

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

APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

JUAN S. PATINO, Esquire
Chalmers, Adams, Backer & Kaufman, LLC
11770 Haynes Bridge Road
Suite 205-219
Alpharetta, Georgia 30009
(678)582-8900
(678)582-8910 Fax
jpatino@chalmersadams.com

On behalf of the Defendant:

MATTHEW D. MCMASTER, Esquire
Matthew D. McMaster, LLC
12 Powder Springs Street
Suite 250
Marietta, Georgia 30064
(800)890-3981
mdmcmaster@mcmasterlegal.com

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

INDEX TO EXAMINATIONS

DERRICK JACKSON

Examination	Page
By Mr. Patino	14

INDEX TO EXHIBITS

(No exhibits were marked.)

1 Remote Hearing before the Honorable Grant Brantley
2 September 29, 2023

3 THE COURT: Now, the only thing I show as
4 open is a motion for reconsideration that was filed this
5 morning. Is that right?

6 MR. PATINO: Judge, we're here today -- Juan
7 Patino on behalf of Paramount Properties. We're here
8 today on our motion to hold Mr. Jackson in contempt of
9 court.

10 THE COURT: To what?

11 MR. PATINO: To hold Mr. Jackson in contempt
12 of court. This was supposed to be heard three weeks
13 ago, but opposing counsel raised the notice issue. This
14 Court subsequently rescheduled it to today, giving them
15 ample time and notice to prepare for the hearing.

16 THE COURT: Well, that's unusual on my part.
17 I normally don't schedule a contempt hearing on Zoom
18 because it limits my tools, but I'll hear it.

19 MR. MCMASTER: Your Honor, there is one
20 other motion still pending, and that's the application
21 for a pretrial hearing. It was coupled with the motion
22 to join indispensable parties, which I withdrew. And
23 you may or may not recall, but at the last hearing we
24 talked about it and we were trying to get a date
25 scheduled for that pretrial hearing. I don't recall the

1 reason, but --

2 THE COURT: What was -- what do you perceive
3 a pretrial hearing to be? What is done at a pretrial
4 hearing? Are you talking about -- you talking about a
5 pretrial conference to set up a -- just exactly what are
6 you talking about?

7 MR. MCMASTER: So the -- it is application
8 for a preliminary hearing and it is under -- it is by
9 statute under O.C.G.A. 9 --

10 THE COURT: That's not what I'm asking you.
11 What is it you're gonna do there?

12 MR. MCMASTER: Address all defenses under
13 9-11-12 that are pending dispositive arguments --
14 essentially defenses.

15 MR. PATINO: Your Honor, I will note to the
16 Court we've already had one pretrial hearing we actually
17 had in October before all these flurry motions were
18 filed. Judge Leftridge there denied a continuance,
19 denied the motion to join indispensable parties, things
20 of that effect. There -- there is no record -- a formal
21 order was not entered, but there is a record on the case
22 that we already had pretrial conference for this case.

23 There's a pretrial order -- we were supposed
24 to -- we were less than 18 hours away from the start of
25 trial when Mr. Jackson decided to file for bankruptcy

1 last October. I don't know what we're doing anymore
2 here with regards to why we need another hearing --

3 THE COURT: Let's just go ahead and hear the
4 contempt, and then I -- I'll work on the pretrial
5 hearing and I'll deal with it and all the lawyers at
6 that time.

7 MR. PATINO: Yes, Your Honor. Judge, we're
8 here today on Plaintiff's motion to hold Mr. Jackson in
9 contempt of court.

10 On December 21st, 2022 Judge Leftridge
11 entered in an order granting the writ of possession and
12 ordering Mr. Jackson to remit payment of \$30,000, which
13 represented payment for November and December of 2022,
14 by December 31st, 2022. Mr. Jackson was already late.
15 He was already under court order to make said payments
16 and chose not to do it.

17 Your Honor, the -- we subsequently --

18 THE COURT: That payment to be made to whom?

19 MR. PATINO: Into the registry of the court,
20 Judge.

21 THE COURT: All right, got it. That's what
22 I thought but wanted to hear you say it.

23 MR. PATINO: Yes, Your Honor. When that
24 payment wasn't made, we filed a cross motion to hold
25 Mr. Jackson in contempt of court. This was filed last

1 January -- January of '23. Due to everything that's
2 going on, Judge, we didn't get a hearing on this until
3 today -- 10 months after this Court entered an order
4 directing Mr. Jackson to make the payments. It has been
5 10 months and he has yet to do so.

6 Your Honor, when defense objected to it,
7 they objected on the grounds that it was a
8 (unintelligible) order. Well, Judge, we've had a motion
9 to vacate that order. That motion to vacate was denied.
10 We have a valid court order from Judge Leftridge that
11 still stands today -- vis-a-vis, Mr. Jackson was
12 required to remit payment by December 31st, 2022. My --

13 THE COURT: Hold on. When was that order
14 entered? I've got -- I've got a laptop here and I've
15 got the electronic file in front of me.

16 MR. PATINO: That order, Judge, was entered
17 December 21st, 2022 and it --

18 THE COURT: Don't -- don't tell me anything
19 else. You've confused me with what I already know. I
20 want to try to locate that. December 21?

21 MR. PATINO: It would have been around that
22 time. Yes, Judge. It's the order granting the writ of
23 possession and directing him to make payments.

24 THE COURT: I want to find the order you
25 tell me he's in contempt of and I'll look at it. Now I

1 got it.

2 Didn't you present me with an order to
3 release those funds?

4 MR. PATINO: So Your Honor, that was a
5 motion to amend (unintelligible) to release the funds
6 that were there, but he was still ordered to make the
7 payments. He's just never made those last two payments.

8 So yes, you did sign an order that carried
9 similar language and reinforced what was entered last
10 December, but they're choosing not to do so.

11 THE COURT: So are you talking about that
12 post order that says, it is per the order that Defendant
13 is required to pay \$30,000 into the registry of the
14 court by December 31, 2022?

15 MR. PATINO: Yes, Your Honor.

16 THE COURT: Okay. All right. And he didn't
17 do it?

18 MR. PATINO: No, Judge.

19 THE COURT: Why don't I hear from the other
20 side?

21 MR. PATINO: What was that, Your Honor?

22 THE COURT: Why don't I hear from the other
23 side? You've laid out a prima facia case, haven't you?

24 MR. PATINO: I believe I have, Your Honor.

25 THE COURT: Okay. What will you be --

1 before we hear from the other side, what will you be
2 asking the Court to do other than hold him in contempt?

3 MR. PATINO: Well, Your Honor, we're seeking
4 civil contempt, so in -- in essence, force him to comply
5 with --

6 THE COURT: Just tell me what you want me to
7 put in an order.

8 MR. PATINO: Yes, Your Honor. We are
9 seeking an order that if Mr. Jackson does not pay then
10 he does go to jail for not paying.

11 THE COURT: So you want -- that's what I'm
12 trying to find out. You want me to put him in jail
13 until paying \$30,000 into the registry of the court; is
14 that what you're telling me?

15 MR. PATINO: Yes, Judge.

16 THE COURT: Okay. All right. Let me hear
17 from the other side.

18 MR. MCMASTER: Okay. Your Honor, I'll go
19 ahead and reassert without waiver our initial response
20 filed with the Court. I won't read it to you.

21 I'll provide a couple initial objections.
22 We object to any case law that the Court does not verify
23 says what the other party says, and we object to
24 attorney's statements being considered as evidence. The
25 record has the evidence, not the attorney's statements.

1 THE COURT: Well, I agree with that.

2 MR. MCMASTER: Okay. Moving on, the -- our
3 position is that the \$30,000 was in the registry of the
4 court, and the record reflects that.

5 The Court did not have any authority to
6 order 30K by December 31 but for by statute -- and the
7 statutes are O.C.G.A. 44-7-54 and O.C.G.A. 44-7-56. The
8 consent order does not outline the amount of money that
9 had to be in by December 31st -- that was the Court's
10 own calculation -- and it's -- our position is that he
11 was well over paid by that point.

12 And the Court's order on page 2 -- the
13 December 21st, 2022 order says the release of the funds
14 of \$115,264.52 or all sums. Court did not take any --
15 make any calculation or any conclusion as to how much
16 was actually in there. So had there been half a million
17 in there, the order would read the same. So the \$30,000
18 was never considered, and our position is the \$30,000
19 was already in there.

20 Now the record --

21 THE COURT: Already in there when?

22 MR. MCMASTER: As of December -- as of
23 December 31st, 2022.

24 THE COURT: So you're saying that he
25 complied with the Court's order?

1 MR. MCMASTER: Well -- our position is --

2 THE COURT: I didn't --

3 MR. MCMASTER: -- the Court's order wasn't
4 clear and I'm being generous there. Yes.

5 THE COURT: You're saying that he complied
6 with the court order?

7 MR. MCMASTER: Well, the --

8 THE COURT: That doesn't make any --

9 (Simultaneous crosstalk.)

10 MR. MCMASTER: -- the order --

11 THE COURT: You're not going to answer my
12 question, that's fine. I know what I -- I know what I
13 should do in that regard.

14 MR. MCMASTER: Well, Your Honor the point is
15 this --

16 THE COURT: (Unintelligible.)

17 MR. MCMASTER: -- the court order was not
18 clear on how much needed to be in the registry by
19 December 30th, 2022. It wasn't clear. It -- it put
20 some broad statement "or all sums" in its calculation.

21 So the Court needs to tell us how it
22 concluded that \$220,264.52 had to be deposited by
23 Derrick Jackson by December 31st, 2022. The Court has
24 not told us how it came to that calculation. It has
25 these ambiguous terms, and so it's not clear how much

1 needed to be in there by December 31st, 2022.

2 So if the Court can tell us how much Derrick
3 Jackson had to deposit by December 31st, 2022, we're
4 happy to do it.

5 The Court has not done that. It did this
6 broad \$152,264.52, which is not divisible by 15,000 by
7 any means -- and it has an order that basically says the
8 world is flat. So if the Court can tell us how much he
9 had to put in total by December 31st --

10 THE COURT: Mr. McMaster, I'm not going to
11 be cross-examined. Okay? Do you have anything else
12 relevant to the issue?

13 MR. MCMASTER: Yes, Your Honor. So the --
14 well, I need to understand if -- if this is a final
15 hearing. If it's not, there is a lis pendens on this
16 case. The other party has shown concern about that in
17 the other case --

18 THE COURT: I'm not dealing with that. I'm
19 dealing with the issue of contempt, dealing with the
20 issue of whether or not between December 21 when judge
21 signed her order and December 31, 2022 he paid in to the
22 registry the sum of \$30,000.

23 MR. MCMASTER: He had paid by that date
24 \$190,264.52. That's how much he had paid in to the
25 registry by that date.

1 THE COURT: Of course, that doesn't meet my
2 question, but that's all right. You choose not to -- to
3 play word games. Anything else out of you? That's
4 relevant?

5 MR. PATINO: No, Your Honor. This Court's
6 already addressed this --

7 THE COURT: No, no. I'm talking to
8 Mr. McMaster.

9 MR. MCMASTER: No, Your Honor. Just, we
10 need that --

11 THE COURT: All right. The answer is no.
12 All right. Mr. McMaster made a great point,
13 and I agree with him. You cannot testify. What is your
14 evidence that it has not been paid?

15 MR. PATINO: Your Honor, correct, I cannot
16 testify. That's -- the records of the registry of court
17 of Fulton County reflect they have not been paid.

18 THE COURT: Have you produced those records
19 to me?

20 MR. PATINO: I'm happy to produce them to
21 the Court, Your Honor, or this Court -- and not telling
22 the Court what they can and can't do, Judge --
23 Mr. McMaster can answer the question right now: Can he
24 produce the --

25 THE COURT: Are you calling him for

1 cross-examination?

2 MR. PATINO: Your Honor, if I could
3 cross-examine Mr. Jackson right here, I'm happy to do
4 so.

5 THE COURT: I'm not -- I'm not -- what's
6 wrong with you, guys? Listen to my question and answer
7 the question.

8 I just asked you, did you want to call him,
9 meaning Mr. Jackson, for cross-examination?

10 MR. PATINO: Yes, Your Honor. I think that
11 would --

12 THE COURT: Okay. Yes? Is he on the line?
13 I see someone.

14 THE DEFENDANT: Yes.

15 THE COURT: Raise your right hand please,
16 sir.

17 (Derrick Jackson was placed under oath.)

18 THE COURT: Please give your attention to
19 the lawyer that has brought the case against you. He
20 wants to examine you. You may proceed.

21 EXAMINATION

22 BY MR. PATINO:

23 Q. Good afternoon, Mr. Jackson. Juan Patino on
24 behalf of the plaintiffs. How are you today?

25 A. I'm great.

1 **Q. Mr. Jackson, are you aware that the Court entered**
2 **an order on December 21st, 2022 directing you to remit**
3 **30,000 in to the registry of the court?**

4 A. I talked to my attorney about it.

5 THE COURT: Is that a yes or a no, sir?

6 A. I wasn't given any order, but I talked to my
7 attorney about it though.

8 THE COURT: Did you know that the order was
9 issued; yes or no?

10 THE DEFENDANT: No, I don't.

11 THE COURT: All right.

12 **Q. (By Mr. Patino) Mr. Jackson, from December 21st,**
13 **2021 have you deposited any money in to the registry of**
14 **the court?**

15 A. For the whole year of --

16 **Q. No, sir.**

17 A. -- 191,000, yes.

18 **Q. Mr. Jackson --**

19 THE COURT: He asked you, sir, if you
20 deposited any monies in the court since December 21,
21 2022 and that's the issue. Have you or have you not?

22 THE DEFENDANT: No.

23 **Q. Mr. Jackson, what date was the --**

24 THE COURT: Anything else?

25 MR. PATINO: No, Judge.

1 THE COURT: He just said no, he didn't.

2 MR. PATINO: No Judge. No further
3 questions.

4 THE COURT: Anything else from you,
5 Mr. McMaster?

6 MR. MCMASTER: No, Your Honor, just the
7 pending application for hearing.

8 THE COURT: I'm sorry? I didn't understand
9 you.

10 MR. MCMASTER: Not on this motion. Just the
11 pending application for a hearing, not to repeat myself.
12 Sorry.

13 THE COURT: All right. Then I'm ready to
14 rule. Y'all ready?

15 MR. PATINO: Yes, Your Honor.

16 MR. MCMASTER: Yes.

17 THE COURT: Got to pull that order back up.

18 All right. I find that on December 21, 2022
19 Judge Leftridge ordered the defendant as followed: "It
20 is further ordered that Defendant is required to pay
21 \$30,000 in to the registry of the court by December 31,
22 2022."

23 The defendant himself has said he did not do
24 that. I therefore hold him in contempt -- willful
25 contempt and order him incarcerated until he pays it.

1 He has until -- how quickly can you get me
2 the order? Can you have the order to me on Monday?

3 MR. PATINO: Yes, Your Honor.

4 THE COURT: I'll be in courtroom 8J at 9:00
5 o'clock. Be there so you don't interrupt what else I'm
6 doing. And he has until 5:00 o'clock that day to
7 surrender or thereafter the sheriff will be directed to
8 arrest him. Prepare me such an order.

9 MR. PATINO: So 5:00 p.m. close of business
10 on Monday, Judge?

11 THE COURT: Yes.

12 Are you familiar with the Floyd versus Floyd
13 case?

14 MR. PATINO: I will become familiar with it,
15 Judge.

16 THE COURT: I may have the cite right here
17 if you just bear with me a moment. 247 Ga. 551. The
18 language in quotation is the kind of language I want you
19 to use in this case.

20 So if he pays in to the registry \$30,000
21 before 5:00 p.m. on Monday, he will not have to
22 surrender, and he will not be held. That gives him till
23 then to pay it.

24 The only -- I want you to just use that
25 language. The only additional language would be that

1 any sums of money up to \$30,000 that were paid in to the
2 Court should be paid out as per the previous order --
3 and identify it and be sure that it's attached to this
4 one so the sheriffs will have it.

5 MR. PATINO: Understood, Judge. You'll have
6 that order Monday morning.

7 THE COURT: All right. Now, as I understand
8 it, Mr. McMaster wants a pretrial hearing. I will try
9 to find the time to schedule one for him and get it
10 done. I do not know that time right now, but I'll look
11 for it and find it.

12 So that's all that anybody was noticed for
13 for today, correct?

14 MR. MCMASTER: Yes, Your Honor.

15 MR. PATINO: Yes, Judge.

16 I do have a question as to regard to the
17 pretrial hearing. There are pretrial motions in limine
18 that are -- I don't know if that's going to be addressed
19 the day of trial or if you want to deal with those --

20 THE COURT: Well, my order -- I'll send you
21 an order and it will simply say that all nonjury matters
22 ripe for hearing will be heard on a given day. That
23 will mean everything that's pending and ripe for
24 hearing. You got it?

25 MR. PATINO: Thank you, Judge.

1 THE CLERK: Judge, if I may for one minute?

2 THE COURT: Yes.

3 THE CLERK: ORCA was assigned for seven
4 motions before you, so I would have to take that up -- I
5 guess I'll have to take that up with my superiors
6 concerning anything with a pretrial.

7 THE COURT: I understand -- I can -- that's
8 why I'm not giving any dates.

9 THE CLERK: Great.

10 THE COURT: I have some coordination that
11 has to take place.

12 THE CLERK: Okay. Great, Judge.

13 THE COURT: Okay. That completes the
14 hearing for today. Everyone have an awesome weekend.

15 MR. PATINO: Thank you.

16 (The hearing was concluded at 1:52 p.m.)

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

STATE OF GEORGIA)

COUNTY OF FULTON)

I hereby certify that the foregoing transcript was reported, as stated in the caption, and reduced to typewriting under my direction; that the foregoing pages represent a true, complete and correct transcript, and I further certify that I am not of kin or counsel to the parties in the case; am not in the employ of counsel for any of said parties; nor am I in any way interested in the result of said case.



Dana New, CCR-5825-5963-4974-3104

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

DISCLOSURE OF NO CONTRACT

I, Dana New, do hereby disclose pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that WSG Reporting, LLC was contacted by the party taking the deposition to provide court reporting services for this deposition and there is no contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7.C of the Rules and Regulations of the Board for the taking of this deposition.

There is no contract to provide court reporting services between WSG Reporting, LLC or any person with whom WSG Reporting, LLC has a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond our usual and customary rates have been disclosed and offered to all parties.



Dana New, CCR-5825-5963-4974-3104
WSG Reporting, LLC

1 FIRM DISCLOSURE

2
3 Pursuant to Article 10B of the Rules and Regulations of
4 the Board of Court Reporting of the Judicial Council of
5 Georgia, I make the following disclosures:

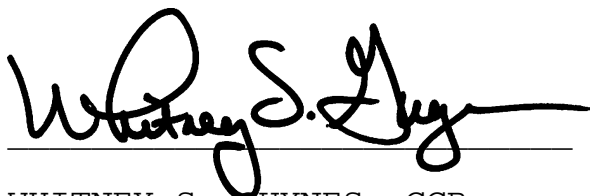
6 WSG Reporting, LLC is not disqualified for a
7 relationship of interest under the provisions of
8 O.C.G.A. Section 9-11-28(c)

9 WSG Reporting, LLC will not be taking this deposition
10 under any contract that is prohibited by O.C.G.A.
11 Section 15-14-37(a) and (b)

12 WSG Reporting LLC has no exclusive contract to provide
13 reporting services with any party to the case, any
14 counsel in the case, or any reporter or reporting agency
15 from whom a referral might have been made to cover this
16 deposition.

17 WSG Reporting, LLC will charge its usual and customary
18 rate to all parties in the case and a financial discount
19 will not be given to any party to this litigation.

20 Date: October 16, 2023

21 

22 WHITNEY S. GUYNES, CCR
23 WSG REPORTING
24
25