah.

3 Q. Okay.

4 A. That's why we're here instead of it being
5 over, anyway.

6 Q. When you said, "That's why we're here," what
7 are you referring to?

8 A. Miss -- Mom died a few years ago, and it
9 should have been over by then and split five ways --

10 Q. Okay.

11 A. -- instead of this legal problem.

12 Q. Well, let -- let me ask this: Did the other
13 lawsuit that you have going, you filed that lawsuit,
14 correct?

15 A. I don't remember.

16 Q. Okay.

17 A. Yes, I'm sure yeah.

18 Q. And then you were the one who filed this
19 lawsuit, correct?

20 A. Um-hmm, we did, yes. Uh-huh, yes.

21 Q. Meaning you and your wife, correct?

22 A. Yes, uh-huh.

23 Q. Okay. And as far as you know sitting here
24 today, your other sisters have not filed a lawsuit?

25 A. I don't know.

1 Q. According to your discovery responses and as
2 you've discussed here, there were -- and I'm reading
3 from one of your answers -- approximately almost 3,000
4 shares of Exxon stock that was transferred, correct?

5 A. As far as I'm aware, yeah.

6 Q. Okay. Do you know where there was -- where it
7 was transferred to?

8 A. Yeah. To Anita's control, but I'm not sure
9 who -- how it was handled.

10 Q. Okay. And again, you don't have any evidence
11 that my client, Ms. Freed or her law firm, participated
12 in that transfer --

13 A. No.

14 Q. -- of stock?

15 A. I don't have any evidence of that.

16 Q. Okay. And then you also mention the -- the
17 Chevron stock, correct?

18 A. Um-hmm.

19 Q. Was that also transferred to someone?

20 A. From what I understand, yes.

21 Q. Do you know who it was transferred to?

22 A. No.

23 Q. And you don't have any evidence or information
24 or facts to show that my clients, Ms. Freed and her law
25 firm, participated in the transfer of any of that

1 stock?

2 A. I don't have any -- not that I can be specific
3 about, yeah.

4 Q. Okay. And you also seem to be complaining
5 about some money that Carol spent with respect to a
6 joint account she had with your mother; is that
7 correct?

8 A. Um-hmm.

9 Q. And do you know what those expenditures were
10 for?

11 A. Expensive car and wasted -- I don't know.
12 Yeah, that's the only one I know about, yeah.

13 Q. A car?

14 A. Yes.

15 Q. A car for herself?

16 A. Yes. Uh-huh, yeah.

17 Q. What kind of car?

18 A. Oh, some -- I don't know.

19 Q. Okay.

20 A. Some \$40,000 car. Yeah, I don't know what she
21 has.

22 Q. Anything else that you're -- that you believe
23 Carol spent that money on?

24 A. Yes.

25 Q. What?

1 A. Her horses and her cats, yeah. I mean, she's
2 got like 50 quarter horses and 100 cats that she takes
3 care of.

4 Q. Okay. And what role, if any, do you know
5 is -- or have evidence that my client played in Carol
6 spending that money?

7 A. I don't know.

8 Q. Do you know whether any of that money was
9 spent -- and according to your interrogatory responses,
10 it's about \$150,000 that she spent.

11 A. Okay.

12 Q. Does that sound about right to you?

13 A. Yeah.

14 Q. Do you know how much of that money was spent
15 on your mother?

16 A. No.

17 Q. Do you know if any of that money was spent on
18 your mother?

19 A. No, I don't know specifically, no.

20 Q. You also claim that about \$155,000 were paid
21 to family members or paid for family obligations. Do
22 you recall that allegation?

23 A. Not specifically.

24 Q. Okay. And so then do -- do you have any
25 recollection of where you believe that money came from,

1 any -- where that money was taken from and spent?

2 A. Out of Mom's money and spent -- I'm not sure,
3 for Amy, Anita, and Carol. But I'm not sure, yeah.

4 Q. Okay. Then also with respect to -- to your
5 damages, you complained of missing savings bonds. You
6 understand that allegation?

7 A. Um-hmm.

8 Q. I'm sorry. Is that a "yes"?

9 A. Yes.

10 Q. Okay. And do you know how much in savings
11 bonds is missing?

12 A. No.

13 Q. Are -- do you know that the savings bonds
14 actually existed?

15 A. Yes.

16 Q. You -- you had seen them before?

17 A. Well, yes, uh-huh.

18 Q. Okay. Do you know where they were kept?

19 A. No. I would say Wells Fargo, but I don't know
20 if that's right now.

21 Q. Okay. Have you done any -- made any effort to
22 check at Wells Fargo to see if those savings bonds are
23 there?

24 A. Not that I'm aware of, no.

25 Q. And then another complaint you have on -- on

1 the damages side of things is that there's \$830,000 of
2 income that came into the estate that's unaccounted
3 for.

4 A. Yes.

5 Q. Do you recall that allegation?

6 A. Yes.

7 Q. Okay. And have you still not been able to
8 determine what happened to the \$830,000?

9 A. Not that I'm aware of, no.

10 Q. Okay. Do you know when the \$830,000 came --
11 became missing?

12 A. No. Not specifically, no.

13 Q. Okay.

14 A. Over the last two -- two years. I'm not sure.

15 Q. Okay.

16 THE VIDEOGRAPHER: There's around five
17 minutes.

18 MS. FOLEY: Five minutes?

19 THE VIDEOGRAPHER: Yes, ma'am.

20 MS. FOLEY: You can go ahead and change
21 right now.

22 THE VIDEOGRAPHER: Off the record, 12:01.

23 (Break from 12:01 p.m. to 12:19 p.m.)

24 THE VIDEOGRAPHER: On the record, 12:19,

25 Tape 3.

1 Q. (BY MS. FOLEY) All right. Mr. Brunsting, do
2 you know -- have you ever seen any documents or letters
3 that Ms. Nelva Brunsting may have written or drafted
4 about any of the claims that you're making in this
5 lawsuit?

6 A. No.

7 Q. Okay. I understand that in the -- in the
8 past, I believe it was some of your sisters maybe have
9 hired private investigators to follow people, follow
10 you.

11 A. Um-hmm.

12 Q. Have you employed any private investigators?

13 A. No.

14 Q. Okay. And have you been provided any, I
15 guess, sur- -- surveillance videos or recordings that
16 any private investigator may have taken of you?

17 A. Not that I'm aware of, no.

18 Q. Okay. Have you -- are -- are you aware of any
19 recordings any of your sisters may have done of -- of
20 any phone calls with you?

21 A. Not that I'm aware of, no.

22 Q. And have you recorded any phone calls with
23 your sisters?

24 A. No.

25 Q. Do you know whether or not your mother

1 assisted you in -- assisted you by paying any of your
2 medical bills when you were -- when you fell ill?

3 A. No.

4 Q. Okay. Would it surprise you if she did?

5 A. Yeah.

6 Q. Why would that surprise you?

7 A. I don't -- I don't think -- I don't know.

8 Q. Okay. Let me ask you this: Do you believe
9 you have the mental capacity to serve as the executor
10 of your parents' estate?

11 A. I don't know.

12 Q. Okay.

13 A. I think we could do that together, but I don't
14 know.

15 Q. Okay. Have you ever gone to see a doctor
16 about that?

17 A. No. Not specifically, no.

18 Q. Okay. Has anyone ever challenged you on that
19 issue, meaning has anyone ever claimed that they did
20 not believe you had the capacity to serve as the
21 executor of your parents' estate?

22 A. No.

23 Q. Are you having to, I guess, perform any duties
24 related to your status as the executor of your parents'
25 estate?

1 A. Doing this and -- and just getting it all
2 resolved. I don't know what to say.

3 Q. Okay. When you say "doing this," what do you
4 mean by that?

5 A. This interview and...

6 Q. Okay. Did -- did someone, either any of
7 the -- your -- your siblings or the Court, tell you
8 that you had to file this lawsuit against Ms. Freed and
9 her law firm?

10 A. No.

11 Q. Was that solely your decision?

12 A. Our decision, yes.

13 Q. And when you say "our," you mean you and your
14 wife?

15 A. Yes.

16 Q. You haven't met with any doctors who have
17 questioned you about your capacity to serve as the
18 executor of your parents' estate?

19 A. Not that I'm aware of, no.

20 Q. Another claim that you've made in this lawsuit
21 is that Nelva Brunsting requested that you be
22 reinstated as the successor trustee. Do you understand
23 that claim?

24 A. Yes.

25 Q. Okay. How do you know that?

1 A. Because I was taken out of it, and then Mom
2 wanted me to get the -- get it back again, yeah.

3 Q. How do you know she wanted you to get it back
4 again?

5 A. I don't know.

6 Q. Did she tell you that?

7 A. No, no.

8 Q. Did someone else tell you that that's what she
9 wanted?

10 A. No, not that I know of.

11 Q. Is that just kind of what you assume based
12 on...

13 A. What's happened, yeah.

14 Q. Okay. And -- and did you convey this to your
15 sisters, Anita and Amy?

16 A. No.

17 Q. You didn't tell them?

18 A. No. Of course, no.

19 Q. Why not?

20 A. They were on the other side. I wouldn't tell
21 them anything. I mean, I don't know.

22 Q. Do you recall what your -- what your final
23 prognosis was when you left the hospital?

24 A. Encephalitis, but -- yeah.

25 Q. Okay. And did they tell you how long it would

1 take you to recover?

2 A. No, no.

3 Q. Okay. Did they tell you to follow up --
4 follow up with any specialist?

5 A. Not that I'm aware of, no.

6 Q. Okay. I'm going to show you some -- some
7 documents, and some of them I have copies of and some
8 of them I don't.

9 MS. BAYLESS: Okay.

10 MS. FOLEY: So we're going to mark this
11 as Exhibit No. 1.

12 This is your copy.

13 MS. BAYLESS: Okay.

14 (Exhibit No. 1 was marked.)

15 Q. (BY MS. FOLEY) And Exhibit No. 1 is --

16 MS. FOLEY: Sorry. I'm reaching over
17 you.

18 Q. (BY MS. FOLEY) Exhibit No. 1 is the general
19 dural -- durable power of attorney of Nelva E.
20 Brunsting, and it's Bates labeled CHB6953 through
21 CHB6979, and also V&F 000174 through -200.

22 Have you ever seen this document before?

23 A. Not that I'm aware of.

24 Q. Okay.

25 A. Oh, wait a minute.

1 Q. Sure. Go ahead and take your -- take your
2 time looking at it.

3 A. Like I said, not that I'm aware of.

4 Q. Okay. If you would look at the third to the
5 last page, so it's Page No. 25 of the document, and
6 it's Bates-labeled CHB6977 --

7 A. Um-hmm.

8 Q. -- and V&F -198.

9 A. Yeah.

10 Q. All right. And do you -- do you see at the --
11 at the bottom of that page, there's a signature line.

12 A. Um-hmm.

13 Q. And underneath, it's typed "Nelva E.
14 Brunsting."

15 A. Um-hmm.

16 Q. And then there's a signature on top of that
17 line.

18 A. Um-hmm.

19 Q. Do you believe that that's Ms. Brunsting's
20 signature?

21 A. I don't know.

22 Q. Okay. Have you -- have you talked to a
23 handwriting expert --

24 A. No.

25 Q. -- about her signatures?

1 Okay. Now I'm going to hand you -- and
2 this is one I only have one copy of. This is "The
3 Re-" -- "The Restatement of the Brunsting Family
4 Trust" --

5 A. Um-hmm.

6 Q. -- "Family Living Trust." I'm sorry.

7 MS. FOLEY: Oh, do you have two? Yeah, I
8 have two.

9 Q. (BY MS. FOLEY) And it's Bates-labeled CHB317
10 through CHB403. So I have two copies.

11 MS. FOLEY: So I'm going to hand you a
12 copy, so you can look at it first and then if you can
13 give it to Mr. Brunsting.

14 MS. BAYLESS: Do we want to mark it?

15 MS. FOLEY: Huh?

16 MS. BAYLESS: Do you want to mark it?

17 MS. FOLEY: Yeah, we can mark it. We can
18 mark this as Exhibit No. 2.

19 (Exhibit No. 2 was marked.)

20 MS. FOLEY: Let me make sure I have the
21 same thing. Hold on.

22 Q. (BY MS. FOLEY) I'm handing you Exhibit 2, and
23 I'm going to let you take a look at that.

24 A. Um-hmm.

25 Q. And let me know if you've ever seen that

1 document before.

2 A. Yes, I think I have.

3 Q. Okay. If you will flip over to Page -- excuse
4 me.

5 It's 14-6 if you look at the bottom middle
6 number, but then the CHB number is -315. So it's
7 the -- literally the second-to-last page of the
8 document.

9 A. You said 315?

10 Q. 315, yes, sir.

11 A. I don't have that in this stack.

12 Q. I'm sorry. Not 315. These are the same
13 documents labeled differently. But it's the
14 second-to-last page of the document.

15 A. Oh, -4-0 -- 402?

16 Q. Yes, 402.

17 A. Yeah.

18 Q. And do you see the -- the signature lines
19 there?

20 A. Yeah, yeah, yeah.

21 Q. And do you see that there's a signature line
22 on that -- on that page for Nelva Brunsting?

23 A. Um-hmm.

24 Q. Can you tell me if that appears to be Nelva
25 Brunsting's signature?

1 A. I think it is, yeah.

2 Q. Okay.

3 A. I -- I don't know, though. Yeah.

4 Q. Okay.

5 A. Yeah, put down I don't know, yeah.

6 Q. Okay.

7 A. You know what...

8 Q. Now I'm going to hand you what we're going to
9 mark as Exhibit No. 3.

10 (Exhibit No. 3 was marked.)

11 MS. FOLEY: I have a copy for you.

12 Q. (BY MS. FOLEY) And Exhibit No. 3 for the
13 record is Bates-labeled CHB -- excuse me. CHB979
14 through CHB1015.

15 A. Um-hmm.

16 Q. Do you think you've ever seen this document
17 before?

18 A. Yes, I think I have. I don't know if it's --
19 it's this share thing, and I remember seeing that
20 somewhere.

21 Q. Okay. If you would flip to the very last page
22 of this document --

23 A. Um-hmm.

24 Q. -- and you see that there's a signature block
25 for Nelva E. Brunsting?

1 A. Um-hmm.

2 Q. And her signature appears twice on -- on this
3 page?

4 A. Um-hmm.

5 Q. Do you believe that that appears to you to be
6 Nelva Brunsting's signature?

7 A. I don't know.

8 Q. Okay. Now I'm going to hand you what we're
9 going to mark as Exhibit No. 4.

10 (Exhibit No. 4 was marked.)

11 MS. FOLEY: And I only have one copy of
12 it.

13 MS. BAYLESS: Okay.

14 Q. (BY MS. FOLEY) If you could take a look --
15 look at Exhibit No. 4, and if you could, could you read
16 off the Bates-label number that's in the bottom right
17 corner, the CHB number?

18 A. CHB444.

19 Q. Thank you, sir.

20 A. Okay.

21 Q. Have you ever seen that document before?

22 A. Not that I'm aware of.

23 Q. And do you see that there's a signature line
24 for Nelva E. Brunsting on that document?

25 A. Yep.

1 Q. Does that appear to you to be Ms. Brunsting's
2 signature?

3 A. No, I don't think so.

4 Q. Okay. And why don't you think that that one
5 is her signature?

6 A. Because it looks like the same as Elmer's
7 instead of it being different signatures.

8 Q. Okay.

9 A. It's like the same person wrote those -- both
10 of them in there.

11 Q. Okay.

12 A. I don't know if that's right, though.

13 Q. Anything else about it that makes you not
14 believe that it's Ms. Nelva E. Brunsting's signature?

15 A. No.

16 Q. Okay.

17 (Exhibit No. 5 was marked.)

18 Q. (BY MS. FOLEY) All right. Now I'm going to
19 hand you what we're going to mark as Exhibit No. 5.
20 And for the record, this Exhibit No. 5 is Bates-labeled
21 CHB447 --

22 A. Um-hmm.

23 Q. -- through CHB452.

24 And if you could, take a look and see if
25 you've ever seen this document before.

1 A. Not that I remember, no.

2 Q. Okay. If you would look on the very -- or
3 second-to-last page of this document, and that is
4 Bates-labeled CHB451 --

5 A. Um-hmm.

6 Q. -- and if you see there at the bottom of that
7 page, there is a signature line for Nelva E. Brunsting,
8 and a signature on top of that.

9 A. Um-hmm.

10 Q. Do you believe that based on what you're
11 looking at, that that looks like to you Nelva E.
12 Brunsting's signature?

13 A. I can't say. Sorry.

14 Q. Okay. Now I'm going to hand you what we're
15 going to Bates-label -- excuse me -- as Exhibit No. 6,
16 which is Bates-labeled CHB453.

17 (Exhibit No. 6 was marked.)

18 A. Um-hmm.

19 Q. (BY MS. FOLEY) Have you ever seen this
20 document before?

21 A. Not that I remember, no.

22 Q. Okay. And if you look down towards the bottom
23 of the --

24 A. Yeah.

25 Q. -- near the bottom of the page, there's a

1 signature line for Nelva E. Brunsting --

2 A. Yeah.

3 Q. -- and a -- a signature on top of that line.

4 Does that appear to you to be the signature of Nelva E.
5 Brunsting?

6 A. I -- I don't know.

7 Q. You don't know. Okay.

8 And now I'm going to hand you Exhibit Number
9 -- actually, I'm going to hand you what we're going to
10 mark as Exhibit No. 7, and it is Bates-labeled CHB454
11 through CHB464.

12 (Exhibit No. 7 was marked.)

13 MS. FOLEY: I only have one copy of that
14 one.

15 Q. (BY MS. FOLEY) If you could take a look at
16 that document, and let me know if you've seen it
17 before.

18 A. Not that I'm aware of, no.

19 Q. Okay. If you look to the
20 second-to-the-last -- I think it's the second-to-last
21 page that has the signature line on it.

22 Do you see the signature line on that
23 document?

24 A. Yes.

25 Q. And based on the -- the signature that shows

1 Nelva E. Brunsting, do you believe that that is
2 Ms. Brunsting's signature?

3 A. I don't know.

4 Q. Okay. Thank you, sir.

5 Another claim that you've made in this
6 lawsuit is that Ms. Freed and her law firm made oral
7 misrepresentations to Nelva E. Brunsting when preparing
8 documents that -- that she signed.

9 A. Um-hmm.

10 Q. Do you recall that allegation?

11 A. I remember the -- I recall the -- I -- I
12 remember, yeah, a little bit about that.

13 Q. Okay. What oral misrepresentations do you
14 believe Ms. Freed and her -- and/or her law firm made
15 to Ms. Brunsting?

16 A. I don't know.

17 Q. Are you aware of any mis- -- specific
18 misrepresentations that you believe Ms. Freed and her
19 law firm made to Nelva E. Brunsting?

20 A. Not that I can say specifically, no.

21 Q. Okay. And what about generally?

22 A. I -- I can't answer.

23 Q. Okay. Is it because you don't recall
24 anything, or you don't know of anything?

25 A. I don't know who -- which lawyer was that?

1 Q. Her name is Candace Freed.

2 A. Yeah. Candace Freed, yeah.

3 Q. And so you -- so you don't -- you're not aware
4 of any?

5 A. No, not -- not that I know of.

6 Q. Okay. Now I'm going to hand you what we're
7 going to mark as Exhibit No. 8.

8 (Exhibit No. 8 was marked.)

9 Q. (BY MS. FOLEY) And Exhibit No. 8 for the
10 record is labeled CHB14489. And for whatever reason,
11 CHB14490. And if you could take a look -- you can take
12 a minute to look through --

13 A. Um-hmm.

14 Q. -- this e-mail.

15 A. (Reviewing document.)

16 What would you like to know about this?

17 Q. Okay. Have you had time to look at it?

18 A. Yeah.

19 Q. Okay. In May of -- of 2010, you had an e-mail
20 address of "cbarch-" --

21 A. Yes.

22 Q. -- "-@sbcglobal.net" --

23 A. Yeah.

24 Q. -- is that correct?

25 A. Yes.

1 Q. Okay. And do you still have that e-mail
2 address?

3 A. I don't know actually, yeah.

4 Q. Okay. Haven't e-mailed in a while?

5 A. No, not -- at all, the last few years. Sorry.

6 Q. Okay. Okay.

7 Have you ever -- do you recall this e-mail?

8 A. Yeah.

9 Q. Okay. And if you look at the e-mail that's in
10 the middle of the first page --

11 A. Yeah, uh-huh.

12 Q. And this is an e-mail from Candace Curtis,
13 correct?

14 A. Yeah.

15 Q. And is that your sister?

16 A. Yes.

17 Q. And in the first paragraph, the -- at the end,
18 the last sentence of the first paragraph, the last --
19 I'm sorry, the last line of the first paragraph, it
20 reads: "How is her mental state," question mark.

21 A. Yeah.

22 Q. "'Oh piffle' could mean several different
23 things." And then you respond to this e-mail, correct?

24 A. (Pauses.)

25 Q. If you look at the e-mail --

1 A. Yeah.

2 Q. -- that's directly on top of that one?

3 A. Okay, yeah.

4 Q. That's your -- that's from you, correct?

5 A. Yeah.

6 Q. And you are responding to her question -- to
7 Candace's question, correct?

8 A. Yes, uh-huh. She was wondering what was
9 happening with Mom, yeah.

10 Q. Okay. So she's talking about Ms. Brunsting,
11 correct?

12 A. Yes, uh-huh.

13 Q. And you -- you write a long paragraph here.
14 But if you go to the -- one, two, three, four -- fourth
15 line down, and the -- there's a sentence that starts
16 towards the end of the fourth line that says: "Her
17 mental state seems generally fine or normal to me, more
18 forgetful for sure...she is worn out, getting groceries
19 is a big deal for her."

20 Did I read that correctly?

21 A. Yes.

22 Q. Okay. So in May of 2010, you believe that
23 your mom's mental state was generally fine or normal,
24 correct?

25 A. Yeah, okay.

1 Q. Okay.

2 A. Physically a problem, but yeah, uh-huh.

3 Q. Okay. And you don't recall that changing
4 prior to you getting ill, do you?

5 A. What's that?

6 Q. Her mental state.

7 A. It happened about the same time. I don't
8 know, yeah.

9 Q. Okay. Do you know -- because I -- well, I
10 think actually you've already testified that you got --
11 you became ill in 2009; is that correct?

12 A. Um-hmm.

13 Q. Okay. So this is 2010, which is later?

14 A. Um-hmm, yeah.

15 Q. Okay. And how sure are you that you became
16 ill in 2009?

17 A. How sure am I?

18 Q. Yeah.

19 A. Oh, what happened five years ago was -- yeah.

20 Q. You think it could have been 2010?

21 A. No, I think it was -- I don't know.

22 Q. Okay. You just can't remember?

23 A. Yeah.

24 Q. Okay. But before you became ill --

25 A. Um-hmm.

1 Q. -- it's your belief that your mother's mental
2 state was fine or normal, correct?

3 A. Yeah, yeah.

4 Q. Okay. And forgive me. I'm skipping over
5 stuff, because I've already asked you about it, so --
6 as not to keep you here too long.

7 Are you aware that your -- one of your
8 sisters or your sisters called the Adult Protective
9 Services on your behalf?

10 A. Called them?

11 Q. Yes.

12 A. I don't know.

13 Q. Do you recall hearing anything about that?

14 A. No, not that --

15 Q. Anybody from Adult Protective Services ever
16 contact you?

17 A. Not that I remember, no.

18 MS. FOLEY: Okay. Let's take another
19 break here.

20 THE VIDEOGRAPHER: Off the record, 12:46.

21 (Break from 12:46 p.m. to 12:58 p.m.)

22 THE VIDEOGRAPHER: On the record, 12:58.

23 Q. (BY MS. FOLEY) Okay. Mr. Brunsting, I just
24 have a few more questions for you --

25 A. Um-hmm.

1 Q. I'm going to hand you what we're going to mark
2 as Exhibit No. 9.

3 (Exhibit No. 9 was marked.)

4 Q. (BY MS. FOLEY) If you would take a look at
5 Exhibit No. 9...

6 A. (Reviewing document.)

7 Q. Have you seen Exhibit No. 9 before?

8 A. Not that I remember, but I should have, yes.

9 Q. Okay. If you'd flip over to the third page --

10 A. Um-hmm.

11 Q. -- of Exhibit No. 9...

12 A. Um-hmm.

13 Q. For the record, Exhibit 9 is CHB1 through -3,
14 with --

15 A. Um-hmm.

16 Q. -- Attachment CHB3-1 and CHB3-2.

17 A. Um-hmm.

18 Q. But if you go to CHB3, Page 3 of the document,
19 there is a signature line for Carl Brunsting and a
20 signature on top. Do you see that?

21 A. Um-hmm.

22 Q. Is that your signature?

23 A. Yes. Un-huh.

24 Q. Okay. And based on this agreement, it looks
25 like you paid a \$30,000 advance retainer; is that

1 correct?

2 A. Um-hmm.

3 Q. And then you also agreed to an hourly rate for
4 Ms. Bayless of \$350 an hour?

5 A. Yes.

6 Q. Okay. And -- and as you said earlier, you
7 have been paying her her fees; is that correct?

8 A. Yeah, or we have. Yeah.

9 Q. Okay. Sure.

10 A. Sorry.

11 Q. But earlier you -- you mentioned that part of
12 the income that you have been receiving here lately
13 dealt with some inheritance money --

14 A. Um-hmm.

15 Q. -- as a result of the death of -- a death in
16 your wife's family; is that correct?

17 A. Yes, uh-huh.

18 Q. How much was that inheritance?

19 A. I don't want to say.

20 Q. You said, you don't want to say?

21 A. Yeah.

22 Q. Why not?

23 A. I don't -- the number wrong, yeah.

24 Q. Oh, you don't have the number?

25 A. No, no.

1 Q. Ok.

2 A. Several hundred thousand, but I don't know how
3 many.

4 Q. Okay. When -- have you talked to Carol
5 Brunsting about this lawsuit?

6 A. No.

7 Q. Have you talked to Candy about this lawsuit?

8 A. No. A little bit, yeah. No, not -- not about
9 this lawsuit, no.

10 Q. Okay. When did you talk to her?

11 A. A couple of years ago or -- I don't know when
12 that was, but we saw her when she came into town.
13 Sorry.

14 Q. Okay. Y'all talked about this lawsuit?

15 A. No, not that I remember, no.

16 Q. Are you sure about that?

17 A. Yeah, yeah.

18 Q. Back in October of 2010, Miss -- I think the
19 evidence is going to show in this case that Ms. Freed,
20 the lawyer for -- for Nelva Brunsting, sent an e-mail
21 to your sisters --

22 A. Um-hmm.

23 Q. -- regarding a meeting to discuss issues
24 concerning Ms. Brunsting's capacity.

25 A. Um-hmm.

1 Q. And I believe you testified earlier you don't
2 recall hearing anything about that.

3 A. That's right.

4 Q. Okay. During that time in October of 2010,
5 were you still suffering from encephalitis?

6 A. Yes.

7 Q. Okay. And so if you would have been invited
8 to participate in that phone call, would you have been
9 able to?

10 A. I don't know at that time. I don't know.
11 Yeah.

12 Q. Okay. And you said earlier -- you testified
13 earlier that it has some effect on your brain; is that
14 correct?

15 A. Yeah, yeah. The first part of it, I didn't --
16 yeah, I wouldn't have been able to be on the phone
17 with...

18 Q. Okay. And if -- if you were -- if during that
19 time period that you were suffering from encephalitis,
20 if something would have happened to Ms. Brunsting at
21 that time, do you believe that you would have had the
22 capacity to serve as her executor?

23 A. No.

24 Q. Okay.

25 A. At that time, no.

1 Q. Would you have been able to act as her power
2 of attorney at that time?

3 A. At that time, no.

4 Q. Okay. Would you have been able to -- would
5 you have been able to manage her finances during the
6 time that you were suffering from encephalitis?

7 A. No.

8 Q. Would you have been able to take care of the
9 finances of the trust at that time?

10 A. No, uh-uh.

11 Q. Mr. Brunsting, do you believe that you have
12 the capacity here today to testify in this deposition?

13 A. Yes.

14 Q. Okay. And have you understood all my
15 questions here today?

16 A. More or -- yes, I have.

17 Q. Okay. And to the extent you didn't, did you
18 ask me to rephrase or...

19 A. I'm sorry?

20 Q. To the extent that you did not understand me,
21 did you ask me to rephrase the question and reask the
22 question?

23 A. Not that I can remember. Sorry.

24 Q. You don't remember doing that?

25 A. No.

1 Q. Okay. But did you understand all my questions
2 today?
3 A. More than -- yeah.
4 Q. Okay. All right.
5 A. More...
6 Q. What were you about to say?
7 A. More than I could have a couple of years ago
8 or getting back from my illness.
9 Q. Got you. Got you.
10 MS. FOLEY: All right. I think I'll pass
11 the witness.
12 MS. BAYLESS: We'll reserve our
13 questions.
14 MS. FOLEY: Okay.
15 THE VIDEOGRAPHER: Off the record, 1:05.
16 (The deposition concluded at 1:05 p.m.)
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WITNESS CORRECTIONS AND SIGNATURE

Please indicate changes on this sheet of paper, giving the change, page number, line number and reason for the change. Please sign each page of changes.

PAGE/LINE	CORRECTION	REASON FOR CHANGE
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CARL H. BRUNSTING

1 I, CARL H. BRUNSTING, solemnly swear or affirm
 2 under the pains and penalties of perjury that the
 3 foregoing pages contain a true and correct transcript
 4 of the testimony given by me at the time and place
 5 stated herein, except as noted on the previous
 6 correction page(s), and that I am signing this before a
 7 Notary Public.

5
6

7 _____
 8 CARL H. BRUNSTING

8

9 STATE OF T E X A S *

10 COUNTY OF _____ *

11

12 Before me, _____,
 13 on this day personally appeared CARL H. BRUNSTING,
 14 known to me, or proved to me under oath, to be the
 15 person whose name is subscribed to the foregoing
 16 instrument and acknowledged to me that they executed
 17 the same for the purposes and consideration therein
 18 expressed.

15

16 Given under my hand and seal of office on
 17 this, the _____ day of _____, 2015.

17

18

19

20 _____
 21 NOTARY PUBLIC IN AND FOR THE
 22 STATE OF TEXAS

21

22 My Commission Expires: _____

23

24

25

JOB NO. 177755

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CAUSE NO. 2013-05455

CARL HENRY BRUNSTING,) IN THE DISTRICT COURT OF
 INDEPENDENT EXECUTOR OF)
 THE ESTATES OF ELMER H.)
 BRUNSTING AND NELVA E.)
 BRUNSTING,)
)
 Plaintiffs,)
)
 V.) HARRIS COUNTY, TEXAS
)
 CANDACE L. KUNZ-FREED)
 AND VACEK & FREED, PLLC)
 F/K/A THE VACEK LAW)
 FIRM, PLLC,)
)
 Defendants.) 164TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATION
 ORAL AND VIDEOTAPED DEPOSITION OF CARL H. BRUNSTING
 FEBRUARY 3, 2015

I, Stephanie M. Harper, a Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, CARL H. BRUNSTING, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on _____, 2015, to the witness, or to the attorney for the witness, for examination, signature, and return to U.S. Legal Support, Inc., by _____, 2015;

That the amount of time used by each party at the

1 deposition is as follows:

2 MS. ZANDRA E. FOLEY - 02:22

3 MS. BOBBIE G. BAYLESS - 00:00

4 That pursuant to information given to the
5 deposition officer at the time said testimony was
6 taken, the following includes counsel for all parties
7 of record:

8 MS. BOBBIE G. BAYLESS,
ATTORNEY FOR PLAINTIFFS.

9 MS. ZANDRA E. FOLEY,
ATTORNEY FOR DEFENDANTS.

10 I further certify that I am neither counsel for,
11 related to, nor employed by any of the parties or
12 attorneys in the action in which this proceeding was
13 taken, and further that I am not financially or
14 otherwise interested in the outcome of the action.

15 Further certification requirements pursuant to Rule
16 203 of TRCP will be certified to after they have
17 occurred.

18 Certified to by me this _____ of FEBRUARY, 2015

19
20
21
22

Stephanie M. Harper



STEPHANIE M. HARPER
TEXAS CSR NO. 7433
Expiration Date: 12-31-16

24
25

JOB NO. 177755

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2 The original deposition was _____ was not _____
3 returned to U.S. Legal Support, Inc., on _____,
4 2015.

5 If returned, the attached Corrections and Signature
6 page contains any changes and the reasons therefor;

7 If returned, the original deposition was delivered
8 to MR. ZANDRA E. FOLEY, Custodial Attorney;

9 That \$_____ is the deposition officer's charges
10 to the Attorney for Defendants, MR. ZANDRA E. FOLEY,
11 Texas Bar No. 24032085, for preparing the original
12 deposition transcript and any copies of exhibits;

13 That the deposition was delivered in accordance
14 with Rule 203.3, and that a copy of this certificate
15 was served on all parties shown herein on _____ and
16 filed with the Clerk.

17 Certified to by me this _____ day of _____,
18 2015.

19 _____
20 STEPHANIE M. HARPER
21 TEXAS CSR NO. 7433
22 Expiration Date: 12-31-16

23 U.S. Legal Support, Inc.
24 Firm Registration No. 122
25 363 North Sam Houston Parkway East,
Suite 1200
Houston, Texas 77060
(713) 653-7100

JOB NO. 177755

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