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1	CAUSE NO. DC-13-09969	1	I N D E X
2	JO N. HOPPER, § IN THE DISTRICT COURT OF	2	
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3	Plaintiff, §	4	Appearances.....2
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4	v. § 44TH JUDICIAL DISTRICT	6	
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5	LAURA S. WASSMER and §	8	
	STEPHEN B. HOPPER, §	9	
6	§	10	WITNESS: LAURA S. WASSMER
	Defendants. § DALLAS COUNTY, TEXAS	11	
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	ORAL & VIDEOTAPED DEPOSITION OF	14	
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14	ORAL & VIDEOTAPED DEPOSITION OF LAURA S. WASSMER,	20	
15	produced as a witness at the instance of the Plaintiff,	21	Reporter's Certificate.....60
16	and duly sworn, was taken in the above-styled and	22	
17	numbered cause on February 5, 2016, from 12:40 p.m. to	23	
18	2:11 p.m., before James M. Shaw, RMR, Certified Shorthand	24	
19	Reporter No. 1694, in and for the State of Texas,	25	
20	reported by computerized stenotype machine at the Law		
21	Offices of Fee, Smith, Sharp & Vitullo, LLP, Three		
22	Galleria Tower, 13155 Noel Road, Suite 1000, Dallas,		
23	Texas 75240, pursuant to the Texas Rules of Civil		
24	Procedure and the provisions stated on the record or		
25	attached hereto.		
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1	A P P E A R A N C E S	1	E X H I B I T S
2		2	WASSMER EXHIBIT DESCRIPTION EXHIBIT
3	FOR THE PLAINTIFF:		NUMBER MARKED
	ALAN S. LOEWINSOHN, ESQ.	3	
4	alanl@LFDlaw.com	4	Exhibit 25 E-mail dated October 17, 2011 to Jo Hopper
	KERRY SCHONWALD, ESQ.	5	from Laura Wassmer, Children's Partition
5	kerrys@LFDlaw.com	6	Production 000505 through 000507.....44
	LOEWINSOHN FLEGLE DEARY, LLP	7	Exhibit 26 E-mail dated January 13, 2015 to Jo Hopper
6	12377 Merit Drive, Suite 900	8	from Laura Wassmer, with other E-mails,
	Dallas, Texas 75251	9	JHopper 003266 through 003267.....50
7	Telephone: 214.572.1700	10	
	Fax: 214.572.1717	11	
8		12	
9		13	
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	AND	24	
16		25	
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17	jazano@feesmith.com		
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18	Three Galleria Tower		
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19	Dallas, Texas 75240		
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21			
22	ALSO PRESENT: JO N. HOPPER		
23	STEPHEN B. HOPPER		
24	BARBARA HOPPER		
25	THE VIDEOGRAPHER: KEITH WEEKS		

1 PROCEEDINGS  
2 THE VIDEOGRAPHER: We are on the video  
3 record at 12:40 p.m. This is the beginning of DVD No. 1.  
4 THE REPORTER: Same agreements; by the  
5 rules?  
6 MR. LOEWINSOHN: Again, pursuant to the  
7 rules and a court order.  
8 MR. MCNEILL: Yes.  
9 LAURA S. WASSMER,  
10 having been first duly sworn, testified as follows:  
11 EXAMINATION  
12 BY MR. LOEWINSOHN:  
13 Q. State your full name for the record, please.  
14 A. Laura Wassmer.  
15 Q. And what is your address?  
16 A. 8005 Roe Avenue, Prairie Village, Kansas 66208.  
17 Q. Have you ever been deposed before?  
18 A. No.  
19 Q. Do you understand generally the purpose of a  
20 deposition?  
21 A. Yes.  
22 Q. Do you understand the purpose includes my  
23 asking you questions and you providing me with complete,  
24 truthful responses?  
25 A. Yes.

1 Q. Have you ever testified in a court of law?  
2 A. I have not.  
3 Q. Have you ever testified in an arbitration or  
4 any kind of administrative proceeding?  
5 A. I have not.  
6 Q. Do you understand you've taken an oath to tell  
7 the truth?  
8 A. Yes.  
9 Q. Do you understand it is a crime to tell  
10 anything other than the complete truth at a deposition?  
11 A. Yes.  
12 Q. Can we have an agreement throughout your  
13 deposition, if at any point I ask you a question which is  
14 not entirely clear to you or that you don't understand  
15 for some reason, that you will stop me before you answer  
16 the question and seek whatever clarification you feel you  
17 need?  
18 A. Yes.  
19 Q. What did you do to prepare for your deposition?  
20 A. I read the notes that you all prepared for our  
21 attorney and I reviewed the testimony or the  
22 documentation that we provided for you all.  
23 Q. And what do you mean, the notes that I provided  
24 your attorney?  
25 A. The production of documents.

1 Q. Okay. Anything else?  
2 A. No.  
3 Q. Did you -- did you speak with counsel? I don't  
4 want to know what was said for purposes of the question.  
5 Did you speak with counsel in preparation for your  
6 deposition?  
7 A. Regarding logistics, yes.  
8 Q. And, again, don't tell me the substance, but  
9 did you speak to your attorney regarding the preparation  
10 for your deposition other than logistics?  
11 A. I'm trying to remember. I may have asked a --  
12 I asked a question about the production of documents,  
13 what was required, so yes.  
14 Q. Anything else?  
15 A. No.  
16 Q. You -- Do you know of any reason, physical,  
17 psychological, pharmacological, medical, any reason  
18 whatsoever, that you would have any difficulty today  
19 understanding my questions or testifying truthfully or  
20 completely?  
21 A. No.  
22 Q. Have you ever been arrested, convicted of any  
23 crime or served any time in jail?  
24 A. No.  
25 Q. You sat through Mr. Hopper's deposition here

1 today?  
2 A. Yes.  
3 Q. He is your brother?  
4 A. Yes.  
5 Q. Is he your only sibling?  
6 A. Yes.  
7 Q. Is there anything you heard him say that you  
8 disagree with?  
9 A. Yes.  
10 Q. Okay. And what is that?  
11 A. Are we going to go through all the same  
12 questions because I can get to it at that point in time,  
13 or are you asking me different questions?  
14 Q. I don't know, so why don't you at least go  
15 ahead and tell me what it is that you remember he said  
16 that you disagree with.  
17 A. I disagree with what I would like done with the  
18 assets. I believe the fairest way to deal with the  
19 assets at this point in time, given that the valuations  
20 were done six years ago, is to sell the assets.  
21 Q. At a public sale by a sheriff?  
22 A. It doesn't have to be with a sheriff. It could  
23 be at Christie's, it could be a wine auction, it could  
24 be --  
25 Q. Okay.

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<p>1 A. -- numerous other ways to sell it. 2 Q. All right. I will come back to that. What 3 else, if anything, that he said that you disagreed with? 4 A. I can't think of anything off the top of my 5 head. 6 Q. Okay. What is your educational background? 7 A. I have an undergraduate degree from Oklahoma 8 State. 9 Q. Anything else? 10 A. I have a master's degree in liberal arts from 11 Baker University. 12 Q. Anything else? 13 A. No. 14 Q. How -- Are you currently employed? 15 A. Yes. 16 Q. How? 17 A. I'm the mayor of Prairie Village, Kansas. 18 Q. And how long have you been the mayor? 19 A. A year. 20 Q. If I use the term in this deposition "oral 21 communication" or to communicate orally, will you 22 understand I mean any type of communication not in 23 writing, whether in person, telephonic or otherwise, and 24 regardless of how many people participated? 25 A. Yes.</p>	<p>1 Q. If I refer to the golf clubs at issue, will you 2 understand I'm referring to the golf clubs and related 3 golf items that your father and Mrs. Hopper owned 4 together at the time of your father's death? 5 A. Yes. 6 Q. Do you know of any signed will from your 7 father? 8 A. No. 9 Q. If you would just get those exhibits in front 10 of you, and let me ask you first have you seen Exhibit 1 11 before? 12 A. Yes. 13 Q. Do you have any basis to affirmatively claim 14 that the person who performed that appraisal is not 15 qualified? 16 A. No. 17 Q. Do you have any basis to claim that the person 18 who performed that appraisal is biased against you? 19 A. I wouldn't know. 20 Q. Do you claim to have an opinion as to a fair 21 market value as of any date for any of the items that are 22 the subject of appraisal marked number 1 different from 23 the value stated in Exhibit 1? 24 A. Well, my opinion would be that these values 25 were based on 2010 and that a large majority of these</p>
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<p>1 Q. If I use the term "written communication" or to 2 communicate in writing, will you understand I mean any 3 communication not oral, and I mean to include 4 typewritten, handwritten, E-mail, text, tweet or 5 otherwise? 6 A. Yes. 7 Q. If I refer to this lawsuit, will you understand 8 I'm referring to this lawsuit in which you are giving a 9 deposition? 10 A. Yes. 11 Q. If I refer to Mrs. Hopper, will you understand 12 I'm referring to the plaintiff Jo Hopper? 13 A. Yes. 14 Q. If I refer to the bank, will you understand I'm 15 referring to JP Morgan Chase Bank, NA? 16 A. Yes. 17 Q. If I refer to the Hopper estate or the estate, 18 will you understand I'm referring to the estate of your 19 father Max D. Hopper? 20 A. Yes. 21 Q. If I refer to the wine at issue, will you 22 understand I'm referring to the various bottles of wine 23 that your father and Mrs. Hopper owned together as of the 24 time of your father's death? 25 A. Yes.</p>	<p>1 items have been used by Mrs. Hopper over the last six 2 years. I wouldn't know what the condition would be. I 3 haven't seen these items for six years. I don't know if 4 dishes have been broken. I don't know if dishes are 5 still there. I don't know if furniture has been worn, 6 torn, damaged, stained. I wouldn't know. 7 Q. Okay. Other than, whether one calls it an 8 opinion or not, that the values were based on 2010 and 9 other than you don't know their condition since then, 10 putting that aside, do you claim to have an opinion as to 11 a fair market value as of any date for any of the items 12 that are the subject of the appraisal marked number 1? 13 A. I would not have an informed opinion, no. 14 Q. Okay. Have you seen Exhibit 2 before? 15 A. Yes. 16 Q. Do you have an opinion as to the fair market 17 value as of any date of any of the items that are the 18 subject of the appraisal marked Exhibit 2 different from 19 the values stated in that appraisal? 20 A. I wouldn't know the current condition or 21 appraised value. 22 Q. Okay. Well, I wasn't limiting it to current, 23 so let me ask my question again. Do you have an opinion 24 as to the fair market value as of any date of any of the 25 items that are the subject of the appraisal marked</p>

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1 Exhibit 2 different from the values stated in that  
2 appraisal?  
3 A. I wouldn't, no.  
4 Q. Have you seen Exhibit 3 before?  
5 A. Yes.  
6 Q. Do you have an opinion as to the fair market  
7 value as of any date of any of the items that are the  
8 subject of the appraisal marked Exhibit 3 different from  
9 the values stated in that appraisal?  
10 A. I wouldn't, no.  
11 Q. Would you look at Exhibit 4, please? Have you  
12 seen that before?  
13 A. Yes.  
14 Q. Do you have an opinion as to the fair market  
15 value as of any date of any of the items that are the  
16 subject of the appraisal marked Exhibit 4 different from  
17 the value stated in that appraisal?  
18 A. I wouldn't, no.  
19 Q. Have you seen Exhibit 5 before?  
20 A. Yes.  
21 Q. Do you have an -- Strike that.  
22 Do you have any basis to affirmatively claim  
23 that the appraiser who prepared Exhibit 5 is not  
24 qualified?  
25 A. No.

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1 Q. Do you have any basis to claim that the  
2 appraiser who prepared Exhibit 5 is biased against you?  
3 A. I wouldn't, no.  
4 Q. Do you have an opinion as to the fair market  
5 value as of any date of any of the items that are the  
6 subject of the appraisal marked Exhibit 5 that are  
7 different from the values contained in that appraisal?  
8 A. I wouldn't, no.  
9 Q. Have you seen Exhibit 6 before?  
10 A. Yes.  
11 Q. Do you have any reason to believe that the  
12 person who performed the appraisal marked Exhibit 6 is  
13 not qualified?  
14 A. No.  
15 Q. Do you have any reason to believe that the  
16 person who prepared Exhibit 6 appraisal is biased against  
17 you?  
18 A. I wouldn't, no.  
19 Q. Do you have an opinion as to the fair market  
20 value as of any date of any of the items that are the  
21 subject of the appraisal marked Exhibit 6 different from  
22 those stated in the appraisal?  
23 A. I wouldn't, no.  
24 Q. Have you seen Exhibit 7 before?  
25 A. Was this -- Didn't I already see this? Is

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1 this separate from 6?  
2 Q. Yes.  
3 A. I can't be sure I've seen this. This doesn't  
4 look familiar to me.  
5 Q. Do you have any basis to claim that the  
6 appraiser who prepared the appraisal marked Exhibit 7 is  
7 not qualified?  
8 A. No.  
9 Q. Do you have any basis to claim that the  
10 appraiser who prepared the appraisal in Exhibit 7 was  
11 biased against you?  
12 A. I wouldn't, no.  
13 Q. Do you have an opinion as to the fair market  
14 value of any of the items stated in Exhibit 7 as of any  
15 date that is different from any of the stated values in  
16 that appraisal?  
17 A. I wouldn't, no.  
18 Q. Have you seen Exhibit 8 before?  
19 A. Yes.  
20 Q. Do you have any reason to state that the  
21 appraiser who prepared Exhibit 8 was not qualified?  
22 A. No.  
23 Q. Do you have any basis to state that the  
24 appraiser who prepared Exhibit 8 is biased against you?  
25 A. I wouldn't, no.

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1 Q. Do you have an opinion as to the fair market  
2 value as of any date of any of the items that are the  
3 subject of the appraisal marked Exhibit 8 that are  
4 different from the values stated in that appraisal?  
5 A. I wouldn't, no.  
6 Q. Have you seen Exhibit 9 before?  
7 A. Yes.  
8 Q. Do you have any basis to claim that the  
9 appraiser who prepared Exhibit 9 was not qualified to do  
10 so?  
11 A. No.  
12 Q. Do you have any basis to claim that the  
13 appraiser who prepared Exhibit 9 is biased against you?  
14 A. I wouldn't, no.  
15 Q. Do you have an opinion as to the fair market  
16 value of any of the items listed in Exhibit 9 as of any  
17 date that is different from the values stated in  
18 Exhibit 9?  
19 A. I wouldn't know.  
20 Q. Have you seen Exhibit 10 before?  
21 A. Not until today.  
22 Q. Do you have any reason to claim that the  
23 appraiser who prepared Exhibit 10 -- And let me make  
24 sure when you say not today. I'm asking both about the  
25 cover letter and the attachment. Is your answer the

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1 same?  
2 A. Yes.  
3 Q. Okay. Is it your testimony -- Strike that.  
4 Have you ever seen any wine appraisal?  
5 A. Yes.  
6 Q. And do you claim that the one you have seen is  
7 different from that which is attached to Exhibit 10?  
8 A. I have not looked at the numbers, so I couldn't  
9 answer that.  
10 Q. So then it is possible you have in fact seen  
11 the attachment to Exhibit 10; correct?  
12 A. It is possible, but I don't recall seeing it.  
13 Q. Is there something about its form that leads  
14 you to believe it is different from the appraisal that  
15 you had seen before?  
16 A. I didn't recall the first appraisal being done  
17 by La Cave.  
18 Q. Anything else?  
19 A. I couldn't answer that question without getting  
20 out my original wine appraisal and comparing it.  
21 Q. Do you have any reason to believe that the  
22 person who prepared Exhibit 10 was not qualified to do  
23 so?  
24 A. I wouldn't, no.  
25 Q. Do you have any reason to believe that the

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1 person who prepared Exhibit 10 was biased against you?  
2 A. I wouldn't, no.  
3 Q. Do you claim to have an opinion as to the fair  
4 market value as of any date of any of the items that are  
5 listed in Exhibit 10 different from that which is stated  
6 in Exhibit 10?  
7 A. I wouldn't, no.  
8 Q. Now, immediately before your father's death, as  
9 you understand it, he, along with Mrs. Hopper, jointly  
10 owned various art pieces; correct?  
11 A. Correct.  
12 Q. Would you look at Exhibit 11? Have you seen  
13 that before?  
14 A. Yes.  
15 Q. And did you understand as a result of that  
16 document that in February 2015 that those art pieces that  
17 your father and Mrs. Hopper jointly owned at the time of  
18 his death were being distributed in undivided interests,  
19 50 percent to her, 25 percent to you and 25 percent to  
20 your brother?  
21 A. Yes.  
22 Q. And did you understand at the time this  
23 document was prepared and executed that the bank was  
24 assigning undivided interests in the art that was your  
25 father's separate property, one-third to you, one-third

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1 to your brother and one-third to Mrs. Hopper?  
2 A. Yes.  
3 Q. With respect to the art that you and your  
4 brother and Mrs. Hopper received undivided interests,  
5 either the one-third in the separate property or the 50,  
6 25, 25 in that which was jointly owned, if I collectively  
7 call that the art items at issue, will you understand  
8 that's what I'm referring to?  
9 A. Yes.  
10 Q. Now, I think I know the answer based on what  
11 you said earlier, but I want to be clear. If the choice  
12 was left up to you, art items at issue be divided by the  
13 Court among you, Mrs. Hopper and your brother, or sold by  
14 a sheriff at a public sale, do you care, do you have a  
15 preference?  
16 A. I do have a preference.  
17 Q. And the preference is the sale?  
18 A. I think the preference is the sale so that we  
19 don't have to worry about dividing it.  
20 Q. Okay. Any other reason that is your  
21 preference?  
22 A. Yes. I think appraised values on some have  
23 probably gone up and appraised values on some have  
24 probably gone down.  
25 Q. Any other reason?

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1 A. I would prefer not to continually own items  
2 among the three of us.  
3 Q. Well, if they're to be divided, you wouldn't  
4 continually own them, so...  
5 A. Okay.  
6 Q. You understand that?  
7 A. Yes.  
8 Q. All right.  
9 A. I still think it would be most fair to sell.  
10 Q. For the reasons you've said?  
11 A. Yes.  
12 Q. Any other reasons?  
13 A. Those are the primary reasons.  
14 Q. Any other reasons, ma'am?  
15 A. I can't think of any other at the moment.  
16 Q. Okay. In addition to art, there were other  
17 household furnishings and jewelry and personal effects  
18 that your father and Mrs. Hopper jointly owned at the  
19 time of your father's death; correct?  
20 A. Uh-huh.  
21 Q. Yes?  
22 A. Yes.  
23 Q. Have you seen Exhibit 12 before?  
24 A. Yes.  
25 Q. Did you understand that in February 2015, the

1 bank was assigning in undivided interests various  
 2 personal property that your father and Mrs. Hopper owned  
 3 at the time of your father's death, undivided interest  
 4 being Mrs. Hopper receiving 50 percent and you and your  
 5 brother each receiving 25 percent?  
 6 A. Yes.  
 7 Q. If I refer to those various personal property  
 8 items as the personal property at issue, will you  
 9 understand that abbreviation?  
 10 A. Yes.  
 11 Q. If the choice was left up to you of the Court  
 12 dividing the various personal property items at issue  
 13 among you, your brother and Mrs. Hopper or being sold by  
 14 a sheriff at a public sale, do you have a preference?  
 15 A. I would prefer the sale of the majority of the  
 16 items, and there would be some of the more sentimental  
 17 items that I would prefer be divided.  
 18 Q. And with respect to the sentimental items, I  
 19 assume the reason is obvious, because they're  
 20 sentimental?  
 21 A. Yes.  
 22 Q. Any other reason?  
 23 A. No.  
 24 Q. As to preferring the sale, are your reasons the  
 25 same as with respect to the art at issue?

1 A. Reasons being -- Well, even more so with  
 2 regard to the furnishings because the furnishings have  
 3 been used in a household for the last six years, so I  
 4 don't know what the condition is of those furnishings.  
 5 Q. Any other reasons?  
 6 A. Again, I believe some of those assets have  
 7 declined in value, such as washer/dryer, electronics.  
 8 Any kind of upholstered furniture obviously would  
 9 decrease in value, blenders, anything of that nature.  
 10 There might be some antiques that have increased in  
 11 value. I don't know. It's hard to tell after six years.  
 12 Q. Any other reasons?  
 13 A. Those are the primary ones.  
 14 Q. Any other reasons?  
 15 A. Not that I can think of at the moment.  
 16 Q. Can you get Exhibit 13, please? Have you seen  
 17 that document before?  
 18 A. Yes.  
 19 Q. And you understood it was a proposed division  
 20 prepared by Mrs. Hopper of the art items at issue and the  
 21 personal property items at issue; correct?  
 22 A. Yes, I understood that was her proposal.  
 23 Q. Okay. Which of the items on this list, and if  
 24 you can use the item number, that would be helpful, are  
 25 you claiming are the sentimental items that you would

1 prefer to be not sold, but divided?  
 2 A. It's going to take me a while to find them on  
 3 the list. Under 169, linens, there were two quilts that  
 4 were family quilts.  
 5 Q. To save time, if you don't mind, so we don't  
 6 have to do this twice, I'm going to ask you this question  
 7 on each one that you mention; okay?  
 8 A. Okay.  
 9 Q. And we'll start with 169. Do you claim to have  
 10 a preference as to how that item is to be divided?  
 11 A. My preference would be for either Steve or I to  
 12 end up with the family quilts.  
 13 Q. Okay. Please continue.  
 14 A. Under the additional appraisals, jewelry --  
 15 Q. Okay.  
 16 A. -- I would personally like to have my dad's  
 17 watch.  
 18 Q. Which item number is that?  
 19 A. Number 1.  
 20 Q. Please continue.  
 21 A. I think that's it.  
 22 Q. Okay. So the only items of the personal  
 23 property items at issue that you would put in this  
 24 category of sentimental that you would propose be  
 25 divided, not sold, are the two that you have mentioned;

1 correct?  
 2 A. There are other items, but I'm not going to  
 3 squabble over them, so...  
 4 Q. So that is a complete list?  
 5 A. That's a complete list.  
 6 Q. Now, your brother -- you heard your brother  
 7 testify that if the personal property and art items  
 8 collectively were divided as proposed here between column  
 9 A and column B and that you and your brother were to get  
 10 those in column A to be split between you and Mrs. Hopper  
 11 were to get those items in column B, do you agree or  
 12 disagree with your brother that that at least would be  
 13 fair to you? Forget about Mrs. Hopper for a moment.  
 14 A. I disagree.  
 15 Q. And what are the bases of your disagreement?  
 16 A. I believe that there are many items in column A  
 17 that -- such as the electronics, washing machine, things  
 18 of that nature, patio grill, that over the course of six  
 19 years have lost value. And I believe there are items in  
 20 column B, antiques, that have probably increased in  
 21 value.  
 22 Q. Do you claim to be an expert in antique values?  
 23 A. I don't need to be an expert to know that when  
 24 you use furniture for six years, you get wear and tear.  
 25 MR. LOEWINSOHN: Motion to strike,

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1 nonresponsive.  
2 Q. (BY MR. LOEWINSOHN) Do you claim to be an  
3 expert in antique values?  
4 A. I have -- No, I'm not an expert.  
5 Q. Now, other than what you just said, is there  
6 any other reason that you disagree with your brother that  
7 the distribution according to A versus B would not be  
8 equitable or fair to you?  
9 A. Yes. I don't believe we have current values.  
10 These are six years old.  
11 Q. Anything else?  
12 A. Those are the primary reasons.  
13 Q. Anything else, ma'am?  
14 A. Not that I can think of at the moment.  
15 Q. Okay. Assuming you were to get the two items  
16 you mentioned as the sentimental category, regardless of  
17 a division, if the Court were to divide the art items at  
18 issue and the property issue as to column A and column B  
19 and provide you and your brother column B to be divided  
20 and Mrs. Hopper column A, do you claim that would be  
21 inequitable or unfair?  
22 A. I don't think we can say whether it would be  
23 fair because we don't have current values.  
24 Q. Okay. Any other reason you couldn't say  
25 whether or not it would be unfair or inequitable?

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1 A. No.  
2 Q. And is your preference with regard to sale of  
3 the art items at issue and the personal property at  
4 issue, if a sale were to be by a sheriff at a public  
5 sale, would that still be your preference if you learned  
6 that a sale by a sheriff at a public sale would not get  
7 the highest value?  
8 A. I'm not sure we have the highest value even  
9 known. I'm not sure we know what the values are.  
10 MR. LOEWINSOHN: Motion to strike,  
11 nonresponsive. I didn't ask you if you knew what they  
12 were, ma'am.  
13 Q. (BY MR. LOEWINSOHN) If you knew or understood  
14 that a sale by a sheriff on the steps of the courthouse  
15 at a public sale would not bring whatever is the highest  
16 value, as opposed to you, your brother and Mrs. Hopper  
17 having items and arranging for some sale through a  
18 private sale, would you, nonetheless, still prefer a  
19 sheriff sale as opposed to the Court dividing the items?  
20 And I'm speaking about the art items at issue and the  
21 personal property at issue.  
22 A. I would say with regard to personal property,  
23 yes --  
24 Q. Okay.  
25 A. -- I prefer it be sold.

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1 Q. Okay. And what about the art items at issue?  
2 A. I don't have a strong feeling one way or the  
3 other.  
4 Q. Okay. If you can get Exhibit 14. Have you  
5 seen that before?  
6 A. Yes.  
7 Q. And you understood that in July of 2013, the  
8 bank was assigning undivided interests into what we've  
9 called the golf clubs at issue, 50 percent to  
10 Mrs. Hopper, 25 percent to you and 25 percent to your  
11 brother?  
12 A. Yes.  
13 Q. If the choice was the Court dividing the golf  
14 clubs at issue among your brother, you and Mrs. Hopper on  
15 the one hand, or sold by a sheriff at a public sale, do  
16 you have a preference?  
17 A. I prefer they be sold.  
18 Q. And tell me all the reasons why.  
19 A. I don't think we know the current values. I  
20 personally don't have the space to store thousands of  
21 golf clubs. It is also very difficult for me living in  
22 Kansas City to find a way to retrieve those, move those  
23 and determine a better way to sell them.  
24 Q. Any other reasons?  
25 A. No.

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1 Q. And that is your position, even if you learned  
2 that a sale by the sheriff at a public sale would not  
3 produce whatever is the highest value?  
4 A. Yes.  
5 Q. Okay. Have you seen Exhibit 15 before?  
6 A. Yes.  
7 Q. And did you understand that in July of 2013 the  
8 bank was assigning an undivided interest in what we've  
9 called the wine at issue, 50 percent to Mrs. Hopper,  
10 25 percent to you and 25 percent to your brother?  
11 A. Yes.  
12 Q. And if the choice was the Court dividing the  
13 wine among you, your brother and Mrs. Hopper on the one  
14 hand, or ordering a sheriff to sell the wine at a public  
15 sale, do you have a preference?  
16 A. I don't have a strong preference.  
17 Q. Okay. Have you seen Exhibit 16 before?  
18 A. Yes.  
19 Q. And you understood it was a proposed division  
20 of the wine at issue into two groups, A and B?  
21 A. Yes.  
22 Q. And did you ever reach the conclusion that the  
23 division, forget about who gets A or B for a moment, was  
24 inequitable or unfair?  
25 A. I didn't know enough about wine to know the

1 difference.  
 2 Q. Do you have an opinion today whether or not the  
 3 proposed division is inequitable or unfair, putting aside  
 4 for a moment who would get which group?  
 5 A. Yes, I think it would be inequitable without  
 6 current prices because I know some wine appreciates as it  
 7 gets older and some wine depreciates as it gets older.  
 8 Q. Any other reason you believe it would be  
 9 inequitable?  
 10 A. No.  
 11 Q. And if the Court ordered a division of the wine  
 12 according to these groups A and B, do -- where one group  
 13 would be shared with your brother and one group would be  
 14 Mrs. Hopper, do you have a preference between the two  
 15 groups?  
 16 A. I don't have a preference because I don't know  
 17 what today's values are.  
 18 Q. Okay. Did you ever have a preference between  
 19 the two groups?  
 20 A. I never had a preference.  
 21 Q. Did you ever agree to take one group over the  
 22 other?  
 23 A. There were discussions about how to divide it,  
 24 and I was willing to take A.  
 25 Q. Okay. And why were you willing to take A then,

1 but you're not willing to take one of the groups now?  
 2 A. I was willing to take A at the time if certain  
 3 parameters could be met about pick-up, et cetera,  
 4 et cetera. Those terms were never agreed to.  
 5 MR. LOEWINSOHN: Motion to strike,  
 6 nonresponsive.  
 7 Q. (BY MR. LOEWINSOHN) Why were you willing to  
 8 take a group then, but you're not willing to take one of  
 9 the groups now?  
 10 A. I don't think the groups as they were put  
 11 together could be said that it's equitable today because  
 12 we don't know what the values are today.  
 13 Q. Okay. Are you aware Mrs. Hopper has paid  
 14 storage fees for the wine at issue since August of 2013?  
 15 A. Yes.  
 16 Q. Do you know of any reason why you should not  
 17 owe one quarter of those -- at least one quarter of those  
 18 storage fees?  
 19 A. No.  
 20 Q. Have you paid any of those storage fees?  
 21 A. No.  
 22 Q. Have you seen Exhibit 17 before?  
 23 A. Yes.  
 24 Q. And you understood it included a proposed  
 25 division by Mrs. Hopper of the golf clubs into two

1 groups?  
 2 A. Yes.  
 3 Q. Let me ask you a question back on wine for a  
 4 moment. If there was a case of wine for the same year,  
 5 assuming there were enough bottles to do it, would it be  
 6 unfair or inequitable in your mind to divide that case  
 7 50 percent to Mrs. Hopper, 25 percent to you and  
 8 25 percent to your brother?  
 9 A. Based on the E-mails that I read, appraisers  
 10 were suggesting that would not be a good idea because  
 11 wine loses its value when you do that.  
 12 Q. Okay. Any other reason?  
 13 A. No.  
 14 Q. Do you claim that the division of the golf  
 15 clubs at issue into the two groups, putting aside for a  
 16 moment who got which group, is inequitable or unfair?  
 17 A. I wouldn't know based on the current values.  
 18 Q. At one point, you were willing, to use your  
 19 words -- We'll put aside agreement for the moment. At  
 20 one point, you were willing to take your 50 percent share  
 21 of one of the two groups, A or B, as to the golf clubs at  
 22 issue; correct?  
 23 A. I was not happy about it. Yes, I was willing.  
 24 MR. LOEWINSOHN: Okay. Well, motion to  
 25 strike, nonresponsive.

1 Q. (BY MR. LOEWINSOHN) I didn't ask you whether  
 2 you were happy about it, so let's go back to my question.  
 3 At one point, you were willing to take --  
 4 A. I said yes, I was willing.  
 5 Q. Well, I understand that, ma'am. I just need a  
 6 clear record.  
 7 At one point, you were willing to take your  
 8 50 percent share of one of the two groups, A or B, as to  
 9 the golf clubs at issue; correct?  
 10 A. I was willing.  
 11 Q. And which of the two groups was it?  
 12 A. I don't recall. I think it was A.  
 13 Q. Okay. Are you aware Mrs. Hopper has paid  
 14 storage fees on the golf clubs at issue since August of  
 15 2013?  
 16 A. Yes.  
 17 Q. Do you know of any reason you should not owe at  
 18 least a quarter of those storage fees?  
 19 A. No. I'm curious why they were kept in a very  
 20 expensive air-conditioned warehouse.  
 21 Q. Have you ever asked anyone that question?  
 22 A. I recall asking Susan Novak.  
 23 Q. Have you ever -- What did she respond, if  
 24 anything?  
 25 A. I don't recall what she responded.



1 Q. Okay. Have you ever asked anyone else that  
2 question?  
3 A. I may have mentioned that to my attorney Gary  
4 Stolbach.  
5 Q. Anyone else?  
6 A. I can't remember.  
7 Q. Did you ever tell Mrs. Hopper orally or in  
8 writing that you wanted the golf clubs stored somewhere  
9 other than where they were being currently stored?  
10 A. No. All of our communication was between our  
11 attorneys.  
12 Q. Did you ever authorize your attorney to  
13 communicate to Mrs. Hopper through her attorney a  
14 position that where the golf clubs were being stored was  
15 not appropriate?  
16 A. Can you repeat that?  
17 Q. Yes, ma'am. Did you ever authorize your  
18 attorney to communicate to Mrs. Hopper through her  
19 attorney a position that the golf clubs should not be  
20 stored where they were being stored?  
21 A. I don't know if I can answer it in terms of did  
22 I authorize. I remember having conversation.  
23 Q. To your knowledge, did your attorney ever  
24 communicate to Mrs. Hopper through her attorney a  
25 position objecting to where the golf clubs were being

1 stored?  
2 A. I don't re- -- I don't know.  
3 Q. So if the Court asks you today do you think you  
4 should pay a quarter of the storage fees for the golf,  
5 what is your answer?  
6 A. I am willing to pay part of those, certainly.  
7 Q. Well, a part of the quarter or pay a quarter?  
8 A. It would be part of the whole settlement.  
9 Q. Okay. I'm not asking you about a settlement,  
10 ma'am. If the Court asked you today whether you are  
11 willing to pay one quarter of the storage fees for the  
12 golf clubs at issue, what is your answer to the Court?  
13 A. It depends.  
14 Q. It depends on what?  
15 A. It depends on what the rest of the agreement  
16 looks like.  
17 Q. Well, assume the Court says it has nothing to  
18 do with the Court, that the Court is going to decide  
19 whether or not to order you to pay storage fees. Do you  
20 have an answer to the Court whether you should at least  
21 pay a quarter?  
22 A. If the Court tells me I have to pay it, then,  
23 yes, I will pay it.  
24 MR. LOEWINSOHN: That wasn't the question,  
25 ma'am. Motion to strike, nonresponsive.

1 Q. (BY MR. LOEWINSOHN) If the Court asks you are  
2 you willing to pay a quarter of the storage fees for the  
3 golf, regardless of whatever the Court decides on the  
4 other items, what is your answer to the Court?  
5 A. I can't answer that right now.  
6 Q. So you might not be willing to pay a quarter of  
7 the storage fees if the rest of what the Court ordered  
8 was not acceptable to you?  
9 A. I don't know at this -- at this time.  
10 Q. Well, then, I assume my statement is correct,  
11 so tell me if it's not. Is this a true statement: You  
12 might not be willing to pay a quarter of the storage fees  
13 for the golf clubs at issue, depending on what else the  
14 Court orders on the rest of the property? Is that a true  
15 statement?  
16 MR. McNEILL: Objection, form.  
17 Q. (BY MR. LOEWINSOHN) You can answer.  
18 A. Can you restate that one more time?  
19 Q. Is this a true statement: You are not willing  
20 to say to the Court today that you're willing to pay a  
21 quarter of the storage fees of the golf clubs at issue  
22 without knowing what the Court is going to rule on the  
23 rest of the personal property?  
24 A. I don't know.  
25 Q. You don't know if that statement is true?

1 A. I don't know. I don't know how I feel about  
2 that.  
3 Q. So if I ask you today what is your position,  
4 you would say I don't know?  
5 A. Uh-huh.  
6 Q. You need to answer out loud.  
7 A. Yes.  
8 Q. Did you ever yourself or through an attorney  
9 request that Mrs. Hopper move the golf clubs to a  
10 different location?  
11 A. Say that again.  
12 Q. Did you ever yourself or through an attorney  
13 request that Mrs. Hopper move the golf clubs to a  
14 different location?  
15 A. I brought that up in conversation. I don't  
16 know that that request was ever made. I don't know.  
17 Q. Who did you bring it up in conversation with?  
18 A. I believe Gary Stolbach.  
19 Q. Okay.  
20 A. I'm not sure.  
21 Q. As far as any communication to Mrs. Hopper or  
22 her attorneys, are you aware of anyone who communicated  
23 on your behalf or directly through you a request that the  
24 golf clubs be moved to a different facility?  
25 A. I don't know.

1 Q. Do you know of any as you sit here today?  
 2 A. I -- I don't know. There was a lot of  
 3 communication that I wasn't copied on between my attorney  
 4 and Mr. Jennings.  
 5 MR. LOEWINSOHN: Motion to strike,  
 6 nonresponsive.  
 7 Q. (BY MR. LOEWINSOHN) I'm asking what you are  
 8 aware of, ma'am, and if the answer is --  
 9 A. Then I'm not aware of, no.  
 10 Q. Please let me finish my question.  
 11 Are you aware of any communication, written or  
 12 oral, that was delivered to Mrs. Hopper or her attorneys  
 13 requesting that any of the golf clubs at issue be moved  
 14 to a different storage facility?  
 15 A. No.  
 16 Q. Are you aware of any communication to  
 17 Mrs. Hopper or her attorney stating the position that you  
 18 thought the place they were being stored was not  
 19 appropriate, the golf clubs at issue?  
 20 A. Can you please state that again?  
 21 Q. Yes, ma'am. Are you aware of any communication  
 22 to Mrs. Hopper or her attorney stating the position that  
 23 where the golf clubs at issue were being stored was not  
 24 appropriate?  
 25 A. I'm not aware of it.

1 Q. One of your lawyers in this case is Mr. Chris  
 2 McNeill, who's here today representing you; correct?  
 3 A. Yes.  
 4 Q. When did he first become your lawyer?  
 5 A. I can't remember.  
 6 Q. Approximately when?  
 7 A. Three years ago.  
 8 Q. Well, can we bracket it by saying at least by  
 9 June 1, 2013, Mr. McNeill was your attorney?  
 10 A. Yes.  
 11 Q. And has he been your attorney continuously  
 12 since that date to the present?  
 13 A. Yes.  
 14 Q. And since at least June 1, 2013 and continuing  
 15 to the present, has Mr. McNeill been authorized to speak  
 16 orally or -- and in writing on your behalf?  
 17 A. Yes.  
 18 Q. Has Mr. McNeill ever said anything orally or in  
 19 writing purportedly on your behalf that you claim he was  
 20 not authorized to say or do?  
 21 A. There were some things exchanged between he and  
 22 Mr. Jennings that I did not necessarily agree with.  
 23 Q. What are those?  
 24 A. Mostly having to do with the logistics of  
 25 transfer or picking up items.

1 Q. Well, be more specific, please.  
 2 A. So with regard to the Rule 11 agreement, the  
 3 amount of time that it would take to divide, pick up,  
 4 transfer assets for wine, golf clubs, household  
 5 furnishings, anything that was discussed, I was not  
 6 necessarily in agreement with the time frames that were  
 7 being discussed.  
 8 Q. What specifically did Mr. McNeill say orally or  
 9 in writing on your behalf that you now claim he was not  
 10 authorized to say?  
 11 A. I -- I don't have it in front of me.  
 12 Q. Well, are you saying this is some -- a  
 13 document --  
 14 A. Yes.  
 15 Q. -- that he was not authorized to say?  
 16 A. It was discussions between he and Mr. Jennings,  
 17 and I did not necessarily agree with some of the  
 18 discussions that they were having.  
 19 Q. Well, what specifically do you claim  
 20 Mr. McNeill said that he was not authorized to say?  
 21 A. I would have to look at the specific document  
 22 to tell you. I don't -- I don't know if it's in front of  
 23 me or not.  
 24 Q. Well, why don't you look and see, please.  
 25 MR. LOEWINSOHN: Chris, I guess I'm going

1 to have to depose you before the summary judgment in  
 2 light of her testimony.  
 3 MR. McNEILL: We can talk about that later.  
 4 A. I did not agree with this --  
 5 Q. (BY MR. LOEWINSOHN) Excuse me. If you're  
 6 looking at a document, tell me which one.  
 7 A. I'm looking at Exhibit 20 where it says,  
 8 Mr. Jennings, Since JP Morgan has unilaterally taken it  
 9 upon itself to distribute such assets in undivided  
 10 interests, my clients are agreeable to dividing the wine  
 11 and golf club collections per your proposal.  
 12 I'm not sure what that proposal included, but  
 13 if that proposal included the statements that the wine  
 14 and the golf clubs would be picked up within five days or  
 15 three days or within ten days or whatever it seemed like  
 16 all the strings attached were, I was not agreeable to  
 17 that at any point in time because logistically that did  
 18 not work for me living in Kansas City.  
 19 Q. Anything else?  
 20 A. No.  
 21 Q. Did anyone ever communicate, to your knowledge,  
 22 orally or in writing to Mrs. Hopper or her attorney that  
 23 to any extent any statement being made by Mr. McNeill  
 24 that he was not authorized to make?  
 25 A. I believe that this -- those conversations were

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1 taking place when Mr. Jennings decided that they were no  
2 longer going to have any communication. Mr. Jennings  
3 shut down those discussions.  
4 MR. LOEWINSOHN: Motion to strike,  
5 nonresponsive.  
6 Q. (BY MR. LOEWINSOHN) Do you claim that someone  
7 communicated, to your knowledge, orally or in writing to  
8 Mrs. Hopper or her attorney, that to any extent a  
9 statement being made by Mr. McNeill on your behalf was  
10 one that he was not authorized to make?  
11 A. I don't know if he understood how I felt about  
12 a particular issue.  
13 MR. LOEWINSOHN: Motion to strike,  
14 nonresponsive.  
15 Q. (BY MR. LOEWINSOHN) For the third time, do you  
16 claim that someone communicated orally or in writing, to  
17 your knowledge, to either Mrs. Hopper or her attorney  
18 that to any extent a statement being made by Mr. McNeill  
19 on your behalf he was not authorized to make?  
20 A. I believe that when he had followup  
21 conversations with Mr. Jennings, he let it -- he at that  
22 point in time let him know that I was not in agreement.  
23 Q. Okay. First of all, were you present for any  
24 such conversations?  
25 A. No.

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1 Q. Is the sole knowledge that you have of such  
2 conversations statements that Mr. McNeill made to you?  
3 A. Yes, I believe so.  
4 Q. And what is it that Mr. McNeill said to you  
5 specifically?  
6 MR. MCNEILL: Objection. I'm going to  
7 instruct you not to answer that.  
8 Q. (BY MR. LOEWINSOHN) Are you going to refuse to  
9 answer that question?  
10 A. On advice of my attorney, yes.  
11 Q. Okay. Is there anything Mr. McNeill did as  
12 opposed to said purportedly on your behalf that you claim  
13 he was not authorized to do?  
14 A. No.  
15 Q. To your knowledge, did Mr. McNeill ever  
16 communicate to Mr. Jennings or any lawyer on behalf of  
17 Mrs. Hopper that something he had previously said  
18 purportedly on your behalf was not accurate?  
19 A. Not to my knowledge. I don't know.  
20 Q. Did you ever direct him to do so?  
21 A. That was --  
22 MR. MCNEILL: I'm going to instruct you not  
23 to answer that.  
24 THE WITNESS: Okay.  
25 Q. (BY MR. LOEWINSOHN) Are you going to refuse to

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1 answer that question?  
2 A. On advice of my attorney.  
3 Q. All right. Let's look at Exhibit 18. Have you  
4 ever seen that document before?  
5 A. Vaguely.  
6 Q. Okay. Now, Exhibit 19, have you seen that  
7 document before?  
8 A. Yes.  
9 Q. Did you receive a copy of Exhibit 19?  
10 A. I don't recall.  
11 Q. Was Mr. McNeill authorized on your behalf to  
12 send the E-mail marked Exhibit 19?  
13 A. I believe so.  
14 Q. Okay. Now, would you look at Exhibit 20? Have  
15 you seen that document before?  
16 A. Yes.  
17 Q. Have you seen Exhibit 21 before?  
18 A. I believe so, yes.  
19 Q. And did you see it around the time it was sent?  
20 A. I don't recall.  
21 Q. And was Mr. McNeill authorized to send  
22 Exhibit 21 on your behalf?  
23 A. I assume so, yes.  
24 Q. Okay. Exhibit 22, have you seen that document  
25 before?

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1 A. Yes.  
2 Q. Would you agree or disagree with this  
3 statement: The conditions of any agreement relating to  
4 retrieval time and storage for the wine at issue and the  
5 golf clubs at issue were minor details of any agreement?  
6 A. Disagree.  
7 Q. Never thought they were minor?  
8 A. Never thought they were minor.  
9 Q. Okay.  
10 (Exhibit 25 marked)  
11 Q. Show you what's been marked Exhibit 25. Can  
12 you identify that as an E-mail you sent to Ms. Hopper --  
13 Mrs. Hopper?  
14 (Discussion off the record)  
15 A. Yes.  
16 Q. And did you tell the truth in your E-mail to  
17 Mrs. Hopper?  
18 A. I did.  
19 Q. All right. Look at paragraph 1. You're  
20 talking about an agreement regarding dividing the golf  
21 clubs at issue and the wine at issue. That's the subject  
22 matter of paragraph 1; correct?  
23 A. Correct.  
24 Q. And you say toward the end, To be clear, there  
25 was never any disagreement about resolving this by the

1 A/B format. And that's a true statement regarding both  
2 the golf clubs at issue and the wine at issue; correct?  
3 A. At that time.  
4 Q. And then you say, Only minor details of the  
5 agreement were being worked on. The minor details of the  
6 agreement were being worked on related to issues about  
7 retrieval time and storage; correct?  
8 A. Correct.  
9 Q. So do you want to change your sworn testimony  
10 that you never described and thought of the issues  
11 regarding retrieval and storage as minor details?  
12 A. I think it depends on how you discuss minor and  
13 in what context. Minor in terms of working out an  
14 agreement, yes. It should not have been difficult to  
15 work out those details. Minor in terms of logistics and  
16 how long it would take me to arrange pick-up and where I  
17 was going to put those and how I was going to get them  
18 from Kansas City and moving wine under refrigerated  
19 temperatures and all of that, I -- I would say that that  
20 was more than minor.  
21 Q. Okay. We can agree that in this E-mail, you  
22 described issues of retrieval time and storage as minor  
23 details with no qualification. We can agree with that,  
24 can't we, in this E-mail?  
25 A. I don't think we can agree with that.

1 Q. Okay.  
2 A. I was talking about minor in terms of  
3 agreement, so what should have been minor in terms of us  
4 being able to agree on something, yes, they were minor.  
5 My -- In my opinion, those should have been able to be  
6 worked out very early in the process, and they were not.  
7 There were always strings attached and demands that were  
8 clearly unreasonable.  
9 MR. LOEWINSOHN: Motion to strike,  
10 nonresponsive.  
11 Q. (BY MR. LOEWINSOHN) You described in this  
12 E-mail the issues of retrieval time and then storage  
13 after retrieval as minor details; true?  
14 A. Minor details to the agreement, not minor  
15 details in terms of logistics.  
16 Q. Got it. So they were -- Strike that.  
17 I understand now. So retrieval time and  
18 storage issues as it related to any agreement, you would  
19 describe as minor details of the agreement and did so in  
20 this E-mail; correct?  
21 A. Incorrect.  
22 Q. Did you not describe --  
23 A. I --  
24 Q. Excuse me, please.  
25 Did you not describe in this E-mail the issues

1 of retrieval time and storage as minor details of the  
2 agreement; yes or no?  
3 A. I believe that is how you are reading it.  
4 Q. Those were your words, were they not, ma'am,  
5 minor details of the agreement? Am I reading those words  
6 correctly?  
7 A. Minor details in terms of the agreement being  
8 drawn up, should have been minor details in how you reach  
9 an agreement on that, yes, it should have been minor. It  
10 ended up not being minor. In my opinion, at the time, it  
11 should have been minor.  
12 Q. Well, you --  
13 A. It turned out it was not minor.  
14 Q. You were aware when you wrote this E-mail about  
15 what the disagreements according to you of the parties  
16 were regarding retrieval time and storage.  
17 A. This was --  
18 Q. That's why you wrote this E-mail; correct?  
19 A. -- October of 2011.  
20 Q. Yes, ma'am. And there had already been all  
21 kinds of discussions at that point about retrieval time  
22 and storage?  
23 A. There had not been a lot of discussion about  
24 retrieval time and storage --  
25 Q. So --

1 A. -- specifically.  
2 Q. So as of October 17th, 2011, no, in your  
3 opinion, unreasonable demands regarding retrieval time  
4 and storage had been made --  
5 A. It hadn't -- it hadn't been --  
6 Q. Ma'am, you're going to have to let me finish,  
7 please.  
8 A. Sorry.  
9 Q. Okay. The reporter cannot get us both. Let me  
10 finish and then you can take whatever time you need to  
11 answer; okay?  
12 A. Yes.  
13 Q. As of the time of this E-mail, were there  
14 coming from Mrs. Hopper, according to you, unreasonable  
15 demands about retrieval time or storage?  
16 A. Those had not been discussed.  
17 Q. So then why had an agreement, according to you,  
18 not been reached by October 2011?  
19 A. The specifics just hadn't been discussed.  
20 Q. Well, it had been talked about since July, at  
21 least; correct?  
22 A. Correct.  
23 Q. So explain to us, if there was nothing  
24 unreasonable, according to you, coming from Mrs. Hopper,  
25 why an agreement had not been reached by October 2011?

1 A. I can't recall.  
2 Q. No recollection?  
3 A. I can't recall specifically, no.  
4 Q. Well, can you recall generally why no agreement  
5 had been reached?  
6 A. In October 2011, no.  
7 Q. Now, let's go back to Exhibit -- Exhibit 19,  
8 please. Did Mr. McNeill accurately express your intent  
9 in this E-mail as of that date?  
10 A. I don't recall if this is part of the Rule 11  
11 or what -- what this is part of.  
12 Q. So you can't tell me whether or not this  
13 adequately expressed your intent as of that date?  
14 A. I can't.  
15 Q. Well --  
16 A. There were so many agreements going back and  
17 forth, I don't know -- Without the context, I don't know  
18 what this relates to, specifically the time frame.  
19 Q. Well, the time frame is January 2015.  
20 A. This has been six years' worth of --  
21 Q. Yes, ma'am, but this was last year, not six  
22 years ago.  
23 A. There's a lot that happens in a year. I don't  
24 recall.  
25 Q. You're not testifying it doesn't express your

1 A. That's a pretty broad statement.  
2 MR. McNEILL: Objection, form.  
3 Q. (BY MR. LOEWINSOHN) Well, I mean it to be  
4 broad. Have you ever told Mrs. Hopper a lie?  
5 A. Not that I'm aware of.  
6 Q. Okay. Are you aware of any time where you  
7 wrote an E-mail to Mrs. Hopper in the last five years  
8 where you told her something that wasn't true?  
9 A. No.  
10 Q. Are you claiming that what you said to  
11 Mrs. Hopper in the E-mail at the top wasn't true?  
12 A. No.  
13 Q. Okay. Does this document now refresh your  
14 recollection that in fact as you told Mrs. Hopper in this  
15 E-mail that the E-mail from Mr. McNeill, which has also  
16 been marked Exhibit 19, did in fact reflect your intent  
17 at the time?  
18 A. I guess so. I can't tell you what that intent  
19 was because I don't have it within context.  
20 Q. Well, when you say you don't have it in  
21 context, you knew there had been previously a proposed  
22 partition of the wine and golf with you and your brother  
23 getting group A from the wine and the golf as Mrs. Hopper  
24 had proposed. You knew about that; correct?  
25 A. Yes.

1 intent; you're just saying you don't know whether it  
2 does?  
3 A. I'm saying I don't recall.  
4 Q. Okay.  
5 (Exhibit 26 marked)  
6 Q. Show you what's been marked as Exhibit 26. Can  
7 you reach that? Can you identify that as an E-mail you  
8 sent to Mrs. Hopper that, of course, has other E-mails  
9 attached to it in the chain?  
10 (Witness perusing document)  
11 Q. Yes, ma'am?  
12 A. I'm sorry. What was the question?  
13 Q. Is Exhibit 26 an E-mail that you sent to  
14 Mrs. Hopper that obviously had other E-mails embedded in  
15 it?  
16 A. Yes.  
17 Q. Did you tell Mrs. Hopper the truth when you  
18 wrote the E-mail?  
19 A. I guess so.  
20 Q. You guess?  
21 A. I -- I can't keep all this straight, quite  
22 frankly. I don't know, again, in context when this --  
23 Q. Wait a minute, ma'am. Have you ever told  
24 Mrs. Hopper a lie?  
25 MR. McNEILL: Objection.

1 Q. And you knew there was a discussion about you  
2 and your brother reimbursing Mrs. Hopper for 50 percent  
3 of the storage expenses --  
4 A. Yes.  
5 Q. -- for the wine and the golf; correct?  
6 A. I was -- I was aware of those discussions.  
7 Q. All right. So when your lawyer says that you  
8 are amenable to proceeding with the previously proposed  
9 partition of the wine and golf in the two groups,  
10 including the reimbursement, as you state to Mrs. Hopper  
11 on January 13, 2014, that was your intent; correct?  
12 A. That was my intent at the time.  
13 Q. Now, you are aware of the PointServ stock?  
14 A. Yes.  
15 Q. And you have heard that the cost to re-register  
16 the stock so it could be split in separate shares would  
17 exceed potentially its current value?  
18 A. That's what I've been told.  
19 Q. Do you know anything differently than that?  
20 A. No.  
21 Q. Okay. Do you have a position today as to what  
22 should happen to the PointServ stock?  
23 A. No.  
24 Q. Let me ask you this question. With respect to  
25 the art at issue and the personal property at issue, and

1 I guess for that matter the wine at issue and the golf  
2 clubs at issue, all of it or any of it, if current values  
3 were known and the property were divided equitably and  
4 fairly so that each of the groups had an equal value,  
5 relatively speaking, would you still prefer that the  
6 Court order that it be sold by a sheriff at a public  
7 sale, even if that would not bring full value?  
8 A. Yes.  
9 Q. And that's because you don't want to have to  
10 mess with having to sell it yourself; is that correct?  
11 A. Partially, yes.  
12 Q. Well, is there any other reason?  
13 A. I think it would just be easier all the way  
14 around.  
15 Q. Okay. But any other reason that you think it  
16 would be easier or you would prefer it?  
17 A. No.  
18 Q. And would you have any objection, assuming  
19 there were current values, of the Court dividing it in  
20 some equitable or fair fashion among the three groups  
21 according to some reasonable estimation of value and  
22 allowing Mrs. Hopper to have her portion given to her to  
23 do with what she wished and your portion and your  
24 brother's portion, if he agreed, sold by a sheriff at a  
25 public sale?

1 A. It depends if it was based on current values.  
2 Q. If it was.  
3 A. Current values as opposed to 2010 values?  
4 Q. Yes, ma'am.  
5 A. I would have no problem with that.  
6 Q. Okay. Have you communicated -- have you  
7 communicated with your brother in writing -- Strike  
8 that.  
9 Do you ever text your brother?  
10 A. No.  
11 Q. Have you communicated in writing with your  
12 brother by E-mail over the years about any of these  
13 property issues?  
14 A. One time, and I think I presented that to you.  
15 Most of our communication is by phone. The times that we  
16 do E-mail each other, it's always with our attorney.  
17 Q. Okay. And what did you personally do to go  
18 back and search for documents in this case?  
19 A. I have most of my E-mails separated into  
20 different buckets, so to speak, so most of the E-mails  
21 that I have that are related to division of assets are in  
22 a particular sub folder.  
23 Q. What, if anything, did you do to go back and  
24 ensure yourself that your sub folder contained all  
25 responsive E-mails?

1 A. I went through every E-mail in that sub folder,  
2 number one. And, number two, I -- I did a search on my  
3 computer for anything that had to do with wine, with  
4 golf, anything that had to do with division of assets.  
5 MR. LOEWINSOHN: Okay. Can we take a short  
6 break and visit with my client?  
7 MR. McNEILL: Yeah.  
8 MR. LOEWINSOHN: Okay.  
9 THE VIDEOGRAPHER: Going off the videotape  
10 record at 1:51 p.m. We're off the record.  
11 (Recess from 1:51 to 2:10 p.m.)  
12 THE VIDEOGRAPHER: Back on the videotape  
13 record at 2:10 p.m.  
14 Q. (BY MR. LOEWINSOHN) How is it that you got to  
15 Mr. McNeill as an attorney?  
16 A. I don't actually remember. I believe he was  
17 recommended to us by another attorney, Lenny Vitullo.  
18 Q. Did you know that Mr. McNeill's background was  
19 in corporate finance and mergers and acquisitions?  
20 A. Yes.  
21 Q. And why is it that you wanted that type of  
22 lawyer as opposed to one who said he specialized in trial  
23 work or probate work?  
24 A. Mr. Vitullo said that he was a very good --  
25 MR. McNEILL: I'm going to instruct you not

1 to answer that --  
2 THE WITNESS: Okay.  
3 MR. McNEILL: -- if it's based on  
4 communications with Mr. Vitullo.  
5 Q. (BY MR. LOEWINSOHN) When did you first hire  
6 Mr. Vitullo as your attorney?  
7 A. I don't recall.  
8 Q. Do you have a written agreement with  
9 Mr. Vitullo?  
10 A. Yes.  
11 Q. When was that executed?  
12 A. I don't recall.  
13 Q. Well, was it executed in 2015?  
14 A. It was before then.  
15 Q. '14?  
16 A. I don't recall specifically.  
17 Q. Okay. Are you suing Mr. Stolbach?  
18 A. To my knowledge, no, nothing has been filed.  
19 Q. Have threats been made to sue him on your  
20 behalf?  
21 A. I don't -- I don't know.  
22 Q. You're telling us under oath you have no idea  
23 if a threat has been made to sue Mr. Stolbach?  
24 A. I am telling you that because I don't know what  
25 conversations have taken place between my attorney and

1 Mr. Stolbach.  
2 Q. And you haven't seen anything in writing making  
3 threats?  
4 A. I have not.  
5 MR. LOEWINSOHN: Subject to the documents  
6 which I still believe have not been produced, at this  
7 time, we pass the witness.  
8 Thank you, ma'am, for your time.  
9 MR. McNEILL: No questions.  
10 THE VIDEOGRAPHER: Going off the videotape  
11 record at 2:11 p.m. We're off the record.  
12 (Deposition concluded at 2:11 p.m.)  
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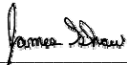
1 SIGNATURE PAGE  
2 I, LAURA S. WASSMER, have read the foregoing  
3 deposition and hereby affix my signature that same is  
4 true and correct, except as noted above.  
5  
6 \_\_\_\_\_  
7 LAURA S. WASSMER  
8 THE STATE OF \_\_\_\_\_ )  
9 COUNTY OF \_\_\_\_\_ )  
10 Before me, \_\_\_\_\_, on this day  
11 personally appeared LAURA S. WASSMER, known to me or  
12 proved to me on the oath of \_\_\_\_\_ or through  
13 \_\_\_\_\_ (description of identity card  
14 or other document) to be the person whose name is  
15 subscribed to the foregoing instrument and acknowledged  
16 to me that she executed the same for the purpose and  
17 consideration therein expressed.  
18 Given under my hand and seal of office on this \_\_\_\_  
19 day of \_\_\_\_\_, \_\_\_\_\_.  
20  
21  
22 \_\_\_\_\_  
23 NOTARY PUBLIC IN AND FOR  
24 THE STATE OF \_\_\_\_\_  
25 My Commission Expires: \_\_\_\_\_

1 CHANGES AND SIGNATURE  
2 WITNESS: LAURA S. WASSMER DATE: 02/05/2016  
3 PAGE LINE CHANGE REASON  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
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25 \_\_\_\_\_

1 CAUSE NO. DC-13-09969  
2 JO N. HOPPER, \$ IN THE DISTRICT COURT OF  
3 \$  
4 Plaintiff, \$  
5 \$  
6 v. \$ 44TH JUDICIAL DISTRICT  
7 \$  
8 LAURA S. WASSMER and \$  
9 STEPHEN B. HOPPER, \$  
10 \$  
11 Defendants. \$ DALLAS COUNTY, TEXAS  
12  
13 -----  
14 REPORTER'S CERTIFICATE TO THE  
15 ORAL DEPOSITION OF  
16 LAURA S. WASSMER  
17 FEBRUARY 5, 2016  
18 -----  
19 I, James M. Shaw, RMR, Certified Shorthand Reporter  
20 No. 1694 in and for the State of Texas, hereby certify to  
21 the following:  
22 That the witness, LAURA S. WASSMER, was duly sworn  
23 by the officer and that the transcript of the oral  
24 deposition is a true record of the testimony given by the  
25 witness;  
That the deposition transcript was duly submitted on  
February 11, 2016 to the witness or to the attorney for  
the witness for examination, signature, and return to  
Shaw Reporting & Digital Video Services by March 1, 2016.  
That pursuant to information given to the deposition  
officer at the time said testimony was taken, the

1 following includes all parties of record and the amount  
 2 of time used by each party at the time of the deposition:  
 3  
 4 FOR THE PLAINTIFF:  
 5 ALAN S. LOEWINSOHN, ESQ. - 1 hour 12 minutes  
 alanl@LFDlaw.com  
 6 KERRY SCHONWALD, ESQ.  
 kerrys@LFDlaw.com  
 7 LOEWINSOHN FLEGLE DEARY, LLP  
 12377 Merit Drive, Suite 900  
 8 Dallas, Texas 75251  
 Telephone: 214.572.1700  
 9 Fax: 214.572.1717  
 10  
 11 FOR THE DEFENDANTS:  
 12 CHRISTOPHER M. McNEILL, ESQ. 0 hours 0 minutes  
 mcneill@bgvllp.com  
 13 BLOCK, GARDEN & McNEILL, LLP  
 Sterling Plaza  
 14 5956 Sherry Lane, Suite 900  
 Dallas, Texas 75225  
 15 Telephone: 214.866.0900  
 Fax: 214.866.0991  
 16  
 AND  
 17  
 JON AZANO, ESQ. - 0 hours 0 minutes  
 18 jazano@feesmith.com  
 FEE, SMITH, SHARP & VITULLO LLP  
 19 Three Galleria Tower  
 13155 Noel Road, Suite 1000  
 20 Dallas, Texas 75240  
 Telephone: 972.934.9100  
 21 Fax: 972.934.9200  
 22 I further certify that I am neither counsel for,  
 23 related to, nor employed by any of the parties in the  
 24 action in which this proceeding was taken, and further  
 25 that I am not financially or otherwise interested in the

1 FURTHER CERTIFICATION UNDER TRCP RULE 203  
 2 The original deposition was/was not returned to the  
 3 deposition officer on \_\_\_\_\_.  
 4 If returned, the attached Changes and Signature  
 5 page(s) contain(s) any changes and the reasons therefor.  
 6 If returned, the original deposition was delivered  
 7 to \_\_\_\_\_, Custodial Attorney.  
 8 That \$\_\_\_\_\_ is the deposition officer's charges  
 9 to the attorney(s) representing the Plaintiff for  
 10 preparing the original deposition and any copies of  
 11 exhibits;  
 12 That the deposition was delivered in accordance with  
 13 Rule 203.3, and that a copy of this certificate, served  
 14 on all parties shown herein and filed with the Clerk.  
 15 Certified to by me on this \_\_\_\_ day of  
 16 \_\_\_\_\_, \_\_\_\_\_.  
 17  
 18  
 19 \_\_\_\_\_  
 James M. Shaw, RMR, Texas CSR No. 1694  
 20 Expiration date: 12/31/2016  
 Firm Registration No. 348  
 21  
 22 SHAW REPORTING & DIGITAL VIDEO SERVICES  
 4441 Carolina Street  
 23 Grand Prairie, Texas 75052  
 Toll Free: 877.223.2997  
 24 Metro: 972.263.4353  
 Fax: 972.642.9167  
 25 E-mail: jmshaw@sbcglobal.net

1 outcome of this action.  
 2 Further certification requirements pursuant to  
 3 Rule 203 of the Texas Code of Civil Procedure will be  
 4 complied with after they have occurred.  
 5 Certified to by me on this 10th day of February,  
 6 2016.  
 7  
 8   
 9 \_\_\_\_\_  
 James M. Shaw, RMR, Texas CSR No. 1694  
 10 Expiration date: 12/31/2016  
 Firm Registration No. 348  
 11  
 12 SHAW REPORTING & DIGITAL VIDEO SERVICES  
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 15 E-mail: jmshaw@sbcglobal.net  
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