



STETSON LAW

**2013
SIXTH ANNUAL
NATIONAL PRETRIAL COMPETITION
~Amended September 24, 2013~**

The Competition will be held on October 10–13, 2013
at Stetson University College of Law,
Gulfport, Florida,
in cooperation
with

 *The Center for Excellence in*
ADVOCACY
STETSON UNIVERSITY COLLEGE OF LAW

TABLE OF CONTENTS

- Deposition of Todd Bruno*
*(see corrected language on page 3, line 2—“truck” should be “jaguar”)
- Deposition of Charles H. Rose, III*
*(see amended language on page 1, starting with line 14 and continuing through line 20; also see amended language on page 4, lines 38–39)
- Deposition of Jean Rose
- Deposition of Michelle Rose

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

[Excerpts from the]

Deposition of Todd Bruno
(Plaintiff Witness; Deposition taken by Defense Counsel)

[Deponent was properly sworn; transcript was properly generated and solemnized; all objections except as to privilege and the form of the questions were reserved.]

* * *

- 1 Q. Please state and spell your name for the record.
2 A. *Todd Bruno. B-R-U-N-O.*
3
4 Q. Mr. Bruno, where do you live?
5 A. *Over off of Tyrone, here in town.*
6
7 Q. And what state is that in?
8 A. *I'm surprised you didn't know—it's in Loyola!*
9
10 Q. What do you do for a living?
11 A. *I'm a painter.*
12
13 Q. Like an artist?
14 A. *Not exactly. I paint houses.*
15
16 Q. How long have you been a house painter?
17 A. *About 3 months.*
18
19 Q. So—we're talking since May?
20 A. *Approximately.*

1
2 Q. What did you do for a living before you painted houses?
3 A. *I was unemployed while I was trying to recover from the car accident where your client*
4 *almost killed me.*
5
6 Q. Before that accident, what did you do to support yourself?
7 A. *I was unemployed. I lived with my stepmother and took care of her. She is disabled.*
8
9 Q. Have you ever been convicted of a crime, the penalty for which was more than a year in jail?
10
11 [Mr. Bruno to Plaintiff's Attorney]: *Do I have to answer that?*
12 [Plaintiff's Attorney to Mr. Bruno]: You do.
13 A. By Mr. Bruno: *Sort of.*
14
15 Q. Please explain.
16 A. *It was in prison for something that I didn't do. It may be hard to believe, but I ended up in*
17 *prison for something that I didn't do.*
18
19 Q. You may be right at least about what is hard . . . but what was it that you claim that you
20 didn't do that resulted in you being in prison?
21 A. *They claimed that I embezzled money from a car dealership where I worked.*
22
23 Q. What was the name of the dealership?
24 A. *Harrison's Luxury Autos over on 34th Street.*
25
26 Q. How much money did they say that you embezzled?
27 A. *1.2 million dollars. I know who actually did take that money. I was framed.*
28
29 Q. Who took it?
30 A. *Peggy Gordon. She was my assistant and she dummied up the books to make it appear as*
31 *though I was the one who took the money.*
32
33 Q. Did the case go to trial?
34 A. *No. I pled guilty—even though I didn't do it.*
35
36 Q. Why did you do that?
37 A. *My crook of a lawyer told me to. He said that a jury would be bound to blame me and I'd get*
38 *even more time in the big house. I've since heard that my lawyer was married to Peggy*
39 *Gordon's cousin and I'm sure that he was just trying to keep Gordon out of jail. I'm suing that*
40 *dang lawyer now, too.*
41
42 Q. Let me ask you about the car accident involving Mr. Rose. Tell me how that happened.
43 A. *I was driving eastbound on Gandy Blvd. in the right-hand lane. When I came to the I-275*
44 *exit, I was planning to keep going straight when this guy in a Jeep, who was in the middle lane,*
45 *decided at the last minute to take the exit to the right. He just cut me off. He must have been*
46 *drinking. Fact is while we were waiting for the cops to arrive, the two of us were talking and I*

1 *smelled booze on his breath. He was crazy. He ran me off the road into the ditch where my*
2 *jaguar turned over about 3 times and I ended up in the hospital for 10 days, and then in rehab*
3 *for another 3 months.*

4
5 Q. Do you realize that your present lawyer, has filed a motion to have your lawsuit against
6 Mr. Rose returned or “remanded” to the state court in Loyola?

7 A. *Of course I do. That Charlie Rose is just hoping that I’ll take less money if we go to federal*
8 *court, instead of what a state court jury here in Loyola would give me for what he did to me.*
9 *That just ain’t gonna happen. My lawyer says that Rose is just pretending to have a reason to*
10 *move the case out of a Loyola state court. And I’m sure that’s true.*

11
12 Q. How are you sure that Mr. Rose is has no basis to move the case to federal court.

13 A. *My lawyer told me that in order to get it out of Loyola’s state court that Rose must be a*
14 *resident or a citizen of another state and I know that’s not true.*

15
16 Q. How do you know that?

17 A. *I was sitting inside the ambulance waiting to go to the hospital and I heard Rose talking to*
18 *the police outside. The cop said that when she had run Rose’s name through her computer that*
19 *she found out that he was wanted, or something, in some other state. He said that couldn’t me*
20 *because he had lived in Loyola for years and this was his home. I could hear him insisting that*
21 *there must be a mistake—that there were lots of Charlie Roses including some on TV so the one*
22 *that the cop was talking about must be some other Charlie Rose and that he never even was in*
23 *that other state. Obviously he was lying about not having been to that other state, but he sure*
24 *was certain that he was from Loyola.*

25
26 Q. Do you know his ex-wife?

27 A. *Why would you ask that? Nancy wasn’t at the accident scene.*

28
29 Q. Just answer my question—and I didn’t mention her name, you did. So you must know her,
30 right?

31 A. *We’ve met. And I do know her.*

32
33 Q. Have you ever discussed the lawsuit that you filed against Mr. Rose with his ex-wife?

34 A. *Let me think. Of course she knew about it but I don’t remember any details of any time that*
35 *we might have talked about me suing her ex.*

36
37 Q. Have you met with her socially?

38 A. *I’m not sure I understand what you mean.*

39
40 Q. Have you dated her?

41 A. *I suppose you might call it that. We did go out a couple of times—maybe 8 or 10 times—and*
42 *we went to the Bahamas for a weekend last fall, but I’m not sure how this applies to the fact that*
43 *Rose injured me because of his negligence.*

1 Q. Have you discussed with the ex-spouse, what you might do if you were to get a settlement
2 from this lawsuit?

3

4 [Bruno to Plaintiff's Attorney]: *Do I have to answer that?*

5 [Plaintiff's Attorney to Defense Counsel]: How could that possibly be relevant to any issue here
6 today?

7 [Defense Attorney to Plaintiff's Counsel]: As you know, relevance is not the test for a question
8 in deposition.

9 [Defense Attorney to Bruno]: Answer the question.

10 [Plaintiff's Attorney to Bruno]: *I think that you'd better. Don't worry; this won't come out at
11 trial.*

12

13 Bruno: *What was the question again?*

14

15 Q. Have you ever discussed with Rose's ex-wife what you might do if you were to get a
16 settlement from this lawsuit?

17 A. *No. We didn't.*

18

19 Q. Did Rose's ex-wife ever tell you if Rose had told her whether or not he intended to remain in
20 Stetson after he got out of prison?

21 A. *Yes. She said that she was sure that she had a plan that would get Rose to come back to
22 Loyola to live because he moved there in the first place to be near their daughter. The ex-wife
23 also said that Rose promised their daughter that he would be close by so that she could visit on
24 the weekends and they could take vacations together. I'm not sure how I feel about him coming
25 back because I sort of see myself. . . never mind.*

26

27 Q. Other than what you claim that you heard Mr. Rose say to the investigating officer at the
28 accident scene about living in Loyola, can you give any other testimony today as to whether or
29 not Mr. Rose intends to stay in Stetson after he is released?

30 A. *I guess not.*

31

32 Q. Can you or not?

33 A. *No.*

34

35 [By Plaintiff's Counsel]: I have no more questions of this Deponent.

36 [By Defense Counsel]: We'll reserve our questions.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

[Excerpts from the]

Deposition of Charles H. Rose, III
(Defendant; Deposition taken by Plaintiff's Counsel)

[Deponent was properly sworn; transcript was properly generated and solemnized; all objections except as to privilege and the form of the questions were reserved.]

* * *

1 Q. Please state your full name for the record.

2 A. *Charles H. Rose, the Third.*

3

4 Q. Mr. Rose, where do you live?

5 A. *I currently live at the Indian River Prison, here in Stetson. When I am released in a few*
6 *weeks, I will be living over in Palm City which is near the facility where I am now housed.*

7

8 Q. Why are you in prison?

9 A. *I was arrested for picketing outside a VFW back in 2009. I thought the charges were*
10 *dropped, but apparently they weren't. It was because they considered me a fugitive that the case*
11 *became such a big deal. Fact is—it was all a misunderstanding.*

12

13 Q. How did you find that out?

14 A. *I'm divorced and my "ex" moved to Loyola in 2010 with my daughter. I followed them there*
15 *later in 2010 so that I could see Jean every other weekend. In late 2011 or early 2012, I got a*
16 *place in Stetson and was going back and forth because I had interests in both states. One time*
17 *when I was in Loyola, I was involved in an accident and apparently when the investigating*
18 *officer ran some kind of computer check, the fact that the police considered me a "fugitive" back*
19 *here in Stetson showed up. I was taken to jail immediately where I waived extradition and was*
20 *sent back to Stetson to serve fourteen months. Did I mention that I'm about to be released?*

21

22

1 Q. I understand that you claim that you are now a citizen of Stetson.

2 A. *I live here now. I was living here when I was served with that stupid law suit from your*
3 *client, Counselor. And I had been living here in Stetson before that for several months. I plan to*
4 *live here. I'm not sure how much more I can tell you on that point.*

5
6 Q. Actually, Mr. Rose, there is much more that you need to tell me on that point, so let's talk
7 about it. Tell me why you were living in Loyola.

8 *When I was first married I lived in Atlanta, Georgia. That was back in December of 1996. Our*
9 *daughter was born in 1998. My ex and I divorced in 2009. Since I traveled a lot, she managed*
10 *to get primary custody of our daughter. I am pretty sure that it was just to spite me, but for some*
11 *reason—over my objections—my ex got the court's permission to move to Loyola and take Jean*
12 *with her. Because I was determined to keep some kind of relationship with my daughter, I*
13 *moved to Loyola to be near her.*

14
15 Q. Why has that changed now? In other words, why would you claim to want to permanently
16 locate in Stetson when you get out of prison when Jean lives in Loyola since you say that you
17 moved there to be near her? Your daughter does now live in Loyola, doesn't she?

18 A. *She does. And I do want to be near Jean. My ex has just about messed her up completely.*
19 *She has had drug issues and been in and out of trouble with the law since almost the same day*
20 *that I came here to Stetson to serve my time.*

21
22 Q. You did not answer my question. Do you want me to repeat it?

23 A. *I was getting to it. My new wife, Michelle and I have put down some roots here in Stetson.*
24 *When Jean was visiting me one day, a couple of months ago, she met Michelle and the three of*
25 *us discussed setting up a plant nursery here in Stetson. I'm sure Jean will come to live with*
26 *Michelle and me here in Stetson. This is my new home and it will be wonderful to have Jean*
27 *here with me.*

28
29 Q. Have you and your new wife actually done anything to begin the process of setting up that
30 nursery you claim you are going to open.

31 A. *We are going to open it, Counsel. And, yes, we've done something. The first of May, we took*
32 *out a twenty-year lease a 100-acre site just outside of Palm City, Stetson—only a few miles from*
33 *here. Michelle told me that our down payment covered some back taxes the previous owner (he*
34 *is in another cell block here as well—something to do with what he was growing on that land*
35 *before he was caught) owed and our lawyer, Anna Wireman, has also managed to get us a*
36 *zoning waiver so that we can open a retail outlet for our plants on the highway where the 100*
37 *acres fronts. Anna knows the right people and she got that waiver for us about 10 days after we*
38 *signed the lease. We've also hired our first employee, Michelle's brother. He has lots of*
39 *experience in botany from what I understand. We are opening a nursery in Stetson, end of story.*

40
41 Q. At any point did you make arrangements to set up a business of any kind in Loyola?

42 A. *Sort of.*

43
44 Q. What do you mean by that?

45 A. *Well I sort of talked about opening up a business there with Jean—but that was before I came*
46 *here to Stetson.*

1 Q. Didn't you actually sign a lease in Hudson?

2 A. *Yes, but I'm sure that my lawyer, Ms. Wireman, can get me out of it.*

3

4 Q. Have you taken any steps whatsoever to break that lease?

5 A. *No.*

6

7 Q. Why not?

8 A. *Well, I thought it might be nice to have businesses and ties in both states—Loyola and*
9 *Stetson—just in case.*

10

11 Q. In case of what?

12 A. *In case my new marriage doesn't work out. Or in case Jean would not move here to Stetson.*
13 *That way Jean and I would still have something together.*

14

15 Q. In Loyola?

16 A. *Yes, I suppose so.*

17

18 Q. Do you have bank accounts?

19 A. *Of course I do. I have a savings, checking and money market accounts—all at Bank of*
20 *America.*

21

22 Q. Where are those set up?

23 A. *I opened them in Georgia when I was first married, but I now have accessed them in both*
24 *Loyola and Stetson. In fact, Michelle and I added a joint account here in Stetson so she can*
25 *write checks for me, both for the nursery and other incidentals.*

26

27 Q. Have you established any other ties to Stetson than the lease that you and your new wife have
28 signed?

29 A. *I have joined the Catholic parish near here as well.*

30

31 Q. How did that happen?

32 A. *That church has a couple, an elementary school teacher and her husband, who come to the*
33 *prison every weekend—mostly on Sundays but sometimes on Saturday evenings—and lead in*
34 *religious discussions. I was raised in a religious home. We were Mormons. Anyway, when I*
35 *went to one of those meetings all of the wonderful feelings that I had as a boy in church came*
36 *back to me. And, this couple said the most exciting things about their church so I have decided*
37 *to join it when I get out.*

38

39 Q. I thought you said that you have already joined it.

40 A. *In my head and heart, I have. But as I understand it I have to go through some kind of class*
41 *that is taught by one of the preachers or priests there before it is official.*

42

43 Q. Do you own property in Loyola?

44 A. *Yes. I also own property in Ohio.*

45

46

1 Q. What about Stetson? Do you own property here?
2 A. *Not yet, but I have signed that long-term lease I told you about.*
3
4 Q. Let me ask you about the accident you had back in Loyola. Do you remember Mr. Bruno?
5 A. *I will never forget that crook. He was a pain from the second that I laid eyes on him. I'm*
6 *sure that somehow he and my ex conspired to get me back in Loyola.*
7
8 Q. Why do you say that your ex may have conspired with Mr. Bruno?
9 *Because some of the things he has claimed about me could only have come from her. Only from*
10 *her.*
11
12 Q. Do you agree that you were a resident or a "citizen" of Loyola at the time of the accident?
13
14 [By Defense Counsel]: Objection. Calls for a legal conclusion.
15 [Defense counsel to Mr. Rose]: Go ahead and answer if you can.
16
17 By Defendant Rose: *As for the "citizen" thing, I was and still am a citizen of the United States.*
18 *That's all I can say about that.*
19
20 Q. Did you have any plans whatsoever, at the time of the accident, to move out of Loyola?
21 A. *No. But that was then and this is now.*
22
23 Q. Do you see any circumstances where you would go back to Loyola?
24 A. *Tough question, but I suppose I would if my new marriage did not work out and Jean*
25 *preferred to live there. My daughter really is the most important thing to me now. I made lots of*
26 *money in real estate in the 2006–2008 time period. I got in and out at the right times. None of*
27 *that money will do much for me if my daughter ends up in a place like this. But I'm sure that*
28 *Michelle and I are going to make it and Jean will be happy here in Stetson.*
29
30 Q. I understand that the act or acts that preceded your incarceration in Stetson were related to a
31 protest of some kind at a VFW in that state. Tell me about it.
32 A. *Well, I was accused of fomenting or something—I forget what they called it—a riot resulting*
33 *in death or great bodily harm. Whatever it was, it was a bogus charge and I really thought that I*
34 *was off the hook or I would not have ignored all the stuff that got me in so much trouble.*
35
36 Q. Why were you protesting at the VFW to begin with?
37 *That particular chapter had been taken over by a bunch of fascists and they needed to be*
38 *exposed. I was not registered to vote in Loyola at the time, that came after I moved there, or I*
39 *would have done even more than protest.*
40
41 Q. What would you have done?
42 A. *Not sure, but I'd probably have run for some office that would have given me an opportunity*
43 *to zone that bunch of commies out of business—or something. Now that I live in Stetson maybe I*
44 *can somehow get control of whatever political office that would put me in a position to take that*
45 *dumb place out. I sent in my voter registration for Stetson back in March of this year. Haven't*
46 *heard anything so I guess that no news means I'm registered here.*

1 Q. Tell me about the day that you realized that you had been sued by Mr. Bruno.

2 A. *I don't remember the exact day but my cellmate—the big dummy—had apparently kept the*
3 *papers that had been dropped off for me for several days before he realized that the papers were*
4 *mine. Whatever. By the next day I had contacted my lawyer and she told me she would handle*
5 *it.*

6
7 Q. Do you have anything to add as to when and how you claim to have changed your residence
8 or citizenship from Loyola to Stetson?

9 A. *No.*

10
11 Q. Do you have anything to add as to when you received and responded to the Complaint served
12 on you by Mr. Bruno?

13 A. *I do not.*

14

15 [By Plaintiff's Counsel]: I have no more questions of this Deponent.

16 [By Defense Counsel]: We'll reserve our questions.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

[Excerpts from the]

Deposition of Jean Rose
(Plaintiff Witness; Deposition taken by Defense Counsel)

[Deponent was properly sworn; transcript was properly generated and solemnized; all objections except as to privilege and the form of the questions were reserved.]

* * *

- 1 Q. Please state your name:
2 A. *Jean Rose.*
3
4 Q. Where do you live?
5 A. *In Loyola with my mom.*
6
7 Q. How long have you lived there?
8 A. *Since not long after my mom and dad divorced?*
9
10 Q. When you say, “dad,” are you talking about Mr. Charles H. Rose, III?
11 A. *I’m not sure about his middle initial, but my dad’s name is Charles Rose.*
12
13 Q. Where do you go to school?
14 A. *At Pinecrest High School—I’ll be a senior this fall.*
15
16 Q. Has your mom remarried?
17 A. *No. She still loves dad and hopes he will come back to her. She told me that one reason we*
18 *moved from Georgia to Loyola was because she wanted him to follow us and get away from that*
19 *bad crowd he was hanging out in Atlanta.*
20

1 Q. What do you mean by that?

2 A. *Dad somehow got mixed up with some younger guys and women who were “anti-gun.” Mom*
3 *thought it was because they were sort of hippies or maybe on drugs, and he just was going*
4 *through a second childhood.*

5
6 Q. At some point, did your Dad move to Loyola?

7 A. *Yes! He transferred there back in mid-September 2010, the 13th to be exact. He and mom*
8 *went to a movie like the second night after he moved to Hudson. When they got back to our*
9 *place, he stayed all night. Mom was so excited. She thought he might want to move in with us,*
10 *but he got his own apartment. He said he needed some space. Then, like after a few weeks, he*
11 *began to look for a house to buy. Mom wanted to go with him, but he wouldn’t take her. He did*
12 *take me, though. It was cool. Every place we looked at he wanted to know if the room which*
13 *would be mine was good enough.*

14
15 Q. Did he eventually buy a place in Hudson?

16 A. *Yes. It was not near Mom’s place, but at least it was in the same town. Mom wouldn’t let me*
17 *stay with him more than a night or two at a time, because she kept thinking that he might come*
18 *back and live with her again, if I wasn’t around all the time.*

19
20 Q. Do you know why she thought that?

21 A. *Yeah. Dad always said that he would never, never be separated from me. He said that he*
22 *had great plans for when I graduated from high school.*

23
24 Q. Did he say what those plans were?

25 A. *He promised that while I was in junior college at University of South Loyola, he would help*
26 *me open a bicycle shop in a strip mall. When I was not in class—or studying—I could work*
27 *there along with some of my friends that we would hire. He would put up the money for it and*
28 *we would work there together whenever we could. After I got out of school, he told me that he*
29 *would give me the business and I could keep it or sell it and use the money to start some other*
30 *businesses.*

31
32 Q. Had you and your dad made any specific plans for that bike shop?

33 A. *Yes. We found a cool spot in a strip mall here in Hudson that had been sort of—what he*
34 *called it—an “anchor” for the strip. I’m not sure what that means, but it was the biggest place*
35 *in the whole strip of stores. It is huge. I went with him to talk to the real estate agent, and dad*
36 *negotiated a lease for 5 years—long enough for me to finish high school and get as many as 4*
37 *years of college before it was up. The day that dad signed the lease was one of the happiest days*
38 *of my life.*

39
40 Q. What, exactly, did your dad say about his involvement in that bike shop beyond paying to set
41 it up and signing the lease?

42 A. *He promised that he would work with me there every weekend and that he would check on*
43 *our employees during the week if I was busy at school, to be sure that it was running smoothly.*
44 *One of the reasons he said that he wanted to go into business with me was to show me how to*
45 *run one. He told me that one of the most important things about running a successful business*
46 *was supervising the employees—in other words, being there. That’s why he said that he would*

1 *watch the shop closely, especially during the first 2 or 3 years. He said that he would help me*
2 *know who to hire and who to fire.*

3

4 Q. Have you visited your dad since he went to prison in Stetson?

5 A. *Every time mom would let me—like at least once a month.*

6

7 Q. Do you drive yourself to Stetson?

8 A. *I do.*

9

10 Q. What do you drive?

11 A. *My dad's car. Same car I drive every day. I have to pay for the gas, but he still covers the*
12 *insurance and stuff. For example his tags expired back in February 2013, and I needed him to*
13 *sign for the new tags. I brought in some papers; he signed them and also signed a check on his*
14 *account back where I bank in Loyola. I sent the stuff in and got a new sticker just last week. He*
15 *told me not to wait because Loyola is apparently tough on little things. Go figure.*

16

17 Q. When you would visit your dad, did the subject of the bike shop come up when you talked to
18 him?

19 A. *Sure did. I know that he has somehow kept up the lease payments because we opened up a*
20 *mailbox for the business and I go get the mail from there at least once a week as he told me to.*
21 *I'm not sure I understand it all, but I see from the letters that come to that box that the utilities*
22 *are paid each month and there was something like an "assessment" or something—I'm not sure*
23 *what it was exactly, but it looked like a bill from the landlord for the strip mall. I took it to my*
24 *dad a couple of months ago and he somehow arranged for it to be paid. He told me, like a*
25 *month ago, that all this prison thing in Stetson meant was that we'd just be a year or so behind*
26 *in our plans to work together building that business.*

27

28 Q. Did your dad tell you specifically that he was returning to Loyola after he got out of prison?

29 A. *Not exactly.*

30

31 Q. What do you mean by that?

32 A. *Well—he never said he wasn't returning to Loyola, and all of our discussions about the*
33 *business and stuff made it clear enough to me that he was coming back to live in Hudson but he*
34 *never actually said that he was—at least not during my visits in the last six months or so.*

35

36 Q. Did any mail come to that box you and your dad opened for the business other than mail
37 related to that business?

38 A. *Yeah, but I don't remember all of it. After dad and mom separated, even before they*
39 *divorced, he didn't want his personal mail coming to where mom and I lived so he apparently*
40 *had his personal address changed to that mailbox that he and I shared.*

41

42 Q. Do you recall any specific mail that he received in that mailbox that was unrelated to the bike
43 shop?

44 A. *Something like a voter registration. He apparently was a Libertarian or something. I'm not*
45 *sure, but it was like that. He also got some bills—or what looked like bills—from someone*
46 *called a tax collector. I'm not sure what those were about, but he told me not to tell mom about*

1 *them because she was not supposed to know that he owned property in Loyola that he never told*
2 *her about. Apparently something to do with their divorce. He also got some insurance bills or*
3 *notices from Nationwide for the car I drive. It is in his name. It's a Saab convertible and it is*
4 *some kind of cool! He told me that when he gets back to Loyola, he will buy another one—same*
5 *color and everything – and then we'll have the two as "company cars." Dad is so cool!*
6

7 [By Plaintiff's Counsel]: I have no more questions for this Deponent.

8 [By Defense Counsel]: We'll reserve our questions.

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOYOLA

TODD BRUNO,

Plaintiff,

v.

Case No. 7:13-cv-01311-DAE-MJB

CHARLES H. ROSE, III,

Defendant.

_____/

[Excerpts from the]

Deposition of Michelle Rose
(Defendant Witness; Deposition taken by Plaintiff's Counsel)

[Deponent was properly sworn; transcript was properly generated and solemnized; all objections except as to privilege and the form of the questions were reserved.]

* * *

1 Q. Please state your name.

2 A. *Michelle Rose. Michelle has 2 l's in it.*

3

4 Q. Where do you live, Ms. Rose?

5 A. *It's "Mrs. Rose" and I live here in Indian River County.*

6

7 Q. And just for the record, you're talking the State of Stetson?

8 A. *Of course.*

9

10 Q. Did you just move here recently?

11 *No, I was born and raised here. Both parents are buried here. I have 3 children from a previous*
12 *marriage and all are here in local schools. I have deep roots here in Indian River County. I'm*
13 *also planning to run for County Commissioner this next year. I'm a member of the Tea Party*
14 *and it is time we got some responsible persons in office at all levels. I've been approached to*
15 *run for the State House but I'm going to start small and then . . . one day, who knows?*

16

17 Q. I understand that you are married to Charles H. Rose, III ("Charlie," for short). Is that true?

18 A. *It is. I met him when I was visiting the state prison not far from here. My brother is also a*
19 *prisoner there. My brother told me about Charlie's background and that he was in prison for*
20 *protesting at the VFW in Stetson. I was impressed. One day when I was visiting my brother, I*
21 *met Charlie. Cool guy. He introduced me to his daughter who was also visiting that day. Nice*
22 *girl. Drove all the way from Loyola to see her dad. Actually, the four of us—my brother and I,*

1 *Charlie and his daughter talked about setting up a business here when Charlie gets out. In any*
2 *event, we married about 3 months after that. And I'm so glad that we did.*

3
4 Q. What kind of business was it that the four of you discussed setting up?

5 A. *We planned to go into the nursery business.*

6
7 Q. Why a nursery business?

8 A. *My brother has experience in botany—fact is raising certain plants was what landed him in*
9 *prison in the first place—if you get what I mean.*

10
11 Q. Did you discuss where a nursery would be if Charlie were to be a part of the ownership?

12 A. *Charlie will be a part of the ownership. And as an answer to your question, somewhere near*
13 *our nursery where we would grow many of the plants we would sell in our shop. I would never*
14 *leave here and I made that clear to Charlie before we married.*

15
16 Q. You mention a nursery; can you tell me the location of that or where you intend it to be?

17 A. *Sure. It and it is about 2 and ½ miles north of Palm City. We've already signed a lease*
18 *there.*

19
20 Q. Was his daughter present when you had discussions about setting up a business in Stetson?

21 A. *I told you there were four of us there. And she was in the group.*

22
23 Q. Did Charlie say specifically that he would remain in Stetson to be a part of that ownership or
24 was he planning to go back to Loyola?

25 A. *I'm telling you that there was no way that Charlie and I would have married except that he*
26 *promised he would stay in Stetson. So the answer is "yes."*

27
28 Q. Did he ever mention a promise he made to his daughter to open a business with her back in
29 Hudson?

30 A. *He told me about it after we were married, but I'm pretty sure he hadn't done anything more*
31 *than just talk about going back there. I was a little surprised to hear about it, though, and he is*
32 *awfully close to his daughter.*

33
34 Q. Have you and Mr. Rose set up a joint bank account?

35 A. *No. He told me that he mostly banks out of a branch back in Loyola and he is not willing to*
36 *set up a joint account here. He mentioned something about joint accounts being a big problem*
37 *in his first marriage.*

38
39 Q. What about churches? Are you aware of whether or not your husband has joined any
40 organizations in Stetson?

41 A. *You mean like The Elks Club or The Lions Club?*

42
43 Q. Sure. Anything like that?

44 A. *No, if he has joined any group, I'm just not aware of it. I know that I am a Methodist and I'm*
45 *counting on him joining my church when he gets out. We have a different couple visit the prison*
46 *where he is now and he told me that he attended some meeting that they held. It sounded to me*

1 *like he will be open to that when he gets out. I can tell you that it is important to me that he*
2 *does, but I won't try to force him.*

3

4 [By Defense Counsel]: I have no more questions of this Deponent.

5 [By Plaintiff's Counsel]: We'll reserve our questions.