

STATE COURT OF HENRY COUNTY
STATE OF GEORGIA

COREN RANDAZZO,

Plaintiff,

v.

SUSAN CLOWDUS,
SUSAN CLOWDUS AND ASSOCIATES
REALTORS, INC.,
EAGLES LANDING EDUCATIONAL
RESEARCH COMMITTEE, INC.

Defendants.

Civil Action File
No. 2021-STSV-0998


Lynne M. Policaro, Clerk of State Court
Henry County, Georgia

**PLAINTIFF'S OPPOSITION TO DEFENDANTS' ANTI-SLAPP MOTION TO STRIKE
AND DEFENDANT SCAR, INC.'S MOTION TO DISMISS**

If Susan Clowdus in fact made a truthful report of a pattern of threatening phone calls to law enforcement, as Defendants repeatedly assert, then Plaintiff cannot prevail in this malicious prosecution case. But Defendants' assertions are not what Plaintiff has alleged or intends to prove. Instead, Plaintiff has alleged and will show—using his testimony and that of law enforcement, in addition to Clowdus' own phone records—that she lied about receiving threatening phone calls in order to further her business and political interests.

Defendants cannot escape liability for making the intentionally false statements to law enforcement that led directly to Plaintiff's arrest and prosecution—not under the substantive law of malicious prosecution and not under any anti-SLAPP theory.

Defendants' motions should be denied. First, contrary to Defendants' argument, their false reports of crimes that never happened are not constitutionally protected speech or “issues of public interest or concern.” Thus, the anti-SLAPP statute is not triggered and does not apply. Second, Plaintiff has shown “a probability [he] will prevail” on his malicious prosecution claim,

meaning that he has set out a prima facie case and that his claim has “minimal merit,” because testimony and Clowdus’ phone records show that Clowdus knew her reports to law enforcement were false when made. Third, as to Susan Clowdus and Associates Realtors, Inc. (“SCAR”), Defendant is mistaken in its contention that there is “certainty” that Plaintiff “could not possibly” show facts that SCAR authorized, ratified, or stood to benefit from its principal and namesake’s actions.

PLAINTIFF’S FACTS SUPPORTED BY EVIDENCE

Plaintiff incorporates the facts from his Complaint herein for any needed detail, but he focuses primarily on the facts in dispute—both for the instant motions and for the ultimate resolution on the merits.

A. Contrary to Clowdus’ Affidavit, Plaintiff’s Testimony and Clowdus’ Phone Records Show One Non-Threatening Call

Clowdus offered an affidavit, swearing that she received three calls on March 30, 2018, two of which were explicitly threatening. But the truth of the matter, to be proven in discovery and at trial, is that she only received one phone call, which was not threatening in any way:

- Plaintiff has testified that he only made a single short phone call to Clowdus. *See* Exhibit C, Randazzo Declaration ¶ 2.
- Plaintiff’s phone records back this fact up. *See* Exhibit D, Randazzo Phone Records (showing outgoing “GOOGLE_TALK” call at 14:15:08 that lasted for 28 seconds).
- Plaintiff testified that his call with Plaintiff was not threatening in any way. *See* Exhibit C, Randazzo Declaration ¶ 2; Randazzo Dep. 65:5–6 (question about tax bill); *id.* at 67:25–678:9 (joke).
- And, again, his testimony is corroborated by Clowdus’ first report to law enforcement that shows no threat in the first (and only) call. *See* Exhibit F, Clowdus Written Statement.¹

¹ Clowdus’ statement states that Randazzo used the word devastating. *See* Exhibit F, Clowdus Written Statement. But this was not true. *See* Exhibit C, Randazzo Declaration ¶ 2. And in any

- His testimony is further corroborated in the Eagles Landing Educational Research Group press release that states only the second and third calls were threatening. Exhibit M, ELERC Press Release.
- At the time of the alleged pattern of harassing phone calls, Clowdus had five phone lines that all rang into her cell phone. Exhibit E, Clowdus Dep. 23:5–9.
- Clowdus had a cell phone with AT&T, her main office line was with Charter, and she had three rollover lines from Google Voice. Exhibit E, Clowdus Dep. 21:22–23:9 (Google); 58:9–13 (AT&T); Exhibit F, Charter Phone Records.
- The sum of the phone records show the single call from Plaintiff, but then no calls from any phone numbers that are unknown or not accounted for. See Exhibit A, Lemmon Decl. ¶¶ 6, 8.
- Each of the phone calls in the time frame in which Clowdus claims she received the threatening phone calls involve known associates or people with whom she had phone calls incoming and outgoing in the previous days. *Id.*
- The phone records do not show multiple calls from Plaintiff. Exhibit B, Phone Records Summary.
- Nor do the records show any calls from people other than known Clowdus associates. *Id.*
- Clowdus said all calls were within 45 minutes of each other. Exhibit E, Clowdus Dep. 25:23– 26:5.
- All three calls she claimed were “probably 30 seconds, no more than a minute.” Exhibit E, Clowdus Dep. 35:9–15. And the second call was 10-15 minutes after the call with Plaintiff. *Id.* 34:4–21.
- The records show no calls fitting the pattern of the calls Clowdus described (less than a minute in duration, happening within 45 minutes after the call with Randazzo).

Based on the sum of these facts, it is clear that there was only one call. That call was not threatening. Clowdus invented calls two and three and she invented the fact there was any threat.

event that word was a common talking point for Stockbridge advocates. See Exhibit H, Collection of Six Articles with “Devastating” as Key Quote.

B. Clowdus Urged Plaintiff's Prosecution with False Reports, Even After it Was Initially Abandoned for Lack of Merit

Clowdus repeatedly provided false facts to law enforcement in order to force a criminal prosecution that she could use to further her business and political goals. At first, Clowdus falsely reported to Henry County Police Department Officer Foster that (1) she received multiple calls from unknown persons and (2) that calls two and three contained threats. Exhibit L, Foster Report. Finding insufficient evidence to support her contentions, law enforcement decided not to proceed further. Exhibit J, Fisher Dep. 34:6–11 (case not assigned for “lack of investigative leads”).

But then Clowdus insisted, and the investigation was revived. To further support her false claims so that law enforcement would make an arrest she could capitalize upon in furtherance of her business and political ambitions, Clowdus created further falsehoods.

Clowdus falsely told Henry County Police Department Officer Isaac Fisher that all three phone calls came from the same telephone number, which belonged to Plaintiff. Fisher Dep. 91:10–14; 91:25–92:11. That statement is clearly false based on Plaintiff's phone records,² Clowdus' phone records,³ and Clowdus' own affidavit in connection with her current motion.⁴

Clowdus also falsely told Fisher that each of the three calls came from the same person with the same voice. Fisher Dep. 65:13–21. That statement is false because Plaintiff testified he only made one call, as corroborated by the phone records, and because Clowdus publicly stated that the three calls came from three separate people.⁵

² Exhibit D, Randazzo Phone Records (showing one outgoing call to Clowdus' 5515 number).

³ Exhibit B, Summary of Phone Records.

⁴ Clowdus Aff. ¶ 12 (claiming subsequent calls were blocked and unknown or unavailable).

⁵ See <https://www.11alive.com/article/news/local/it-scared-me-to-death-eagles-landing-cityhood-committee-member-on-threatening-phone-calls/85-563426452>.

Additionally, Clowdus falsely told Fisher that she was scared to death about the (non-existent) phone calls to the point that she added security measures at her office. Exhibit J, Fisher Dep. 62:23–63:1; *id.* 18:17–19:7. That statement is false because there were no threatening calls at all and because Clowdus previously told law enforcement that she was not concerned at all.⁶

C. Clowdus, the individual, acted with the knowledge and for the benefit of her business, SCAR

Contrary to Defendant SCAR’s assertions in its motion to dismiss that it did not authorize or ratify Susan Clowdus’s actions, Susan Clowdus is the Chief Executive Officer of SCAR, Inc. *See* Ex. I, SCAR, Inc. Secretary of State Information. It is common knowledge that a CEO runs an entity. The phone call involving Clowdus came to her business phone line.⁷ When Clowdus made false claims to Officer Fisher, she did so at her office. Exhibit J, Fisher Dep. 18:17–19:7. One of the animating principles behind Eagles Landing’s attempted succession was that it would increase property values. Clowdus believed that an increase in property values, along with the publicity from being the face of succession and the face of false victimhood, would benefit her business, SCAR.

D. Litigation involving HCPD Officer Fisher

Knowing that he had only ever made one phone call that was not threatening in any way, knowing that his arrest and prosecution was the result of falsehoods, and having suffered significant damages as a result of his arrest and prosecution, Plaintiff originally brought suit against Officer Fisher. At the outset, the theory in that case was that had Fisher conducted a constitutionally reasonable investigation, he would have known that Plaintiff was not involved in

⁶ Exhibit K, Ireland Email (“She was not very concern [sic] about the calls”).

⁷ Exhibit E, Clowdus Dep. 28:25–29:2 (5515 line was business number); Exhibit D, Randazzo Phone Records (showing one outgoing call to 5515 number).

any threatening phone calls. But, after discovery in that case, including the deposition of Clowdus and the subsequent acquisition of her phone records, the theory of recovery is that had Fisher conducted a constitutionally reasonable investigation he would have known *not only* that Plaintiff was not involved, *but also* that Clowdus had fabricated the pattern of calls from the start. That case remains pending in federal court.

When Plaintiff's counsel took Clowdus' limited deposition in the *Fisher* matter, it was unclear that Clowdus would alter her testimony from her previous reports in material ways or that her phone records would show that the phone calls she claimed she received never happened. Upon learning of those facts, this litigation ensued.

ARGUMENT AND CITATION OF AUTHORITY

Defendants' anti-SLAPP motions fail because there is simply no authority for the notion that O.C.G.A. § 9-11-11.1 can defeat an otherwise meritorious malicious prosecution claim. Analysis of anti-SLAPP motion involves two steps: "First, the court must decide whether the party filing the anti-SLAPP motion (usually, the defendant) has made a threshold showing that the challenged claim is one 'arising from' protected activity. If a court concludes that this threshold showing has been made, it must proceed to the second step of the analysis and decide whether the plaintiff has established that there is a probability that the plaintiff will prevail on the claim." *Dellinger-Allen v. O'Brien*, 355 Ga. App. 811, 815, 846 S.E.2d 124 (2020). Defendants fail both steps. At step one, they fail because false statements to law enforcement are not constitutionally protected speech and because speech purportedly protected by anti-SLAPP provisions cannot amount to an illegal act. At step two, Defendants fail because Plaintiff has made out a prima facie case and shown at least "minimal merit" to his claim.

As to SCAR's motion to dismiss claiming that it cannot be held responsible for Clowdus' acts, that motion fails because Clowdus is SCAR's Chief Executive Officer and figurehead, because the relevant facts happened at the business, and because the business stood to benefit from the false reports of non-existent crimes.

I. INTENTIONALLY FABRICATED REPORTS OF CRIMES THAT DID NOT HAPPEN ARE NOT ENTITLED TO ANTI-SLAPP PROTECTION

There are two interrelated reasons why Georgia's anti-SLAPP statute does not apply. First, the statute only applies to the "valid exercise of the constitutional rights of petition and freedom of speech." O.C.G.A. § 9-11-11.1(a). Because there is no "constitutional **right** of petition or free speech" to maliciously prosecute others for crimes they did not commit, no protection attaches to the speech at issue. § 9-11-11.1(c)(4). Second, an anti-SLAPP "motion to strike cannot be used by a defendant whose allegedly protected activity was illegal." *Flatley v. Mauro*, 39 Cal. 4th 299, 46 Cal. Rptr. 3d 606, 139 P.3d 2 (2006). Clowdus' speech constituted crimes under Georgia law such that it is not protected and does not trigger O.C.G.A. § 9-11-11.1's procedural protections.

Conduct that is "tortious" or "criminal" is "not within the protected activity defined by the anti-SLAPP statute." *Rogers v. Dupree*, 340 Ga. App. 811, 818, 799 S.E.2d 1, 7 (2017), *cert. granted, cause remanded* (Apr. 16, 2018) (citing *Gerbosi v. Gaims, Weil, W. & Epstein*, 193 Cal. App. 4th 435, 122 Cal. Rptr. 3d 73 (2011); *Denton v. Browns Mill Dev. Co.*, 275 Ga. 2, 6, 561 S.E.2d 431, 434 (2002) ("[T]he right of free speech does not include the right to trespass onto another's land.")). "No First Amendment privilege is available for false and defamatory" reports. *Retail Credit Co. v. Russell*, 234 Ga. 765, 768, 218 S.E.2d 54, 57 (1975). Simply put, Defendants have cited no authority, and undersigned counsel is aware of no such authority, that an anti-SLAPP statute can defeat a factually supported malicious prosecution claim.

Similarly, “alleged criminal conduct falls outside the purview of OCGA § 9-11-11.1” *Rogers v. Dupree*, 349 Ga. App. 777, 785, 824 S.E.2d 823, 831 (2019); *see also Flatley v. Mauro*, 39 Cal. 4th 299, 46 Cal. Rptr. 3d 606, 139 P.3d 2 (2006). If speech is constitutionally subject to criminal sanction, it is not protected speech under the First Amendment or Georgia Constitution. *Cf. Haley v. State*, 289 Ga. 515, 519, 712 S.E.2d 838, 841 (2011) (upholding false statement offense against claims of unconstitutionality). Here, Clowdus’ false reports of non-existent crimes constitute criminal offenses under at least two Georgia statutes. First, O.C.G.A. § 16-10-26 makes it a crime to “willfully and knowingly gives or causes a false report of a crime to be given to any law enforcement officer.” Second, O.C.G.A. § 16-10-20 makes it a crime to “knowingly and willfully falsifies . . . make[] a false . . . statement . . . in any matter within the jurisdiction of any department.”

Plaintiff’s evidence shows that Defendants made a knowingly false report of non-existent crimes for their monetary and political benefit. Neither the Constitution nor our penal code protect such actions, and neither does our anti-SLAPP statute.

II. PLAINTIFF CAN SHOW “A PROBABILITY” HE WILL PREVAIL IF A JURY CREDITS HIS TESTIMONY AND/OR CLOWDUS’ OWN PHONE RECORDS

Under “the second step of the analysis [the Court must] decide whether the plaintiff has established that there is **a probability** that the plaintiff will prevail on the claim.” *Wilkes & McHugh, P.A. v. LTC Consulting, L.P.*, 306 Ga. 252, 262, 830 S.E.2d 119, 127 (2019) (internal quotations omitted) (emphasis added). “To meet this burden, the plaintiff must demonstrate that the complaint is both legally sufficient and supported by a sufficient prima facie showing of facts to sustain a favorable judgment **if the evidence submitted by the plaintiff is credited.**” *Id.* (internal citations and quotation marks omitted) (emphasis added). The required factual showing is satisfied unless the plaintiff’s claim “lacks even **minimal merit.**” *Id.* (emphasis added).

“The common law elements of a malicious prosecution claim under Georgia law are: (1) a criminal prosecution instituted or continued by the present defendant; (2) with malice and without probable cause; (3) that terminated in the plaintiff accused's favor; and (4) caused damage to the plaintiff accused.” *Brown v. GeorgiaCarry.org, Inc.*, 331 Ga. App. 890, 892, 770 S.E.2d 56, 59 (2015). Defendants take aim at the first two elements, arguing that Defendants did not initiate the prosecution; that even if they did, they acted without malice; and that even if there was malice, there was probable cause. Each of their contentions fail because Plaintiff can show a probability of success, meaning that his claim does not lack even minimal merit. Tellingly, Defendants only argue that they can prevail on their version of facts. They make no attempt to argue they could prevail if Plaintiff’s evidence is credited.

First, Defendants argue that Clowdus did not initiate the prosecution. They are mistaken because Clowdus knowingly told law enforcement false statements that caused Plaintiff’s arrest. On the one hand, “statements made in good faith pursuant to investigation by police or other officers authorized to investigate crime or criminal activity . . . are privileged.” *Adams v. Carlisle*, 278 Ga. App. 777, 789, 630 S.E.2d 529, 539 (2006). But on the other end of the spectrum, “[a] person may be liable where [s]he gave information to the investigating officer which [s]he knew to be false” because doing “so unduly influenced the authorities.” *Wolf Camera, Inc. v. Royter*, 253 Ga. App. 254, 258, 558 S.E.2d 797, 801 (2002).

The facts show that Clowdus made a knowingly false report of a crime. For that, it is well established that she can be liable. *Adams*, 278 Ga. App. at 792 (finding initiation element satisfied where “the jury could conclude that Grayson communicated facts to Johns which were false or misleading, with the intent to influence Johns to prosecute”); *McKissick v. S.O.A., Inc.*, 299 Ga. App. 772, 775, 684 S.E.2d 24, 28 (2009) (finding initiation where “a defendant knew

that the facts stated to the law enforcement official were false or if he failed to make a fair, full, and complete statement of the facts as they existed, or if he concealed facts. The defendant's belief then could not possibly be 'honest' or 'reasonable.'"). The fact that Clowdus did not expressly state *I want Mr. Randazzo prosecuted* is immaterial because "initiation of the criminal action need not be expressly directed by the party to be held liable." *Adams*, 278 Ga. App. at 784 (quoting *Wolf Camera*, 253 Ga.App. at 257–258). False facts provided to law enforcement are sufficient. And that is what the facts show.

Second, Defendants argue there is no evidence of malice. Again, they are mistaken. As an initial matter, O.C.G.A. § 51–7–44 provides that "[a] total lack of probable cause is a circumstance from which malice may be inferred." Here, Clowdus only received one call which was not in any way threatening. She then falsified calls two and three and threats which amounted to a crime. That is a total lack of probable cause. Simply put, she knew was falsifying evidence likely to lead to an arrest, but she did it anyways. Separately, "[m]alice may be inferred where the defendant makes a false statement to police for the purpose of achieving some personal goal." *McKissick v. S.O.A., Inc.*, 299 Ga. App. 772, 776, 684 S.E.2d 24, 29 (2009). Here, there is evidence that Clowdus made the false statements for pecuniary and political gain, inherently personal goals.

Third, Defendants argue there was probable cause. Again, they are mistaken. Plaintiff had a single short phone call with Clowdus that contained no threat. After the Eagle's Landing succession bill cleared the General Assembly, Plaintiff called Clowdus' business and asked "Hey, is this where my tax bill's going this year? And that was the end of it." *Randazzo Dep.* 65:5–6. It was intended as a joke. *Id.* at 67:25–678:9. Contrary to Clowdus' affidavit, he did not use the word "devastate." *See* Exhibit C, *Randazzo Decl.* ¶ 2. Defendants' argument is premised

on the presence of threats, which are absent, or the use of the word “devastating,” which is also absent and otherwise innocuous as a well-established anti-succession talking point. *See* Exhibit H, Collection of Six Articles Using “Devastating” as Key Quotes. On Plaintiff’s facts, there is no probable cause for terroristic threats because there was no threat. And there is no probable cause for harassing phone calls because there was a single call.

Defendants’ arguments about the lack of even “minimal merit” of Plaintiff’s malicious prosecution claim are unavailing. Plaintiff’s claim is well supported by evidence and there is more than the bare “probability” required to proceed.

III. PLAINTIFF CAN SHOW SCAR’S CULPABILITY WHERE ITS PRINCIPAL AND NAMESAKE UNDERTOOK THE TORTIOUS ACTIONS AND STOOD TO BENEFIT THEREFROM

Susan Clowdus is SCAR’s namesake, CEO,⁸ and leader.⁹ All of the relevant facts, from the call from Plaintiff to the false reports to Officer Fisher, happened on SCAR premises. A reasonable jury could find that the falsified reports were spurred by Clowdus’ business and political ambitions that would lead to an increase in homes sold and an increase in the value of homes sold. This belief is buttressed by Clowdus’ public exploitation of Plaintiff’s arrest and prosecution via press release¹⁰ and via appearance on local news.¹¹

Despite these facts, SCAR argues that it cannot be responsible for Clowdus’ actions and has moved pursuant to O.C.G.A. § 9-11-12(b) for dismissal. Its motion is due to be denied. As a general rule, employers are liable under vicarious liability for the torts, such as malicious prosecution, committed by their employees unless done outside of the scope of their

⁸ *See* Exhibit I, SCAR, Inc. Secretary of State Information.

⁹ <https://www.susancloadus.com> (describing “her team”).

¹⁰ Exhibit M, ELERC Press Release.

¹¹ *See* <https://www.11alive.com/article/news/local/it-scared-me-to-death-eagles-landing-cityhood-committee-member-on-threatening-phone-calls/85-563426452>.

employment. Defendants have cited no cases where a corporation was excused from liability for its employee's false reports of a crime on company premises. Cases reaching the opposite conclusion are legion. *Adams v. Carlisle*, 278 Ga. App. 777, 784, 630 S.E.2d 529, 536 (2006) (corporation liable "by virtue of vicarious liability" for malicious prosecution); *Wolf Camera, Inc. v. Royter*, 253 Ga. App. 254, 254, 558 S.E.2d 797, 799 (2002) (corporation found liable for employee's false reports of crime); *McKissick v. S.O.A., Inc.*, 299 Ga. App. 772, 772, 684 S.E.2d 24, 26 (2009) (reversing grant of summary judgment to corporation).

Defendant SCAR went back to 1906 to cite *S. Ry. Co. v. Chambers*, 126 Ga. 404, 55 S.E. 37 (1906) for the proposition that "[a] corporation is not liable for the malicious acts of an agent, unless such acts were expressly authorized by the corporation, or were within the scope of the duties of the agency, or were in themselves a violation of the duty owed by the corporation to the party injured, or such acts were ratified by the corporation." Given that Clowdus the individual ran the corporate entity, it would be reasonable for Plaintiff to be able to introduce facts showing that Clowdus, as CEO, authorized Clowdus, as an individual, to act or that her actions were otherwise ratified. SCAR has put forward no evidence or argument that Clowdus' actions were *ultra vires*. SCAR cannot meet the high burden imposed by O.C.G.A. § 9-11-12(b) for early dismissal.

CONCLUSION

Defendants' motions are due to be denied. This matter should proceed to discovery and resolution on the merits.

This 29th day of September, 2021.

/s/ Zack Greenamyre
Zack Greenamyre
Georgia Bar No. 293002
/s/ Samantha J. Funt

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CERTIFICATE OF SERVICE

I certify that I served a copy of **PLAINTIFF'S OPPOSITION TO DEFENDANTS' ANTI-SLAPP MOTION TO STRIKE AND DEFENDANT SCAR, INC.'S MOTION TO DISMISS** upon all parties to this matter via efilng to the below:

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Respectfully submitted this 29th day of September, 2021.

/s/ Zack Greenamyre
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EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COREN RANDAZZO,

Plaintiff,

v.

HENRY COUNTY POLICE
DEPARTMENT OFFICER ISAAC
FISHER, in his individual capacity,

Defendant.

CIVIL ACTION FILE NO.

No. 1:20-CV-01917-CAP

DECLARATION OF FRANK LEMMON

I hereby declare pursuant to 28 U.S.C. §1746:

1. My name is Frank Lemmon. I am over the age of twenty-one years of age and competent to make this declaration.
2. I work for Mitchell & Shapiro LLP in support of the attorneys at the firm.
3. As part of my duties for Mitchell & Shapiro LLP, I conduct basic computer-based investigations for a variety of matters.
4. In connection with this case, and with attorneys Samantha Funt and Zack Greenamyre, I reviewed Susan Clowdus' phone records from AT&T, Charter, and Google Voice.
5. Specifically, using various search tools, including publicly available

information and paid services like TLO, the attorneys and I were able to tie the entries in Clowdus' phone records showing incoming calls during the relevant time frame to the people making the phone calls.

6. During the approximately 100 minutes after the single call from Plaintiff Coren Randazzo, the incoming phone calls to Clowdus' phone lines all involve known associates, including fellow real estate agents or people that Clowdus had multiple phone calls with, back and forth, in the days preceding the claimed pattern of harassing phone calls.


7. With attorneys Samantha Funt and Zack Greenamyre, I made the attached chart accounting for Clowdus' phone calls during the relevant time period.

8. The phone records do not support Clowdus' testimony that she received two calls, each lasting approximately 30 seconds, shortly after the call from Plaintiff from unknown sources.

FURTHER DECLARANT SAYETH NOT.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated this 13th day of July, 2021.

DocuSigned by:

468A8720058C494...

FRANK LEMMON

EXHIBIT B

Plaintiff's Exhibit B
Summary of Susan Clowdus' Phone Records

Phone Records Referenced:

1. MOBILE = All Calls to Clowdus AT&T Mobile Phone¹ [404-680-6974] on March 30, 2018 between 9:15 a.m. and 11:15 a.m.
2. LAND = All Calls to Clowdus AT&T Wireline (Landline)² [404-680-6974] on March 30, 2018 between 9:15 a.m. and 11:15 a.m.
3. OFFICE = All Calls to Susan Clowdus & Associates Office Line³ [770-474-5515] on March 30, 2018 between 9:15 a.m. and 11:15 a.m.
4. Note: There were no calls reflected on phone records received in response to Plaintiff's Google Voice Subpoena for the following phone number [404-860-2204], on March 30, 2018.⁴

Relevant Numbers:

1. Corey Randazzo's Phone Number: 678-379-8045
2. Susan Clowdus Real Estate, Office Number: 770-474-5515
3. Susan Clowdus Cellphone Number: 404-680-6974

*Time converted from UTC to EST

*****"Call Rolled from office to cell"** = Incoming call was forwarded from Susan Clowdus Real Estate Office Line (770-474-5515) to Susan Clowdus' cell phone number (404-680-6974)

<u>Phone Record</u>	<u>Item</u>	<u>Time*</u>	<u>Incoming Call Number</u>	<u>Incoming Caller Identified</u>	<u>Source for Caller ID</u>	<u>History of Calls</u>
Mobile	603	9:38:49 EST	770-898-4122	Barbara Womack – Realtor in McDonough	<u>Barbara Womack Rhyne -</u> <u>Berkshire Hathaway</u> <u>HomeService Ga</u> <u>Properties (web-</u> <u>realestate.net)</u>	3/23/18 (2x) 3/30 (2x)

¹ Ex. D, AT&T Cell Records, pg. 37 – 40 (line items 603 – 655).

² Ex. E, AT&T Landline Records, pg. 4 – 5 (line items 145 – 160).

³ Ex. C, Clowdus Charter Records, pg. 1 – 2.

⁴ Ex. G, Clowdus Google Voice Subpoena Response.

Mobile	604	9:41:32 EST	Clowdus calling out	N/A	N/A	N/A
Mobile	605	9:57:42 EST	Clowdus calling out	N/A	N/A	N/A
Mobile	606	10:00:08 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +) 3/28 (5x +) 3/29 (5x +)
Mobile	607	10:00:08 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +) 3/28 (5x +) 3/29 (5x +)
Mobile	608	10:05:14 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +) 3/28 (5x +) 3/29 (5x +)
Mobile	609	10:05:14 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +)

						3/28 (5x +) 3/29 (5x +)
Mobile, Charter	610	10:15:21 EST	678-379-8045 *Call Rolled from office to cell	Plaintiff Calls Clowdus	Plaintiff's Deposition⁵	
Mobile, Charter	611	10:16:11 EST	770-231-8626 *Call Rolled from office to cell	Johnny Dykes, Mortgage Broker	<u>Affiliates — Cindy Carter</u>	
Mobile, Charter	612	10:16:12 EST	770-231-8626	Johnny Dykes, Mortgage Broker	<u>Affiliates — Cindy Carter</u>	
Land	145	10:16:14 EST	Clowdus Calling out	Clowdus Calls Plaintiff, 678-379-8045 (missed call)	Doc. 46-3, Plaintiff's Phone Record (showing same missed call from Clowdus to Corey Randazzo Google Voice Number, 678-379-8046)	N/A
Land	146	10:16:14 EST	Clowdus Calling Out	Clowdus Calls Plaintiff, 678-379-8045 (missed call)	Doc. 46-3, Plaintiff's Phone Record (showing same missed call from Clowdus to Corey Randazzo Google Voice Number, 678-379-8046)	
Mobile	613	10:16:15 EST	Clowdus calling out	Clowdus Calls Plaintiff, 678-379-8045 (missed call)	Doc. 46-3, Plaintiff's Phone Record (showing same missed call from Clowdus to Corey Randazzo Google Voice Number, 678-379-8046)	
Mobile	614	10:16:52 EST	770-231-8626	Johnny Dykes Mortgage Broker	<u>Affiliates — Cindy Carter</u>	

⁵ See Doc. 46-23, Randazzo Dep., 83:21-25 (noting Plaintiff's Google Voice Number to be (678) 379-8045).

Mobile *Land	615 *147	10:16:54 EST	770-231-8626	Johnny Dykes Mortgage Broker	<u>Affiliates — Cindy Carter</u>	
Mobile, *Land	616 *148	10:17:10 EST	Clowdus calling out	N/A	N/A	
Mobile	617	10:22:14 EST	Clowdus calling out	N/A	N/A	
Mobile	618	10:22:15 EST	Clowdus calling out	N/A	N/A	
Mobile	619	10:22:15 EST	Clowdus calling out	N/A	N/A	
Mobile, Charter	620	10:25:40 EST	678-234-7248 * Call rolled from office to cell	Anthony Brooks Realty Co.	<u>Real Estate Agents </u> <u>Georgia MLS</u>	
Mobile	621	10:29:57 EST	678-362-6773	Larry Herndon, Risk Manager at Colony Bank in Fitzgerald, GA	TLO & Linked In	3/21 (1x) 3/26 (1x) Duration of call: 3 minutes, 19 seconds (does not fit pattern) ⁶
Mobile, *Land	622 *149	10:34:19 EST	Clowdus calling out	N/A	N/A	
Mobile, *Land	623 *150	10:36:17 EST	Clowdus calling out	N/A	N/A	
Mobile	624	10:37:14 EST	Clowdus calling out	N/A	N/A	
Mobile	625	10:37:14 EST	Clowdus calling out	N/A	N/A	
Mobile	626	10:38:30 EST	Clowdus calling out	N/A	N/A	
Mobile	627	10:39:17 EST	Clowdus calling out	N/A	N/A	

⁶ Clowdus Dep. 35:9–15 (“probably 30 seconds, no more than a minute”).

Mobile	628	10:39:18 EST	Clowdus calling out	N/A	N/A	
Mobile	629	10:39:18 EST	770-616-3972	Sherry Puckett Real Estate Agent	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/24 (4x) 3/25 (1x) 3/27 (3x) 3/28 (1x)
Mobile	630	10:39:18 EST	Clowdus calling out	N/A	N/A	
Mobile, *Land	631, *151	10:39:19 EST	770-616-3972	Sherry Puckett Real Estate Agent	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/24 (4x) 3/25 (1x) 3/27 (3x) 3/28 (1x)
Mobile, *Land	632 *152	10:40:18 EST	770-616-3972	Sherry Puckett Real Estate Agent	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/24 (4x) 3/25 (1x) 3/27 (3x) 3/28 (1x)
Mobile	633	10:41:26 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +) 3/28 (5x +) 3/29 (5x +)
Mobile	634	10:41:27 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents </u> <u>Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +) 3/28 (5x +) 3/29 (5x +)

Mobile	635	10:41:27 EST	404-680-9628	James Clowdus – Susan Clowdus’ husband	<u>Real Estate Agents Georgia MLS</u>	3/21 (5x) 3/22 (5x +) 3/23 (5x +) 3/26 (5x +) 3/27 (5x +) 3/28 (5x +) 3/29 (5x +)
Mobile	636	10:45:10 EST	770-884-0022	Coy Dillahunty, Dillahunty Christmas Tree	<u>http://gachristmastree.co m/memberlogin/treetalk/ mar09TT.pdf</u>	3/28 (2x) Duration of call: 1 minute, 55 seconds (does not match pattern) ⁷
Mobile	637	10:47:25 EST	Clowdus calling out	N/A	N/A	
Mobile	638	10:47:25 EST	Clowdus calling out	N/A	N/A	
Mobile	639	10:47:42 EST	404-310-4840	John Clowdus	<u>https://www.georgiamls.c om/real-estate- offices/detail.cfm?officeI D=SCLO01</u>	3/21 (3x) 3/22 (5x +) 3/23 (4x) 3/26 (5x +) 3/27 (2x) 3/28 (5x +) 3/29 (5x +)
Mobile	640	10:47:42 EST	404-310-4840	John Clowdus	<u>https://www.georgiamls.c om/real-estate- offices/detail.cfm?officeI D=SCLO01</u>	3/21 (3x) 3/22 (5x +) 3/23 (4x) 3/26 (5x +) 3/27 (2x) 3/28 (5x +) 3/29 (5x +)

⁷ Clowdus Dep. 35:9–15 (“probably 30 seconds, no more than a minute”).

Mobile, *Land	641 *153	10:57:48 EST	Clowdus calling out	N/A	N/A	
Mobile, *Land	642 *154	10:59:13 EST	Clowdus calling out	N/A	N/A	
Mobile	643	11:01:21 EST	770-898-4122	Barbara Womack Rhyne	<u>http://www.web-realestate.net/BarbaraWomack</u>	3/23/18 (2x) 3/30 (2x)
Land	155	11:02:59	-----	[Empty duplicate of item 156]		
Land	156	11:02:59	770-389-2000	Eagles Landing Country Club	<u>https://club.clubcorp.com/Clubs/Eagles-Landing-Country-Club</u>	
Mobile	644	11:03:00 EST	770-389-2000	Eagles Landing Country Club	<u>https://club.clubcorp.com/Clubs/Eagles-Landing-Country-Club</u>	
Mobile	645	11:05:57 EST	770-309-4267	Friend of Clowdus	Doc. 46-21, Clowdus Dep, 46: 1-3 ("770-309-4267? ... Yes, that's a friend of mine").	3/23 (3x) 3/24 (5x +)
Mobile	646	11:05:59 EST	770-309-4267	Friend of Clowdus	Doc. 46-21, Clowdus Dep, 46: 1-3 ("770-309-4267? ... Yes, that's a friend of mine").	3/23 (3x) 3/24 (5x +)
Mobile	647	11:05:59 EST	770-309-4267	Friend of Clowdus	Doc. 46-21, Clowdus Dep, 46: 1-3 ("770-309-4267? ... Yes, that's a friend of mine").	3/23 (3x) 3/24 (5x +)
Mobile	648	11:07:21 EST	770-595-5028	Vikki Consiglio (Friend/ ELERC)	<u>https://www.google.com/url?sa=t&rct=j&q=&esrc=s&</u>	3/21 (1x) 3/22 (1x)

					source=web&cd=&ved=2ahUKEwj8LOF9dHxAhXtkWoFHVywCWIQFnoECAMQAA&url=https%3A%2F%2Fgagop.org%2Fec-sc-list-10-8-20%2F&usg=AOvVaw1avicq0v4sWq4ic-BuOHxf	3/23 (1x) 3/26 (1x) 3/27 (2x) 3/28 (2x)
Mobile	649	11:07:21 EST	770-595-5028	Vikki Consiglio (Friend/ELERC)	https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj8LOF9dHxAhXtkWoFHVywCWIQFnoECAMQAA&url=https%3A%2F%2Fgagop.org%2Fec-sc-list-10-8-20%2F&usg=AOvVaw1avicq0v4sWq4ic-BuOHxf	3/21 (1x) 3/22 (1x) 3/23 (1x) 3/26 (1x) 3/27 (2x) 3/28 (2x)
Land	157	11:07:22 EST	770-595-5028	Vikki Consiglio (Friend/ELERC)	https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj8LOF9dHxAhXtkWoFHVywCWIQFnoECAMQAA&url=https%3A%2F%2Fgagop.org%2Fec-sc-list-10-8-20%2F&usg=AOvVaw1avicq0v4sWq4ic-BuOHxf	3/21 (1x) 3/22 (1x) 3/23 (1x) 3/26 (1x) 3/27 (2x) 3/28 (2x)
Mobile, *Land	650 *158	11:09:05 EST	Clowdus calling out	N/A	N/A	

Mobile	651	11:16:33 EST	Clowdus calling out	N/A	N/A	
Mobile	652	11:16:34 EST	Clowdus calling out	N/A	N/A	
Mobile	653	11:16:34 EST	Clowdus calling out	N/A	N/A	
Mobile	654	11:16:49 EST	770-309-4267	Friend of Clowdus	Doc. 46-21, Clowdus Dep, 46: 1-3 ("770-309-4267? ... Yes, that's a friend of mine").	3/23 (3x) 3/24 (5x +)
Mobile	655	11:16:49 EST	770-309-4267	Friend of Clowdus	Doc. 46-21, Clowdus Dep, 46: 1-3 ("770-309-4267? ... Yes, that's a friend of mine").	3/23 (3x) 3/24 (5x +)
Mobile	656	11:26:19 EST	770-309-4267	Friend of Clowdus	Doc. 46-21, Clowdus Dep, 46: 1-3 ("770-309-4267? ... Yes, that's a friend of mine").	3/23 (3x) 3/24 (5x +)
Land	159	11:33:33 EST	770-595-5028	Vikki Consiglio (Friend/ ELERC)	https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj8LOF9dHxAhXtkWoFHVywCWIQFnoECAMQAA&url=https%3A%2F%2Fgagop.org%2Fec-sc-list-10-8-20%2F&usg=AOvVaw1avicq0v4sWq4ic-BuOHxf	3/21 (1x) 3/22 (1x) 3/23 (1x) 3/26 (1x) 3/27 (2x) 3/28 (2x)
Land	160	11:56:19 EST	770-262-0713	Janet McHenry (Metro 8 Real Estate)	Real Estate Agents Georgia MLS	3/27 (1x) 3/29 (5x +)

EXHIBIT C

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

COREN RANDAZZO,

Plaintiff,

v.

HENRY COUNTY POLICE
DEPARTMENT OFFICER ISAAC
FISHER, in his individual capacity,

Defendant.

CIVIL ACTION FILE NO.

No. 1:20-CV-01917-CAP

DECLARATION OF COREN RANDAZZO

I hereby declare pursuant to 28 U.S.C. §1746:

1. My name is Coren Randazzo. I am over the age of twenty-one years of age and competent to make this declaration.

2. I did not use the word “devastate” or “devastating” or any other form of that word in the single phone call I had with Susan Clowdus.

FURTHER DECLARANT SAYETH NOT.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated this 13th day of July, 2021.

DocuSigned by:

F487E8777E3441A
COREN RANDAZZO

EXHIBIT D

6783798045.CorenMHR@gmail.com.Voice
 Google Confidential and Proprietary

E-Mail Address: CorenMHR@gmail.com
 First Name: Neroc
 Last Name: ozzardand
 Voice Number: 6783798045
 Sign-Up IP: 50.13.247.137
 Start Time: 2012/11/21 14:01:51 UTC
 Google Account ID:1097007845991

Google Voice Number	Phone Number	Type	Date/Time	Duration (sec)
6783798045	7703897900	GOOGLE_TALK	2018/03/29 15:01:55 UTC	50
6783798045	4046567454	GOOGLE_TALK	2018/03/29 20:21:53 UTC	27
6783798045	7704747993	GOOGLE_TALK	2018/03/29 20:22:57 UTC	47
6783798045	4046560502	GOOGLE_TALK	2018/03/29 20:25:24 UTC	38
6783798045	4046565912	GOOGLE_TALK	2018/03/29 20:26:26 UTC	39
6783798045	7704745515	GOOGLE_TALK	2018/03/30 14:15:08 UTC	28
6783798045	4046806974	MISSED	2018/03/30 14:15:49 UTC	5
6783798045	4046806974	SMS_OUT	2018/03/30 18:49:45 UTC	0
6783798045	4046806974	SMS_IN	2018/03/30 18:56:06 UTC	0
6783798045	6785799570	GOOGLE_TALK	2018/03/31 00:46:51 UTC	23
6783798045	6785199570	GOOGLE_TALK	2018/03/31 00:48:34 UTC	85
6783798045	8885054567	GOOGLE_TALK	2018/03/31 00:52:59 UTC	15

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EXHIBIT E

In The Matter Of:
Coren Randazzo vs.
Henry County Police Department Officer Isaac Fisher

Susan Clowdus
February 19, 2021

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Min-U-Script® with Word Index

Coren Randazzo vs.
Henry County Police Department Officer Isaac Fisher

Susan Clowdus
February 19, 2021

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1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE NORTHERN DISTRICT OF GEORGIA
3	COREN RANDAZZO,
4	Plaintiff,
5	vs.
6	HENRY COUNTY POLICE
7	DEPARTMENT OFFICER
8	ISAAC FISHER,
9	Defendant.
10	-----
11	
12	DEPOSITION OF SUSAN CLOWDUS
13	
14	(conducted remotely via Zoom)
15	February 19, 2021
16	10:04 a.m.
17	
18	
19	Sarah M. Bentley, RPR, CCR-B-1745
	LYON REPORTING, INC.
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	770/458-5500 800/767-2030
	www.lyonreporting.com
	LYON REPORTING, INC.

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1	A P P E A R A N C E S
2	
3	For the Plaintiff:
4	ZACK W. GREENAYMRE, ESQ. (via Zoom)
5	SAMANTHA J. FUNT, Esq. (via Zoom)
6	Mitchell & Shapiro, LLP
7	3490 Piedmont Road
8	Suite 650
9	Atlanta, Georgia 30305
10	404-812-4747
11	Zack@mitchellshapiro.com
12	sam@mitchellshapiro.com
13	
14	
15	
16	
17	
18	
19	
20	
21	Also Present:
22	Frank Lemmon, paralegal (via Zoom)
23	(Mitchell & Shapiro, LLP)
24	
25	

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1	I N D E X
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5	By Mr. Morris
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1 PROCEEDINGS

2

3

4 **MR. GREENAYMRE:** This will be the

5 deposition of Susan Clowdus in the case

6 Randazzo vs. Fisher, No. 1:20-CV-01917, pending

7 in the Northern District of Georgia, taken

8 pursuant to subpoena and by agreement of counsel

9 for all purposes under the Federal Civil Rules.

10 SUSAN CLOWDUS,

11 having been first duly sworn to state the truth, was

12 examined and testified as follows:

13 **EXAMINATION**

14 **BY MR. GREENAYMRE:**

15 Q. And, Ms. Clowdus, my name is Zack

16 Greenaymre. I represent Mr. Randazzo in this matter,

17 along with Samantha Funt, who is going to be helping

18 me out with some logistical issues that popped up this

19 morning.

20 A. Yes.

21 Q. So I don't have -- my computer is not

22 working, but I'm talking to you on my cellphone right

23 now. And just for the record I'm going to turn off my

24 video so I can set myself on down.

25 So, Ms. Clowdus, thank you for being here

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1 today. We greatly appreciate it. At the outset I

2 would like to, you know, just say a couple things

3 before we get into our questions.

4 So, you know, we have no claims or my

5 client has no claims against you. You know, my

6 understanding is that there's no possible civil claim

7 against a person who makes a truthful report about

8 what happened to law enforcement, even if after that

9 law enforcement acts on that information without

10 probable cause.

11 So why we want to talk to you is we want

12 to know what information the officers and especially

13 Officer Ike Fisher had. And we know most of that

14 information, most of what he knew from documents, but

15 there are a couple gaps to fill, and that's where you

16 come in. Okay?

17 A. Okay.

18 Q. Since this is going to be relatively

19 quick I won't go over, you know, the full

20 instructions, but if you have questions or anything

21 like that, you know, please don't hesitate to ask me

22 now or as we get going.

23 And the basic, you know, big-picture

24 instructions are for this date and the court reporter

25 and the record, let's try not to talk over each other.

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1 And then, secondly, if I ask a confusing question,

2 will you please let me know that you don't understand

3 the question?

4 A. Yes.

5 Q. Perfect. And, further, getting things on

6 the record, you and I have talked on the phone before.

7 How many times, would you say?

8 A. I don't know; two or three.

9 Q. And those conversations were primarily,

10 if not entirely, logistical things; setting this up,

11 asking about phone records, that kind of thing,

12 correct?

13 A. Yes, sir.

14 Q. Have you talked to Kevin Morris before?

15 A. Briefly. We had a brief conversation.

16 It's been a while back.

17 Q. Have you had more than one conversation

18 with him?

19 A. I couldn't tell you. I know we've had

20 one. Beyond that I couldn't -- we may have had two,

21 but I'm not sure. I am sure about one.

22 Q. No conversations recently; is that

23 correct or fair, within the last month?

24 A. No, none within the last month.

25 Q. Okay. All right, so getting into it, you

Page 8

1 know, we're here to talk about some phone calls that

2 you received on March 30th, 2018. Okay?

3 A. Yes.

4 Q. And just, you know, big-picture question

5 to start, have you told the same story each time that

6 you've talked about the calls that you received on

7 March 30th, 2018?

8 And I guess I don't mean "story" in a

9 pejorative sense. I mean, have you told the same

10 truthful facts each time you've talked to others about

11 the calls that you received?

12 A. Yes, I have.

13 Q. All right. And you're not aware of ever

14 having told anyone false facts about these phone

15 calls, correct?

16 A. That is correct.

17 Q. And, similarly, you're not aware of

18 anyone attributing to you statements that you did not

19 make in connection with the phone calls that you

20 received; is that correct?

21 A. Right.

22 Q. Let me see if I can do this. I cannot.

23 **MR. GREENAMYRE:** Okay, Sam, can you pull

24 up the exhibit called 11Alive video and play

25 that?

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1 **THE COURT REPORTER:** Do you want me to
 2 type that down on the record?
 3 **MR. GREENAYMRE:** Yes, please.
 4 (Brief pause.)
 5 **MR. GREENAYMRE:** Sam, do you hear me?
 6 **MS. FUNT:** Yes. Sorry; I was muted. I'm
 7 pulling it up.
 8 **MR. GREENAYMRE:** Okay. Just making sure.
 9 **MS. FUNT:** The file that I have
 10 transferred is saying it won't play, so let me
 11 try one more thing. Hold on.
 12 **MR. GREENAYMRE:** You may need to use a
 13 VLC player.
 14 So do you have the VLC player installed?
 15 If not, maybe Frank can play it.
 16 **MS. FUNT:** Yes, I don't. I think maybe
 17 he should.
 18 **MR. LEMMON:** I'm looking. I do have VLC
 19 installed. Just looking in our file.
 20 **MR. GREENAYMRE:** I mean, it's just in the
 21 main folder there.
 22 **MR. LEMMON:** It looks like it's only 1K,
 23 so I'm sort of thinking it might not be.
 24 **MR. GREENAYMRE:** No, what I'm looking at
 25 is 886, or here's another place that it is. If

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1 you go to Privileged, Deposition, Clowdus
 2 exhibits.
 3 (Brief pause.)
 4 **MR. GREENAYMRE:** I'm sorry, y'all, for
 5 the technical difficulties with the internet
 6 this morning.
 7 What we may be able to do is I can just
 8 play it on my computer, and we can just do audio
 9 only. Let me know if you can hear this.
 10 **MR. LEMMON:** I think I might have just
 11 gotten it pulled up, Zack.
 12 No, I'm sorry. The problem is that I'm
 13 remotely logged into my computer at work, so
 14 it's not going to play the audio.
 15 **MR. GREENAYMRE:** Okay. Well, then I'll
 16 just do the audio. That's all we're going to
 17 need.
 18 **MR. LEMMON:** Okay.
 19 **MR. GREENAYMRE:** All right. Let me
 20 know -- I'm going to play the first few seconds
 21 of this, Ms. Clowdus. Let me know if you can
 22 hear it.
 23 (A few words of the audio was played.)
 24 **MR. GREENAYMRE:** So I just played the
 25 first few seconds of this. Were you able to

Page 11

1 hear that, Ms. Clowdus?
 2 **THE WITNESS:** Yes.
 3 **MR. GREENAYMRE:** So I'm going to play
 4 this. It's an 11Alive story, and it's two
 5 minutes long. I'm just going to let it play.
 6 (11Alive video was played as follows.)
 7 **UNIDENTIFIED MALE VOICE:** -- Eagles
 8 Landing its own city. This is a story I first
 9 told you about over the weekend. Coren Michael
 10 Randazzo was arrested for making terroristic
 11 threats after police discovered he was the one
 12 behind the calls.
 13 Tonight Christie Ethridge talks to the
 14 woman who got those calls.
 15 **REPORTER CHRISTIE ETHRIDGE:** --
 16 want to show her face, but she felt the courage
 17 to talk about the calls that she says have now
 18 put her entire family in danger.
 19 **SUSAN CLOWDUS:** It's really changed my
 20 life. I've been followed a couple of times.
 21 I'm always looking over my shoulder, which is
 22 something I've never done before.
 23 **REPORTER CHRISTIE ETHRIDGE:** --
 24 you -- I mean, are you living in fear?
 25 **SUSAN CLOWDUS:** Absolutely. It scared me

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1 to death.
 2 **REPORTER CHRISTIE ETHRIDGE:** --
 3 started at the end of March, the day after the
 4 end of the Georgia's legislative session. Three
 5 calls, back to back, with a serious threat.
 6 **SUSAN CLOWDUS:** He said, You better watch
 7 your back. And I said, What? He said, You
 8 better watch your back because of your
 9 involvement with the City of Stockbridge and the
 10 City of Eagles Landing. We're going to take you
 11 out.
 12 **REPORTER CHRISTIE ETHRIDGE:** --
 13 the calls sounded like they were from different
 14 people, two of them men and one the voice of a
 15 woman, but police say Coren Michael Randazzo is
 16 the only one implicated in the case. He's a
 17 stranger to the woman he called.
 18 **SUSAN CLOWDUS:** Never met the man. Do
 19 not know the man. Do not know his name. Never
 20 seen him.
 21 **REPORTER CHRISTIE ETHRIDGE:** --
 22 stopped driving her car and now checks in with
 23 her family every couple of hours.
 24 **SUSAN CLOWDUS:** They were told that just
 25 because someone came after me doesn't mean that

Page 13

1 they can't come after them.

2 **REPORTER CHRISTIE ETHRIDGE:**

3 Stockbridge sends a statement that says, in

4 part, the reported incident is unfortunate and

5 bothersome. We will continue to advocate

6 stability in all communications.

7 But this board member has a feeling this

8 is only going to get worse before the November

9 vote.

10 Do these threats or have these phone

11 calls made you want to back down at all?

12 **SUSAN CLOWDUS:** Absolutely not.

13 **REPORTER CHRISTIE ETHRIDGE:**

14 Ethridge, 11Alive News.

15 **BY MR. GREENAYMRE:**

16 Q. Were you able to hear that?

17 A. Yes.

18 Q. Perfect. And do you recognize your

19 voice?

20 A. Yes, absolutely.

21 Q. And in the video, I don't know whether

22 you remember, but your face is blurred out but we can

23 confirm that that was you talking, at least part of

24 the time?

25 A. Yes, it was.

Page 14

1 Q. Okay. And will you confirm that

2 everything that was in that report that you just heard

3 is accurate?

4 A. Yes.

5 Q. So just running through a couple of

6 those --

7 **MR. MORRIS:** Object to form to the

8 previous question. I'm sorry, I was on mute,

9 but I wanted to get on the record that I had

10 objected to form.

11 **MR. GREENAYMRE:** Okay.

12 **BY MR. GREENAYMRE:**

13 Q. So I just want to run through a couple of

14 those. So the phone calls you got were the day after

15 the general assembly advanced Eagles Landing's bid for

16 potential city-hood, correct?

17 A. That is correct.

18 Q. And you got three phone calls, correct?

19 A. That's correct.

20 Q. And in those phone calls there were, you

21 know, explicit threats to you?

22 A. Yes.

23 Q. And the phone calls came from three

24 different people; at least, you know, it sounded like

25 that?

Page 15

1 A. That's what it sounded like, yes.

2 Q. Okay. Two males -- I'm sorry, I didn't

3 mean to cut you off.

4 A. But it also sounded on the second and

5 third call like they were disguising their voice,

6 whoever it was.

7 Q. Okay. And the -- it sounded like there

8 were two male calls and one female call?

9 A. That is correct.

10 Q. And that, you know, this was something

11 that scared you to death and changed how you lived

12 your life on a daily basis, at least for some period

13 of time, correct?

14 A. Yes, it did.

15 Q. All right.

16 **MR. GREENAMYRE:** Sam, can you pull up the

17 document ELERC press release?

18 **MS. FUNT:** Yes.

19 **BY MR. GREENAMYRE:**

20 Q. And can you see that document,

21 Ms. Clowdus?

22 A. I can. Is there any way to enlarge it?

23 Let me grab my glasses.

24 **MR. GREENAYMRE:** Yes, Sam, if you can

25 zoom in a little bit.

Page 16

1 **THE WITNESS:** Okay, that's better.

2 **BY MR. GREENAMYRE:**

3 Q. Okay. Do you recognize this document?

4 A. No. That did not come from me. I do

5 not.

6 Q. Okay. Have you ever seen this document

7 before?

8 A. Not to my recollection. I would have to

9 go back. You got to understand that these incidents

10 happened about three years ago. So, you know, I would

11 have to go back and look through my files that I have

12 to see if I had a copy of it.

13 This was drafted and published by the

14 chairman of the committee, not by me, so I'd have to

15 read through it and check my files, but I'm not

16 certain I've ever seen it.

17 Q. Okay. And that would be Chairman,

18 Ms. Vikki Consiglio?

19 A. That is correct.

20 Q. And were you at -- in 2018 a member of

21 the Eagles Landing Educational Research Committee?

22 A. Yes. I was the vice chair.

23 Q. And I understand that -- or maybe let me

24 just ask you. What's your understanding of what the

25 ELERC, what its mission was?

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1 A. Its mission was to discover if there was
2 viability to create the City of Eagles Landing and
3 grow, as we did with the study that we had done. We
4 took it to the legislature. And after that, of
5 course, the governor signed the bill to allow it to go
6 to the voters. That was the purpose of the committee.

7 Q. And was it, also, you know, an advocacy
8 organization to advocate for the Eagles Landing
9 city-hood?

10 A. Yes.

11 Q. How did -- I mean, it looks in this
12 document that it may have been sent after
13 Mr. Randazzo's, you know, court date on June 5th.

14 Do you know whether this press release
15 had anything to do with the 11Alive interview that we
16 just watched or we just listened to?

17 A. I have no idea.

18 Q. Okay. How did that 11Alive report come
19 to be, to your recollection?

20 A. The reporter called me and asked if I
21 would be willing to speak -- which I had been asked
22 for several times to speak -- on what had happened,
23 and I finally gave my permission and they came and
24 interviewed me.

25 Q. Did you ever say anything to anyone about

Page 19

1 third ones I got more concerned, and that's when I
2 called a fellow member of the committee and told --
3 told them about it and -- but, yes, I was concerned.

4 I never was not concerned. It's just the
5 level of concern that I had grew the more I thought
6 about it and the more calls that I received.

7 Q. Okay. And did you -- did you receive
8 calls other than on March 30th, 2018?

9 A. No. I -- well, let me back up. I
10 received calls after that that just were hung up. You
11 know, calls that hung up or were blocked numbers that
12 I normally did not receive. But, no, I did not
13 actually speak to anyone after March the 30th.

14 Q. Understood.

15 MR. GREENAYMRE: Sam, can you pull up the
16 document that is the Ireland e-mail?

17 And can you zoom in a little bit?

18 Yes, I guess we should mark all of these.

19 Can we mark the ELERC press release as Exhibit 2
20 and the Ireland e-mail as Exhibit 3?

21 (Plaintiff's Exhibit 2 and 3 were marked
22 for identification, attached at the end of the
23 original transcript.)

24 BY MR. GREENAYMRE:

25 Q. Ms. Clowdus, can you see this e-mail?

Page 18

1 these phone calls that would have led them to believe
2 that you were not very concerned about the calls that
3 you received on March 30th, 2018?

4 A. From the beginning when I received the
5 calls it scared me, but I'm like, you know, there's --
6 there's a lot of people that say a lot of things in
7 this world.

8 But as I told my family members and
9 friends about it, they -- you know, they raised my
10 concerns. And after I stopped and thought about it, I
11 thought it would be an injustice not to report the
12 incident, not mainly for me but for my family.

13 My whole family is involved in my
14 business and could be very vulnerable, and I would
15 never forgive myself if something happened to them.
16 So I was more concerned about, you know, the whole
17 aspect of being threatened.

18 Q. Understood. And then maybe -- you know,
19 that's helpful context but to go back to that
20 question, I mean, do you recall ever saying anything
21 to anybody that you were not very concerned about the
22 calls you received?

23 A. I don't know that I used those words, but
24 at first I, you know, kind of just brushed it off
25 after the first one. And then after the second and

Page 20

1 A. I can.

2 Q. Have you ever seen this e-mail before?

3 A. I have not.

4 Q. Do you recall having a conversation with
5 Mike Ireland about these phone calls?

6 A. I do.

7 Q. Okay. Would you say that his write-up of
8 this is accurate or inaccurate in the couple
9 paragraphs?

10 Do you see it?

11 A. You know, I can't say whether it's
12 accurate or inaccurate. All I can say is that his
13 initial conversation with me, I was still in the --
14 you know, I'm concerned but I don't want to make a big
15 deal out of this. You know, law enforcement has more
16 to do than chase harassing phone calls, but I felt
17 that this is something that I needed to report.

18 But I never said -- I mean, I never said
19 anything to anybody that it wasn't a big deal or that
20 I'm not worried about it. So, you know, you can
21 take -- take conversation and take whatever you want
22 from it.

23 Q. I understand.

24 MR. GREENAYMRE: All right, Sam, we can
25 take that down.

Page 21

1 And then can we -- Kevin, can we mark
2 that 11Alive video as Plaintiff's 1? You can
3 just put the caveat that I'm making now on the
4 record that we only played the audio, not the
5 video. Any issue there?
6 **MR. MORRIS:** Yeah, I don't think there's
7 any issue with it. I mean, I haven't seen it
8 and she didn't get to see it, so I wonder if it
9 might be the case that you should just introduce
10 the audio. Because I wouldn't want someone
11 reading the record to be under the impression
12 that she actually watched it, should that be an
13 issue at some point later. So maybe it's just
14 the audio that you want to introduce.
15 **MR. GREENAYMRE:** Yeah, I'll see if I can
16 do that. I mean, hopefully we're making the
17 record very clear that it was just audio and it
18 was when she answered the questions as well.
19 (Plaintiff's Exhibit 1 was marked for
20 identification.)
21 **BY MR. GREENAYMRE:**
22 Q. But moving along. So, Ms. Clowdus, I
23 understand that you had at this time, back in March,
24 2018, a cellphone and an office phone and that
25 generally the office phone would forward to the

Page 22

1 cellphone? Is that generally correct?
2 **A. That's correct. And there was also a**
3 **Google voice number that was on my website and on my**
4 **for-sale signs and all of my advertisements.**
5 Q. Got it. What was that Google voice
6 number?
7 **A. (770) -- I'm sorry, (404) 860-2204.**
8 Q. Got it. And then the cellphone was
9 (404) 680-6974; is that correct?
10 **A. That's correct.**
11 Q. And the work was (770) 474-5515, correct?
12 **A. Well, there's three incoming lines to my**
13 **office there that rotate.**
14 Q. Okay.
15 **A. And once you forward the main, the 5515**
16 **number they roll over.**
17 Q. Sorry if I'm being dense, what do you
18 mean by "roll over"?
19 **A. If 5515 is in use, then the next caller**
20 **would go to the next number in the sequence of numbers**
21 **associated with my phone system.**
22 Q. Got it.
23 **A. Which is, if you need those, I can get**
24 **them to you.**
25 Q. Thank you for anticipating my question.

Page 23

1 Yes, please.
2 **A. (770) 389-9800.**
3 Q. Yes.
4 **A. (770) 389-2020.**
5 Q. Got it. And when you called any of
6 these, I guess five numbers yourself -- the Google
7 voice or the three work line numbers -- would that all
8 forward to your cellphone?
9 **A. Yes.**
10 Q. And would you -- you know, when it rings
11 into your cellphone does it all look the same, or can
12 you tell which number the person had called?
13 **A. The only time I can tell the number is**
14 **if it's the Google voice number, and I no longer use**
15 **that number. That's not worked for a number of years**
16 **so . . .**
17 Q. Would you use that as of March, 2018?
18 **A. Yes.**
19 Q. Okay. And what does it look like when
20 someone calls using the Google voice as opposed to
21 just calling otherwise?
22 **A. It comes in as the number they're calling**
23 **from typically, or it can be routed through a third --**
24 **a third party, for lack of a better word, and it's not**
25 **necessarily the number they're calling from.**

Page 24

1 Q. Okay. So does it show -- I mean, does it
2 say "Google voice"?
3 Does it show up as (404) 860-2204?
4 **A. No. It never -- it never shows it's --**
5 **well, I shouldn't say that. I mean, it's been a while**
6 **since I used it so I apologize. I don't pay a lot of**
7 **attention or memory about numbers, but with the Google**
8 **voice sometimes it will -- there will be a message**
9 **that will play before -- when the phone rings, if you**
10 **answer it, it will say, You have a Google voice call**
11 **from, and it will give the person's name.**
12 **But if someone calls the Google voice**
13 **number and they don't give their name, then it just**
14 **rings in as a phone call. And you sometimes can see**
15 **the number that they're calling from and sometimes,**
16 **like I say, it's routed through a third -- kind of a**
17 **third party, a third line.**
18 **So -- and the way I know that is when I**
19 **would talk to a customer or client and I would say I**
20 **needed to get back to them, is your phone number,**
21 **(770) 999-9999? They'd go, no, my phone number is,**
22 **and it would be a different number.**
23 Q. Okay.
24 **A. That's the only way that I recognized**
25 **that not all of the time was the accurate number**

Page 25

1 **showing when the cellphone rang.**

2 Q. I appreciate that, and thank you for that
3 background.

4 All right, so let's -- I want to, you
5 know, go back to the phone calls that you received.
6 So let me make sure I have the sequence first.

7 You know, so we have one phone call from
8 a male voice that's first. And this one is -- you
9 know, doesn't, initially at least, to you, seem
10 disguised; is that right?

11 **A. That is correct.**

12 Q. And then the next phone call you get, is
13 that from a female or from a male?

14 **A. It's from a male.**

15 Q. Okay, so male, male, and then the last
16 one is female?

17 **A. Yes.**

18 Q. And then what -- what times did those
19 come in, approximately?

20 **A. It was in the morning. I can't give --**
21 **you know, approximately 10 o'clock in the morning,**
22 **9:30, 10 o'clock-ish.**

23 Q. And over how long of a period did those
24 calls come in?

25 If the first one was, you know, 9 or 10,

Page 27

1 How long, approximately, was that phone
2 call?

3 **A. I don't know. If I had to guess, maybe**
4 **30 seconds, a minute at tops.**

5 Q. And did he make some comment or joke
6 about sending a property tax bill to your office or to
7 the Eagles Landing Educational Research Committee?

8 **A. If I remember correctly, there again,**
9 **it's been three years --**

10 Q. I understand.

11 **A. -- but the crux of the comment was, Is**
12 **this where I need to send all of the tax bills for the**
13 **City of Stockbridge? Because you're devastating the**
14 **City of Stockbridge. And, you know, I took that to**
15 **"watch my back" kind of thing.**

16 **And, there again, it's been three years.**
17 **And I didn't have -- just so the understanding is very**
18 **clear here, I had no idea of who was making the phone**
19 **calls.**

20 Q. Okay, so I'm going to ask you some more
21 detailed questions about that. Tell me if this
22 sequence sounds right. Mr. Randazzo calls you. You
23 have that 30-minute -- 30-second conversation that you
24 just described. Shortly thereafter you called the
25 number that it just called you and, you know, there

Page 26

1 you know, was the second and third, you know, very
2 shortly thereafter?

3 **A. You know, I would say within -- all three**
4 **calls happened within the time span of about**
5 **45 minutes.**

6 Q. Okay.

7 **A. There again, we're talking three years**
8 **ago so, you know.**

9 Q. Yeah, and that makes a little sense. You
10 know, we're going to look at some phone records in a
11 little bit, you know, so, you know, if you remember
12 something or it's a little bit different, you know,
13 let me know.

14 And, you know, just like, you know,
15 similarly, just like you did just then, if you're not
16 sure about something but, you know, can make an
17 educated guess. Just let me know that you're making
18 an educated guess, and we're good to go.

19 So Mr. Randazzo represented to you, you
20 know, he says that he just made the first call, not
21 disguising his voice and nothing after. What was --
22 since I may say your conversation with Randazzo,
23 that's what I mean, just the first call. Tell me what
24 was the substance of that call, you know, with the --
25 let me ask a better question.

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1 was no answer. And then later in the day there was a
2 text message exchange.

3 Does that sound right?

4 **A. I do not remember anything about a text**
5 **message.**

6 Q. Okay. But otherwise it does sound
7 correct; that you returned the call afterwards?

8 **A. I called back to see if I could determine**
9 **who it was, yes, but there was no answer, to my**
10 **recollection.**

11 Q. Got it.

12 **MR. GREENAMYRE:** Sam, can you pull up
13 missed call, Randazzo placed call, and Randazzo
14 SMS?

15 **MS. FUNT:** Yes. One second.

16 **BY MR. GREENAMYRE:**

17 Q. And let's first look at Randazzo placed
18 call. Do you see this document that we'll mark as
19 Plaintiff's 4, which is Randazzo placed call?

20 **A. Yes, I do.**

21 **(Plaintiff's Exhibit 4 was marked for**
22 **identification, attached at the end of the**
23 **original transcript.)**

24 **BY MR. GREENAMYRE:**

25 Q. And that 5515 number is your office line,

Page 29

1 correct?

2 **A. Yes, it is.**

3 Q. And March 30th at about 10:15 is
4 consistent with when you remember these calls coming
5 in, right?

6 **A. As I stated before, yes.**

7 Q. And about -- you know, you basically
8 nailed it on the time, 28 seconds.

9 (Plaintiff's Exhibit 5 was marked for
10 identification, attached at the end of the
11 original transcript.)

12 **BY MR. GREENAYMRE:**

13 Q. And then if we look at missed call, we'll
14 mark this as Plaintiff's 5. It looks like shortly
15 thereafter you call that number back but from your
16 cellphone, correct?

17 **A. Right.**

18 Q. There was no answer. And then finally
19 let's look at Randazzo SMS.

20 (Plaintiff's Exhibit 6 was marked for
21 identification, attached at the end of the
22 original transcript.)

23 **BY MR. GREENAYMRE:**

24 Q. And there's this text message, it looks
25 like that afternoon. The Randazzo text, What do you

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1 Q. Okay. And that's something you're
2 absolutely positive of; that he used the word
3 "devastating" in that first phone call?

4 **A. Absolutely positive.**

5 Q. Okay. So if he says that he's -- he did
6 not use that word, he's not telling the truth?

7 **A. I'm not going to say that. All I'm
8 telling you is that he did use the word.**

9 Q. Okay.

10 **A. Draw whatever opinion or conclusion from
11 that you wish, but he did use the word.**

12 Q. And are you aware that -- and I guess I
13 take it -- or let me ask it this way. You know, so in
14 the other documentation that we've seen, and I can
15 show you if you'd like, my understanding is that there
16 wasn't an explicit threat in the first call, but then
17 there were the two calls shortly thereafter that did
18 have the explicit "watch your back" language in them.

19 Is that consistent with your
20 understanding?

21 **A. Yes, to the best of my recollection. And
22 there was -- you know, Mr. Randazzo, which of course I
23 didn't know that was him at the time --**

24 Q. Right.

25 **A. -- there was a reference, and I can't**

Page 30

1 want McMansion guy? And the response, a bunch of
2 question marks.

3 **A. I do not remember that. In other words,
4 he texted me, and I responded with the question marks?**

5 Q. I'm asking if that sounds familiar to
6 you?

7 **A. It does not, no.**

8 Q. Okay. And to be clear, I mean, is it
9 possible this happened and you just don't remember it
10 because it was a long time ago, or you really don't
11 think it ever happened?

12 **A. I really -- I really don't remember that.
13 If it happened, it happened. And I'm sure you may
14 have looked at all of my texts and e-mails over the
15 past and, you know, I get 50 to 60 between texts and
16 phone calls and e-mails a day so it's easy not to
17 remember something, but I'm pretty sure I would
18 remember this.**

19 Q. All right. So if you want to go to the
20 substance of the call with Mr. Randazzo, this first
21 call, I'll represent to you that he says that he never
22 used the word "devastating" but in some of the papers
23 we've seen there's an attribution of the word
24 "devastating" by him in that first phone call.

25 **A. Yes, he did use that word.**

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1 **quote you verbatim.**

2 Q. Yup.

3 **A. It was a threat like, You better watch
4 out, "watch your back" kind of thing. And I don't
5 know if that's in the police report.**

6 **You have to understand, the police came
7 to the house the day after this happened and, you
8 know, I may not have given them all of the words that
9 were used. But for me to take the first phone call as
10 threatening, then there was an indication that it was
11 a threat.**

12 Q. All right. And I guess I'm -- so my
13 understanding is that, you know, part of the -- part
14 of what led to the belief that the first phone call
15 was threatening was, you know, the pattern, right?

16 You have three phone calls within about
17 an hour, you know, that all, you know, used the same
18 word "devastating" in describing what happened and,
19 you know, you don't normally get these phone calls.
20 So, I mean, my understanding from looking at the
21 reports was that the first phone call, at least, did
22 not say explicitly "watch your back" or something like
23 that, but that in context you took that as a threat
24 because you had the subsequent phone calls that did
25 say that and were, you know, close in time.

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1 I guess my question to you is, did you
2 tell a police officer that the first phone call
3 from -- the first phone call, that I'll represent to
4 you was from Mr. Randazzo, contained an explicit
5 threat like "watch your back"?

6 **A. I believe I did, yes. You know, there**
7 **again, three years ago, but I believe I did.**

8 **Q. But not 100 percent, you know, as you sit**
9 **here today, three years after this happened?**

10 **A. You know, I'm pretty sure that I would**
11 **not have gotten -- gotten upset or worried, you know,**
12 **after the first phone call, because I was. I just**
13 **wasn't to the extent until after the third phone call**
14 **and, you know, I discussed it with a fellow committee**
15 **member.**

16 **So I -- you know, I can't give you the**
17 **exact words, you know. If I had known then what I**
18 **know now, I would have made sure to write down every**
19 **word but, you know, I'm the victim in this and so, you**
20 **know, I did not do that.**

21 **Q. I understand. We're just trying to get**
22 **your best idea or memory and where you're sure about**
23 **something, you're sure about something. And if you're**
24 **uncertain about something, let us know. And you're**
25 **doing that, so we appreciate that.**

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1 So let's talk about the second call.

2 Approximately how long was that phone call, to the
3 best of your recollection?

4 **A. If I had to guess, 15 minutes,**
5 **10 minutes. And I'll just tell you that all of these**
6 **phone calls happened within a span of about**
7 **45 minutes. And the reason I can tell you that is on**
8 **Fridays I play golf, and I had to leave the office at**
9 **a certain time for a tee time so I'm pretty certain of**
10 **the timeframe. It would have been within 45 minutes,**
11 **maybe an hour, but that would be the most.**

12 **Q. Okay. And I guess my question, I think**
13 **maybe I misheard you, or maybe you misheard me. The**
14 **question I meant to ask was, how long in duration was**
15 **the second call?**

16 **A. I can't tell you for sure. I just said**
17 **three calls happened within that timeframe. It may**
18 **have been 10 minutes, it may have been 20 minutes. I**
19 **can't tell you. I didn't record the time, but I can**
20 **tell you that the three calls happened within that**
21 **timeframe.**

22 **Q. Okay. So you had approximately, you**
23 **know, give or take, a 15-, 20-minute conversation with**
24 **someone who told you to watch your back?**

25 **A. No, no, no. I didn't have a 15- or**

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1 **20-minute conversation with anybody who called.**

2 **Q. That's why I think you were**
3 **misunderstanding my question.**

4 **A. No, I understand your question. I**
5 **understand your question. You were asking me how**
6 **many -- how much time was in between the phone calls.**

7 **Q. Sorry, that was not the question I meant**
8 **to ask.**

9 The question I meant to ask was, the
10 second phone call, how long was it?

11 **A. Oh, how long was it in duration?**

12 **Q. Correct.**

13 **A. Oh, okay. You know, I don't remember,**
14 **probably 30 seconds, no more than a minute, the same**
15 **kind of thing. Because I think with that phone call I**
16 **said, What? What are you talking about? I responded,**
17 **where with the first phone call I'm not sure I even**
18 **responded other than saying, "What?"**

19 You know, but with the second phone call
20 I was a little more concerned so I was trying to
21 discern exactly, you know, who it was or what their
22 purpose in calling me was. But I can't tell you if
23 the duration was 10 seconds, 30 seconds, a minute, two
24 minutes, five minutes; I don't know.

25 **Q. It certainly wasn't 15 minutes; shorter**

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1 phone call?

2 **A. Correct.**

3 **Q. Okay. And this was with the male?**

4 **A. The second one was a male, yes.**

5 **Q. And as far as substance goes, what, if**
6 **any, kind of details can you tell us about, you know,**
7 **what the second caller said to you?**

8 **A. Pretty much "Watch your back, we're going**
9 **to take care of you because you're devastating the**
10 **City of Stockbridge."**

11 **Q. Okay. Any other details or anything like**
12 **that you can tell me about the second phone call?**

13 **A. No.**

14 **Q. The third call. I know it all happened**
15 **within about an hour, all three phone calls, but what**
16 **was the duration of the third phone call? The same,**
17 **about?**

18 **A. About the same, yes. That phone call I**
19 **just hung up. I didn't engage with the caller.**

20 **Q. Okay. And that was a female?**

21 **A. Appeared to be female or male trying to**
22 **impersonate his voice. It was a low male -- it was a**
23 **low female voice, let me put it that way, but appeared**
24 **to be female. But, of course, I do not know for**
25 **certain.**

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1 Q. And tell me about the substance of that
2 phone call.

3 A. She just pretty much said the same thing;
4 that we're going to take care of you because you
5 devastated the City of Stockbridge. And, you know, it
6 was just odd that all three callers had basically the
7 same message.

8 Q. All right. And if I understand
9 correctly, the first phone call that came through, you
10 could see the phone number that was calling you,
11 right?

12 A. That is correct.

13 Q. And then with the second and third phone
14 calls you couldn't see them?

15 A. No, I could not.

16 Q. Okay. Do you remember --

17 A. One was a blocked -- one was a blocked
18 call, that I almost never answer, an unknown caller or
19 blocked number, but I did.

20 Q. Okay. And was that the second or the
21 third call, or do you know?

22 A. I think that was the third call, if I had
23 to recall. I'm pretty sure it was the third call.

24 Q. So one of them was blocked. What was the
25 other one?

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1 A. I don't know. If I remember correctly, I
2 was on the phone with someone and I switched over to
3 take the call, so I couldn't tell you.

4 Q. Okay. When you go look at your, you
5 know, missed call or your recent call log on your
6 cellphone, it will show you the numbers that, you
7 know, have come in unless they're blocked, correct?

8 A. Yes.

9 Q. Okay. Regardless whether they come from,
10 you know, the Google voice or the cellphone or the
11 work lines, right?

12 A. That is correct. They only say your
13 missed calls. I don't know about your phone, but my
14 Apple phones the missed calls only go back for, you
15 know, depends on how many calls you get but for me
16 it's usually a day, and then you can't see them
17 anymore.

18 Q. Understood.

19 A. There's only so many that stays in your
20 missed call log or received call log.

21 Q. Right. So -- and then when you made the
22 report about the calls that you got, you told the
23 officer that, you know, you recognized this one call
24 that came in but the other two were blocked and you
25 couldn't figure out what the phone number was, right?

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1 A. Only one of them was blocked, as I said.
2 The other one I did not go get the number. You know,
3 by Saturday when I met with the police officers I did
4 not go back through my call log to see if I could
5 determine the number.

6 So, you know, clearly one call was
7 blocked, two came in from numbers. The second call,
8 if I remember correctly -- and I may not be correct
9 about this though, it was three years ago again -- but
10 the second call I'm almost positive I was on the
11 phone, a business call, and I answered, I clicked over
12 and answered it.

13 And it could have shown, you know,
14 incoming call and the number but, there again, I
15 didn't go back and look. I was not asked for it. I
16 would have gladly, you know, looked in my phone to see
17 if that number was there. It may not have been that
18 day. There were a lot of phone calls so, you know, as
19 I say, if you looked in my phone records, you see how
20 many phone calls I get in a day.

21 Q. I want to again -- and, sorry, sometimes
22 I ask the same question or I'm just like not getting
23 things, so I want to make sure I understand. So you
24 were able to provide the -- Mr. -- Officer Fisher with
25 Mr. Randazzo's phone by looking at your missed -- or

Page 40

1 your call log, right?

2 MR. MORRIS: Object to form.

3 THE WITNESS: Yeah.

4 BY MR. GREENAMYRE:

5 Q. You can answer.

6 A. I wrote down the first phone number for
7 some reason when he called that morning. I jotted
8 down that phone number. And it was not Sergeant or
9 Detective -- whatever he is -- Fisher that interviewed
10 me. It happened to be two police -- two police
11 officers that came to the house. That's just for
12 clarification. It wasn't Detective Fisher at the
13 time.

14 Q. Right, right. He got involved later, and
15 we'll talk about that.

16 So you were able to provide the first
17 number --

18 A. Yes, I was.

19 Q. -- because you had written it down,
20 right?

21 A. Yes.

22 Q. And then the officers that came didn't
23 ask you for the other numbers?

24 A. Not to my recollection, no.

25 And just as a point of reference, you had

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1 told me to schedule an hour for this, so we're coming
2 up on an hour, so just so you know.

3 Q. Yes.

4 A. I've got other obligations shortly.

5 Q. I appreciate that, and we'll be getting
6 out of here relatively quickly. I just want to ask
7 you a few questions about some of the phone records.

8 MR. MORRIS: I didn't know anything about
9 the hour agreement, and so we can either let her
10 go in an hour when you're done or she's going to
11 have to adjust your schedule. I didn't know you
12 had made that representation to her. I don't
13 want to interfere with her schedule, but I
14 didn't provide that assurance and obviously I've
15 got questions.

16 MR. GREENAYMRE: Yeah, and I set it as
17 a -- an estimate of time, so I don't know
18 whether you got to get off in a couple minutes
19 or not, but I know Kevin has a few questions for
20 you but I'll just try and get through here as
21 quickly as I can.

22 BY MR. GREENAMYRE:

23 Q. How did you make the initial report to
24 law enforcement about the threatening calls that you
25 received?

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1 A. Officer Ireland contacted me when I told
2 the committee member about the phone calls. She
3 contacted Sheriff McBrayer of the Sheriff's
4 Department, and he contacted Mike Ireland who called
5 me.

6 Q. Got it.

7 A. He told me that he would send two
8 officers to the home tomorrow or the next day,
9 Saturday, and that I could give my report to them.

10 Q. Got it. Who was the board member that
11 you're referring to that you reported this to that
12 then reported to the sheriff?

13 A. How is that relative to this?

14 Q. I just want to know the information.

15 A. It was Vikki Consiglio.

16 Q. So at one point I -- you know, there's
17 some records that, you know, there was a lack of
18 investigative leads and then the investigation kind of
19 died for, you know, a month or two and then, you know,
20 Investigator Fisher became involved.

21 Do you know what was happening there?

22 Did you have any conversations with anybody?

23 A. No. No conversations with anybody.

24 Q. Okay. Did you -- you know, after you
25 talked to Mike Ireland and then the two officers that

Page 43

1 came to your house on that Saturday, did you have any
2 conversations with or contacts with law enforcement
3 before Mr. Fisher reached out to you?

4 A. Not that I can recall. It could happen.

5 You know, in my business I have a lot of clients, a
6 lot of police officers, sheriff's deputies, you know,
7 but formally, no, I did not have any conversation.

8 Q. And no conversations that you can recall
9 as you sit here today?

10 A. With?

11 Q. Formal or informal.

12 A. With who?

13 Q. With law enforcement about this.

14 A. I can't say that. I can't say formal or
15 informal because, you know, if I ran into a police
16 officer at Wal-Mart and they said, Hey, how are you
17 doing, I heard something about the City of Eagles
18 Landing and threats, are you okay; I may have said,
19 Yeah, I'm okay. You know, I believe there were
20 probably some of those conversations because, just of
21 the sheer number of people that I know in the
22 community, but -- so I can't say absolutely not, but I
23 can almost say formally, no, I do not recall any.
24 Informally, yes, probably.

25 Q. What is your relationship, if any, with

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1 Detective or Investigator Isaac "Ike" Fisher prior to
2 this investigation?

3 A. I was what you might call a casual
4 acquaintance. We belong to the same country club, as
5 do a number of law enforcements individuals, both in
6 the Henry County Police Department, GBI, FBI. But in
7 terms of were we friends, did we hang out together,
8 the answer to that is "No". I would call it just a
9 casual acquaintance that I would see, speak to in
10 passing. His wife, same thing.

11 Q. Okay. And did you ever -- I mean, when
12 he bought his house in Eagles Landing were you
13 involved in that transaction?

14 A. Absolutely not, no. He did not use me.
15 His wife is a real estate agent, so I --

16 Q. I understand. Okay. I know you, you
17 know, we're right at 11. I don't know what your
18 timeline is. I can probably get done in the next ten
19 minutes, but if we need to reschedule we can do that.
20 I don't know how long Kevin's questions are going to
21 be.

22 A. I can -- I can push it to 11:30, but
23 that's it. I've got -- I can't go much further than
24 that.

25 MR. MORRIS: Do you remember her saying

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1 she's got a tee time on Friday?
 2 **THE WITNESS:** Not today. It's too wet
 3 and cold.
 4 **BY MR. GREENAYMRE:**
 5 Q. So I just want to ask a couple questions
 6 about the phone records that we've got, and we just
 7 got these -- I got them last night but wasn't able to
 8 look at them until this morning, so that is what it
 9 is.
 10 And maybe in this, if you can, you know,
 11 just tell me if you recognize this number or maybe
 12 just look in your phone just briefly to see whether
 13 this is a number in your contacts, and the number is
 14 (770) 231-8626.
 15 A. I know who that is. That's the mortgage
 16 officer.
 17 Q. (770) 389-2000?
 18 A. That's the number of Eagles Landing
 19 Country Club.
 20 Q. (770) 262-0713?
 21 A. No idea.
 22 Q. (770) 595-5028?
 23 A. I don't know about that one. 595-5028?
 24 Q. Yes.
 25 A. No idea.

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1 Q. All right, just a couple more.
 2 (770) 309-4267?
 3 A. 309-4267. Yes, that's a friend of mine.
 4 Q. (404) 402-8005?
 5 A. I don't recognize that one.
 6 Q. (770) 262-0713?
 7 A. I do not recognize that one.
 8 Q. Is that in your phone? You don't know?
 9 A. Yeah, I don't know.
 10 Q. Okay. Do you mind just looking to see
 11 whether it's in your contacts?
 12 I'm sorry this is a tedious process.
 13 A. 622 -- give me that number again.
 14 Q. (770) 262-0713.
 15 A. No, not in my contacts.
 16 Q. (678) 414-0447?
 17 A. Not in my contacts.
 18 Q. (470) 367-3972?
 19 A. Not in my contacts.
 20 Q. (770) 231-8626?
 21 A. You asked me about that one, and that one
 22 is the mortgage officer.
 23 Q. Perfect.
 24 **MR. GREENAYMRE:** I may have a couple more
 25 questions, but instead of reviewing my notes let

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1 me just turn it over to Kevin so, you know, in
 2 the interest of time.
 3 **EXAMINATION**
 4 **BY MR. MORRIS:**
 5 Q. Ms. Clowdus, we've talked a couple times,
 6 and you know who I am. I represent Detective Fisher,
 7 and I wanted to ask you a couple of things about this
 8 case. Let me share my screen with you.
 9 Do you recognize this document?
 10 A. Yes, that's my handwriting. They asked
 11 me to handwrite out a statement, the police officers,
 12 yes.
 13 Q. Okay. And do you recognize when you
 14 wrote that statement?
 15 A. On the 31st of March.
 16 Q. Okay. And if you would, read what it is
 17 that you wrote real quick.
 18 A. On March 30th, 2018, at 10:16, (678)
 19 379-8045 called. The caller said, Is this where all
 20 the citizens of Stockbridge need to send their tax
 21 bill since you devastated the City of Stockbridge?
 22 Second call came in shortly after at the
 23 office number, blocked caller. A man said, You better
 24 watch your back, we're going to take you out because
 25 of you devastating the City of Stockbridge.

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1 **Third caller female said, We're going to**
 2 **take you out because you have devastated the City of**
 3 **Stockbridge.**
 4 Q. Okay. Was your memory about the events
 5 better then or today?
 6 A. Better then, although I would say that I
 7 did leave out, when I wrote this statement, the first
 8 part, you know, Caller One. But, you know, my memory
 9 was much better then than it was today -- than it is
 10 today.
 11 Q. Okay. When I read this, it appears that
 12 maybe you sort of wrote this in a hurried fashion?
 13 A. Yes.
 14 Q. Would that be a correct interpretation of
 15 what the way that the handwriting appears?
 16 A. Yes.
 17 Q. Okay. Did they have this -- did they
 18 have this -- did they have you fill this out when they
 19 first met with you or right before they left, do you
 20 remember?
 21 A. Oh, my gosh. I think they asked some
 22 general questions --
 23 Q. Uh-huh (affirmative).
 24 A. -- and then I -- they asked me to write a
 25 statement, to the best of my recollection is what

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1 transpired.

2 Q. Okay. And I can't -- maybe the fifth or
3 sixth line, I'm going to put my cursor around what I
4 think is significant and I want to draw your attention
5 to.

6 You indicate that the second call came in
7 shortly after the first at the office and a blocked
8 caller?

9 A. At the office number. In other words, it
10 was a call that transferred from the office.

11 Q. Right. Earlier you indicated that you
12 couldn't remember which caller -- which call had the
13 blocked caller. Does that refresh your recollection
14 as to which one?

15 A. Yes.

16 Q. Which?

17 A. Yeah.

18 Q. You indicated that it sounded like
19 someone may have been trying to disguise their voice.
20 Do you remember giving that testimony?

21 A. I do.

22 Q. Okay. Was that the male that was trying
23 to disguise his voice or that you believed he was
24 trying to disguise his voice?

25 A. Yes.

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1 Q. Did you, based upon what you heard from
2 him in the second call did you -- was there enough
3 indicia of similarity with the first call that you
4 drew a conclusion that it was the same person?

5 A. I did.

6 MR. GREENAYMRE: Objection, form.

7 MR. MORRIS: What's wrong with the form?

8 MR. GREENAYMRE: Leading.

9 MR. MORRIS: Well, she's your witness.

10 She's not mine. I didn't notice it.

11 MR. GREENAYMRE: That's my objection.

12 MR. MORRIS: Okay.

13 BY MR. MORRIS:

14 Q. So at any point did you -- do you recall
15 if maybe you relayed that information to any of the
16 officers; that you believed the second caller was, in
17 fact, the first caller?

18 A. I did.

19 MR. GREENAYMRE: Objection, form.

20 BY MR. MORRIS:

21 Q. You did?

22 A. I did, yes.

23 Q. Okay. Would that have included Officer
24 or Detective Fisher?

25 A. You know, I'm not -- here's where the

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1 memory gets cloudy, so I apologize.

2 I do not believe that I had a

3 conversation with Detective Fisher until the first
4 part of June. Now, that could not be -- I could have
5 had one. I just don't recall it. But I -- you know,
6 I do recall very vividly a conversation with him when
7 he came to my office. I can't give you a date, but it
8 was around the first of June, the first part of June.
9 We had a conversation about it.

10 Then I'm -- prior to that I'm sure I
11 would have said the same thing; that I felt like the
12 second caller and even the third caller could have
13 been the same as the first, just trying to disguise
14 his voice as a female voice.

15 Q. And if any of the officers were to
16 testify that they -- that you told them you thought
17 the second caller was the same person as the first
18 caller, you would not dispute that, right?

19 A. I wouldn't --

20 MR. GREENAYMRE: Objection, form.
21 I'm sorry, I didn't hear your answer,

22 Ms. Clowdus, because we're talking at the same
23 time because I was making the objection.

24 THE WITNESS: I said correct.

25 MR. GREENAYMRE: Okay.

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1 THE WITNESS: I would not dispute the
2 testimony that I said that.

3 MR. GREENAYMRE: Understood.

4 BY MR. MORRIS:

5 Q. Based on your level of involvement with
6 the commission to create the City of Eagles Landing,
7 what did -- how did you interpret the calls?

8 What did you think -- what did you think
9 they were trying -- point they were trying to make to
10 you?

11 A. The point that I felt they were trying to
12 make is you better -- better not proceed with
13 attempting this move against the City of Stockbridge
14 by forming the City of Eagles Landing or you could be
15 harmed.

16 Q. Right.

17 A. In other words, you know, get uninvolved.

18 Q. Would it be fair to say that you
19 interpreted the phone calls to be a veiled threat that
20 your movement needs to be stopped?

21 A. Absolutely.

22 Q. Okay. You were asked some questions
23 about the level of fear that you have -- that you had
24 back when you received the calls, and then you
25 indicated that you have family, also, right?

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1 Do you remember that testimony?

2 A. Correct.

3 Q. Did the phone calls concern you in

4 regards to how someone might act against your family?

5 A. Yes.

6 Q. Might that have been a greater level of

7 fear than you had felt personally?

8 A. Always. I think, you know, that you

9 always fear for your family above and beyond yourself.

10 Q. Did I hear you say that you have

11 children?

12 A. I have a son, John Clowdus, who works for

13 me, lives in the City of Stockbridge.

14 Q. A little bit of Mama Bear instinct?

15 A. Absolutely.

16 Q. Okay. Was that front of mind when you

17 received those phone calls and interpreted the

18 messages that were being conveyed?

19 A. Yes, that and, you know, after I thought

20 about it for a little bit, you know, I began to get

21 scared. This was, you know, this was -- the phone

22 calls were a culmination of the three-month battle,

23 for lack of a better word, if you will, to get the

24 movement for the City of Eagles Landing to the point

25 we were at.

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1 Q. Was there a lot of drama? Was it a very

2 contentious political issue?

3 MR. GREENAMYRE: Objection, form.

4 You can answer.

5 MR. MORRIS: Withdrawn.

6 BY MR. MORRIS:

7 Q. Did you interpret the media attention and

8 statements that you heard in public as -- the

9 separation of Eagles Landing as being a contentious

10 political issue?

11 A. Yes.

12 Q. Okay. Can you describe that for me?

13 What did that look like?

14 A. I don't know that we have long enough,

15 but because of the way the City of Eagles Landing was

16 proposed to be formed, we were taking land and

17 property from the City of Stockbridge. That was not

18 our desire, but that's how -- when you attempt to form

19 a new city you have to draw the boundaries with the

20 state legislature.

21 So in order to draw the boundaries and

22 have the proximities correct, it was going to include

23 some of the City of Stockbridge. From the very

24 beginning when this bill was introduced into the

25 legislature there were nasty conversations from the

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1 City of Stockbridge, from its officials.

2 I spoke at a meeting, at a committee for

3 the general assembly, and the City of Stockbridge was

4 there and some words that I said were taken out of

5 context, printed in the newspapers as -- I mean, I

6 could just go on and on.

7 But the City of Stockbridge was very,

8 very anti the City of Eagles Landing, which is

9 somewhat understandable, but they went to every length

10 possible to -- I don't want to use the word "bash" but

11 to do whatever they could to stop the movement.

12 Q. Does -- does the City of Stockbridge have

13 a history of political corruption?

14 A. If you read -- I do not know firsthand,

15 but if you read the -- I mean, if you read --

16 Q. Let me ask you a different question.

17 Is the reputation of the City of

18 Stockbridge --

19 MR. GREENAMYRE: Asked and answered.

20 BY MR. MORRIS:

21 Q. -- it has a history of political

22 corruption?

23 A. Ask the question again. I'm sorry.

24 Q. That's fine. Is the reputation of the

25 City of Stockbridge one of having a history of

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1 political corruption?

2 A. Some would say that, yes.

3 Q. Okay. Have you read any of the warrants

4 or legal documents that were prepared in connection

5 with the ultimate arrest of Mr. Randazzo?

6 A. I have not.

7 Q. If statements in furtherance of his

8 arrest were made and attributed to you -- let me

9 withdraw that.

10 At all times that you've dealt with law

11 enforcement you were true and accurate? You were true

12 and honest?

13 A. Yes.

14 Q. Have you had any other instances or

15 encounters with Mr. Randazzo or had reason to believe

16 that Mr. Randazzo has, in any way, continued to pose

17 threats to you?

18 A. No, not to me.

19 Q. Family members, friends?

20 A. There were some postings Mr. Randazzo

21 made relative to my son, John.

22 John is -- has a -- works for me but has

23 a second business whereby he creates board games that

24 are sold on the internet, and so he's got several

25 sites out there. And I can't give you dates, I can't

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1 give you times, but Mr. Randazzo made some very
 2 inappropriate comments about my son and his family.
 3 This was probably a year after the incident happened.
 4 Q. Other than that, has there been anything
 5 else?
 6 A. No.
 7 MR. MORRIS: Zack, I think I'm done.
 8 That's all I have for her. I don't want to
 9 press the time too much.
 10 MR. GREENAMYRE: Yes, I just want to
 11 clean up.
 12 Sam, can you put up the wire line AT&T
 13 phone records, the mobility, just so we can mark
 14 those for the record?
 15 MS. FUNT: Yes. One second.
 16 MR. GREENAYMRE: And what exhibit number
 17 are we up to now?
 18 THE COURT REPORTER: I believe 6.
 19 MR. GREENAYMRE: 7?
 20 THE COURT REPORTER: 6.
 21 MR. MORRIS: Zack, while she's doing that
 22 I can -- maybe what I'll do is I'll add the
 23 statement that I showed Ms. Clowdus as an
 24 exhibit, and we can just use continuing
 25 numbering of exhibits going forward. Is that

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1 for identification, attached at the end of the
 2 original transcript.)
 3 BY MR. GREENAMYRE:
 4 Q. Okay. And last question, in a statement,
 5 the handwritten statement that we looked at earlier, I
 6 believe it said either the second or third caller came
 7 from the office number.
 8 How did you know that it came from the
 9 office number or came through the office number when
 10 looking at it on your cellphone?
 11 A. Because -- it doesn't happen every time,
 12 but if the call comes in on the 474-5515 number, that
 13 line, it will say "Clowdus office" when it's being
 14 forwarded. Sometimes it doesn't if it comes in on one
 15 of the other lines, so that's how I know.
 16 Q. Okay. And do you know whether
 17 Mr. Randazzo's call, the very first call came in
 18 through your office line or through your cell?
 19 A. I'm almost positive it came from my cell
 20 number. It came on my cell, the (404) 680 number
 21 because I wrote it down. And looking back I don't
 22 know why I did that, it was in my phone, but I -- just
 23 instinct, I guess, I wrote that number down. So I'm
 24 99.9 percent positive it came through the cellphone.
 25 Q. Sounds good.

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1 okay with you?
 2 MR. GREENAYMRE: That's fine.
 3 MR. MORRIS: I'll make it 7.
 4 (Plaintiff's Exhibit 7 was marked for
 5 identification, attached at the end of the
 6 original transcript.)
 7 FURTHER EXAMINATION
 8 BY MR. GREENAYMRE:
 9 Q. All right, so one of these documents, do
 10 you see this now, which we'll mark as 8, it has
 11 "Mobility" at the top and it has "AT&T". Do you see
 12 this, Ms. Clowdus?
 13 A. I do.
 14 Q. And do you recognize your phone number
 15 there in the top left, (404) 860-4974?
 16 A. I do.
 17 Q. Okay. And then for --
 18 MR. GREENAMYRE: Sam, can you click over
 19 to the other one?
 20 BY MR. GREENAMYRE:
 21 Q. The same thing for the wire line, which
 22 we'll mark as 9, do you see your phone number on these
 23 phone records?
 24 A. I do.
 25 (Plaintiff's Exhibits 8 and 9 were marked

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1 MR. GREENAYMRE: That's all the questions
 2 I've got, and I think you're done, unless Kevin
 3 has some minor follow-up.
 4 MR. MORRIS: Yeah, I do, a few questions.
 5 FURTHER EXAMINATION
 6 BY MR. MORRIS:
 7 Q. What I understand you to say about your
 8 offices, do you have rollover lines?
 9 A. Yes.
 10 Q. Is that what you mean?
 11 A. Yes, rollover line.
 12 Q. So you have a primary line that is
 13 published to the world, but then you've got lines that
 14 when that number is called, if it's busy it will call
 15 into a second. And then you're telling us that
 16 sometimes when that first line is occupied, the second
 17 line forwards to you and it doesn't give you the
 18 information; is that correct?
 19 A. Right. That is correct.
 20 Q. All right. And when you wrote down the
 21 times for these calls, I would assume you were using
 22 Eastern Standard Time, correct, not --
 23 A. You know, I don't know that I wrote down
 24 the time.
 25 Q. Okay.

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1 A. You know, just knowing where I was when
2 the call came in and knowing what I was doing, I
3 relayed that to the time that it came in.

4 Q. Right.

5 A. But I wrote down the number. But the
6 time, I can't recall. I wrote it down when he called.

7 Q. But you would have been using -- any
8 reference to time would have been to Eastern, either
9 Standard or Daylight time, not to -- not to any type
10 of UTC, Universal Time Coordinated?

11 A. No, no.

12 Q. All right.

13 MR. MORRIS: All right, that's all I have
14 for you.

15 THE WITNESS: All right.

16 THE COURT REPORTER: Before we go, do you
17 want to talk about reading and signing? Does
18 she want to have that option?

19 MR. GREENAYMRE: Ms. Clowdus, you have
20 the option to review your transcript and change
21 basically any place where the court reporter
22 misheard you or something like that, if you got
23 transcribed wrong. You don't have to do that.
24 It's just a choice. You can either do it or
25 waive it.

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1 THE WITNESS: I would like to do it then.

2 MR. GREENAMYRE: Perfect.

3 THE COURT REPORTER: And I will need your
4 e-mail address, please.

5 And the Chat is disabled. If somebody
6 can enable the chat, we can put it in the Chat.

7 THE WITNESS: I can just tell you.

8 THE COURT REPORTER: Okay.

9 THE WITNESS: It's

10 clowduss@BellSouth.net.

11 (Off-the-record discussion.)

12 MR. MORRIS: I just need an ASCII,
13 condensed version.

14 (Proceedings concluded at 11:30 a.m.)

15 * * *

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E R R A T A

1
2 COREN RANDAZZO,)
3 Plaintiff,) CIVIL ACTION FILE
4 vs.) NO. 1:20-CV-01917-CAP
5 HENRY COUNTY POLICE)
6 DEPARTMENT OFFICER ISAAC)
7 FISHER,)
8 Defendant.)
9 -----)

9 I, the undersigned, SUSAN CLOWDUS, do hereby
10 certify that I have read the foregoing transcript of
11 my deposition and that:

12 _____ 1) There are no changes noted.

13 _____ 2) Changes are noted below.

14 To assist you in making changes, please use this
15 form. If additional pages are needed, please furnish
16 same and attach them to this sheet.

17 Page _____ Line _____ should read: _____

18 Reason for change: _____

19 Page _____ Line _____ should read: _____

20 Reason for change: _____

21 Page _____ Line _____ should read: _____

22 Reason for change: _____

23 Page _____ Line _____ should read: _____

24 Reason for change: _____

25 _____

Page 64

1 DEPOSITION OF SUSAN CLOWDUS

2 Page _____ Line _____ should read: _____

3 Reason for change: _____

4 Page _____ Line _____ should read: _____

5 Reason for change: _____

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10 Page _____ Line _____ should read: _____

11 Reason for change: _____

12 Page _____ Line _____ should read: _____

13 Reason for change: _____

14 Page _____ Line _____ should read: _____

15 Reason for change: _____

16 Page _____ Line _____ should read: _____

17 Reason for change: _____

18 Page _____ Line _____ should read: _____

19 Reason for change: _____

20

21 _____ SUSAN CLOWDUS

22 Sworn to and subscribed before me this

23 _____ day of _____, 2021.

24 Notary Public _____

25 My commission expires _____

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C E R T I F I C A T E

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4 I, SARAH M. BENTLEY, Certified Court
5 Reporter, Registered Professional Reporter, and Notary
6 Public, do hereby certify that previous to the
7 commencement of the examination, the witness was duly
8 sworn by me; that the said proceedings were taken in
9 machine shorthand by me at the time and place
10 aforesaid and were thereafter reduced to typewritten
11 form under my direction, pages 1 - 65; that the
12 foregoing is a true, complete, and correct transcript
13 of said proceedings.

14 I further certify that I am not employed
15 by, related to, nor counsel for any of the parties
16 herein, nor otherwise interested in the outcome of
17 this litigation.

18 IN WITNESS WHEREOF, I have affixed my
19 signature and seal this 17th day of March, 2021.

20
21
22
23
24
25

SARAH M. BENTLEY, CCR-B-1745

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Coren Randazzo vs.
Henry County Police Department Officer Isaac Fisher

Susan Clowdus
February 19, 2021

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EXHIBIT F

HENRY COUNTY POLICE DEPARTMENT

STATEMENT FORM

CASE NUMBER: 18-006122

PERSON INTERVIEWED: Susan Clowdus
 ADDRESS: 123 Prestwick Way South
 CITY: Stockbridge STATE: GA ZIP: 30281
 DATE OF BIRTH: 5-21-57 SOCIAL SECURITY (optional): 260 02 8593
 SEX: FMA RACE: W HEIGHT: 5'5" WEIGHT: 150 AGE: 60
 EMPLOYER: Self - Susan Clowdus Assoc.
 ADDRESS: 827 Fairview Ct
 PHONE (HOME): N/A (WORK): 770-474-5515 (CELL): 404-680-6974
 EMAIL ADDRESS: Clowdus5@Bellsouth.net

DETAILS (WHO, WHAT, WHEN, WHERE, WHY, HOW) (SIGN & DATE UPON COMPLETION)

On 3-30-2018 @ 678-379-8045 called
 and caller said "Is this where all
~~Said~~ the citizens of Stockbridge needs to
 send their tax bills since you devastated
 the City of Stockbridge. 2nd call came in
 shortly after @ the office # Blocked caller
 & man said "Better watch your back - We
 are going to take care of you because of
 you devastating the city of Stockbridge. 3rd caller
 female said "We are going to take care of you
 because you have devastated the city of Stockbridge"

SIGNATURE: Susan H. Clowdus

FOR DEPARTMENTAL USE ONLY			
VICTIM: <input checked="" type="checkbox"/>	WITNESS: <input type="checkbox"/>	SUSPECT: <input type="checkbox"/>	OTHER: <input type="checkbox"/>
DATE/TIME STATEMENT TAKEN/INTERVIEW BEGAN: <u>3/31/18</u>			
COMPLETED: <u>3/31/18</u>			
STATEMENT TAKEN/INTERVIEWED BY: <u>[Signature]</u>		ID #: <u>6408</u>	

HCPD 03-0011 REV 4/15

EXHIBIT G



May 12, 2021

Zack Greenamyre
Mitchell & Shapiro
Piedmont Road, Suite 650
Atlanta, GA 30305

Re: Charter Subscriber Information Request Dated
Charter Case ID: 141053

Dear Zack Greenamyre,

Enclosed is Charter Communications, Inc.'s response to the subpoena issued by the plaintiff in the above-captioned matter. The requested information for the identified Charter subscribers is attached to this response

Charter Communications is providing the enclosed customer information to you pursuant to the court order that was attached to your subpoena. The Cable Act protects such information, and that Act and other recent regulatory and statutory developments require that this information be maintained in a secure manner. For your protection and for the protection of Charter's customers, we ask that you take all appropriate steps to safeguard this information.

Sincerely,
Paralegal, Charter Communications

SUBSCRIBER RECORD

Target Details	(770)474-5515	Start Date: 3/29/2018 End Date: 3/31/2018
<div><div>Account: 8783600041486666 C</div><div>Account</div><div>Company Name: SUSAN CLOWDUS & ASSOCIATES</div><div>Address 1: 827 FAIRWAYS CT STE 301B</div><div>Address 2: SB</div><div>City: STOCKBRIDGE</div><div>State: GA Zip: 30281-9068</div></div> <p>see attachment for cdrs</p>		

Date	Calling Number	Called Number	Call Time (GMT)	Call Duration (hh:mm:ss)
2018_03_28	770_884_0022	00770_4745515	13:52:49	0:01:36
2018_03_28	770_474_5515	00404_6806974	13:52:49	0:01:36
2018_03_28	770_284_9042	00770_4745515	15:14:38	0:00:09
2018_03_28	770_474_5515	00404_6806974	15:14:38	0:00:09
2018_03_28	470_719_1382	00770_4745515	16:15:24	0:00:23
2018_03_28	770_474_5515	00404_6806974	16:15:24	0:00:23
2018_03_28	770_474_5515	00770_5071766	16:43:01	0:01:17
2018_03_28	949_598_9920	00770_4745515	17:52:16	0:00:22
2018_03_28	770_474_5515	00404_6806974	17:52:16	0:00:22
2018_03_28	770_474_5515	00770_5071766	18:45:09	0:00:57
2018_03_28	404_310_4840	00770_4745515	19:10:32	0:00:03
2018_03_28	770_474_5515	00404_6806974	19:10:32	0:00:03
2018_03_28	929_201_0509	00770_4745515	20:13:36	0:00:11
2018_03_28	770_474_5515	00404_6806974	20:13:36	0:00:11
2018_03_28	000_000_0000	00770_4745515	20:38:37	0:00:06
2018_03_28	770_474_5515	00404_6806974	20:38:37	0:00:06
2018_03_28	212_533_5385	00770_4745515	22:29:05	0:00:08
2018_03_28	770_474_5515	00404_6806974	22:29:05	0:00:08
2018_03_29	610_386_2499	00770_4745515	12:36:10	0:01:07
2018_03_29	770_474_5515	00404_6806974	12:36:10	0:01:07
2018_03_29	770_474_5515	00404_4678884	13:03:00	0:00:35
2018_03_29	770_474_5515	00404_7199086	13:31:13	0:04:47
2018_03_29	404_317_6197	00770_4745515	13:39:54	0:00:49
2018_03_29	770_474_5515	00404_6806974	13:39:54	0:00:49
2018_03_29	404_317_6197	00770_4745515	13:44:20	0:02:04
2018_03_29	770_474_5515	00404_6806974	13:44:20	0:02:04
2018_03_29	770_474_5515	00678_2897700	13:45:22	0:01:20
2018_03_29	866_479_2822	00770_4745515	14:06:00	0:00:25
2018_03_29	770_474_5515	00404_6806974	14:06:00	0:00:25
2018_03_29	412_203_3441	00770_4745515	16:16:12	0:00:03
2018_03_29	770_474_5515	00404_6806974	16:16:12	0:00:03
2018_03_29	404_510_9759	00770_4745515	19:23:17	0:01:50
2018_03_29	770_474_5515	00404_6806974	19:23:17	0:01:50
2018_03_29	347_796_4299	00770_4745515	21:04:25	0:00:00
2018_03_29	770_474_5515	00404_6806974	21:04:25	0:00:00
2018_03_30	770_474_5515	00770_6928050	13:47:20	0:02:12
2018_03_30	770_474_5515	00404_6806974	14:15:21	0:00:15
2018_03_30	770_231_8626	00770_4745515	14:16:12	0:00:06
2018_03_30	770_474_5515	00404_6806974	14:16:12	0:00:06
2018_03_30	770_474_5515	00404_6806974	14:25:40	0:01:05
2018_03_30	678_414_0447	00770_4745515	16:13:32	0:00:53
2018_03_30	770_474_5515	00404_6806974	16:13:32	0:00:53
2018_03_30	404_317_6197	00770_4745515	16:38:45	0:00:14
2018_03_30	770_474_5515	00404_6806974	16:38:45	0:00:14
2018_03_30	404_317_6197	00770_4745515	16:40:19	0:01:00
2018_03_30	770_474_5515	00404_6806974	16:40:19	0:01:00

2018_03_30	949_598_9920	00770_4745515	17:54:33	0:00:14
2018_03_30	770_474_5515	00404_6806974	17:54:33	0:00:14
2018_03_30	800_544_3623	00770_4745515	18:15:42	0:00:01
2018_03_30	770_474_5515	00404_6806974	18:15:42	0:00:01
2018_03_30	404_537_2689	00770_4745515	19:02:40	0:00:00
2018_03_30	770_474_5515	00404_6806974	19:02:40	0:00:00
2018_03_31	770_474_5515	00404_6806974	13:05:37	0:00:32
2018_03_31	770_474_5515	00404_6806974	18:40:19	0:00:00

EXHIBIT H

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Los Angeles Times

LOG IN



Must Reads: In the Deep South, residents of an upscale suburb fight to secede from their neighbors



Vikki Consiglio, a leader of the Eagle's Landing city movement, campaigns last month in a neighborhood of the proposed city. (Jenny Jarvie/Los Angeles Times)

By JENNY JARVIE
ATLANTA BUREAU CHIEF

NOV. 4, 2018
1 AM



Reporting from Henry County, Ga. — When Vikki Consiglio exits her subdivision next to the Eagle’s Landing Country Club, leaving behind a neighborhood of neatly manicured lawns, circular driveways and golf fairways, she cannot help feeling a wave of disappointment.

“I see the Waffle Houses and the McDonald’s, the Walmart and the dollar stores,” she said. “I’m thinking, ‘Is this all I can have?’ There’s no fresh farm-to-table, no pa

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The proposal to form a new city, up for a vote on Tuesday, has roiled Henry County, raising tense debate about racial and economic disparity and voting rights. Once a sleepy rural, predominantly white region, the county has seen an influx of minorities and a solidification of black political power as its population has exploded in recent years. In 1980, whites made up more than 80% of Henry County’s population, but now they have dwindled to less than 50%.

While the thousands who live within the proposed city boundaries of Eagle’s Landing will vote in Tuesday’s referendum, those who would be left behind, in Stockbridge, will not get to vote, as a result of legislation approved by the Republican-dominated state Legislature.

Stockbridge officials complain the city, which is predominantly black and has a population of about 29,000, would have no say in losing its most bustling commercial corridor and about a third of its residents.

“This is about the haves and the have-nots,” said Anthony S. Ford, who was elected last year as Stockbridge’s first African American mayor. “If this goes ahead, it will disenfranchise more than half of the residents of Stockbridge who don’t get a chance to vote. It will devastate the city and cut it in half.”

If Eagle's Landing manages to wrestle away the southern portion of Stockbridge — a section that includes its most affluent residential pockets as well as its main commercial corridor that brings in nearly \$5 million of the city's \$9 million annual revenue — Ford has warned the city would be forced to impose a new property tax on remaining residents.

Opponents say a successful referendum drive could have repercussions far beyond the Atlanta metropolitan area.

"This is much bigger than the city of Stockbridge," said Arthur Christian, 49, a financial project manager who runs the ballot committee, Citizens to Keep Stockbridge Together. "It would end up being a tool to wrestle political and economic power from communities in general and African American communities in particular."

Christian, who is originally from Chicago but settled with his wife, Yvette, in Stockbridge 15 years ago, is among the critics who think the secession movement is born of a desire to hold on to white political power. He also worries that the creation of Eagle's Landing would raise the cost of Stockbridge city services and make it harder for him and his neighbors to sell their homes.

"Southerners don't like things to be ugly out in the open, but the intent is ugly on the inside," he said.

Backers of Eagle's Landing counter that their aim is nothing more than to lure new fine dining and retail to a freshly coined community with a median household income of about \$128,000 — more than double that of Stockbridge. Imagine, they tell their neighbors, a Whole Foods or a Trader Joe's, a California Pizza Kitchen or a Capital Grille.

They also push strongly against accusations that they are seeking racial separation, pointing out that whites will hardly control Eagle's Landing. The proposed city, population 17,000, would be 47% black, 39% white, 8% Asian and 6% Hispanic.

"I don't look at this as a black or white issue; I look at it as an issue that would benefit all," said Charles Marshall, an African American resident of the Eagle's Landing subdivision who supports the creation of a new city. With minority residents the majority, the 68-year-old district manager of an automotive company said he was confident of a diverse council board.

A new city branded around the community's exclusive country club and golf course, he says, might attract corporate headquarters and high-end retail, spurring growth across south metropolitan Atlanta — an area traditionally neglected as growth concentrates in the northern suburbs.

At the same time, Marshall said he understands why many other African Americans are wary: Many supporters of cityhood are white, they have higher incomes and the initiative was pushed through the Georgia Legislature by Republicans who do not represent the district.

"It's gotten a little tribal," Marshall said. "I'm trying to get everyone to look beyond that."

For more than a decade, rich, white pockets of metro Atlanta have led a national movement to form new cities out of unincorporated land in an effort, they say, for greater control, more efficient government and lower taxes. But this could be the first time a new city would take an existing city's land without all the residents of the existing city having a vote.

“People will be voting on how to pull out a big knife and cut this city in half,” said Michael Leo Owens, associate professor of political science at Emory University. “If you’re going to break apart a city, if you’re going to put it to a vote, the fair way to do that is to allow everyone affected to participate.”

That was one reason the San Fernando Valley did not break away from the city of Los Angeles in 2002. While just over 50% of Valley voters approved secession, an overwhelming majority of voters elsewhere in the city voted no.

Georgia’s law is different. Earlier this year, the Legislature passed two bills that would amend the charter of Stockbridge and create a charter for the city of Eagle’s Landing, allowing about 9,000 residents in the southern end of Stockbridge to vote to break away from the 100-year-old city and join forces with residents of unincorporated Henry County. Voting is limited only to those within the boundaries of the proposed city.

While proponents of Eagle’s Landing dismiss the idea that race has anything to do with their new city, Owens said the collective voice of the white electorate in the more affluent city would be much stronger than it would be in Stockbridge.

“This is the South still,” he said. “One could argue what you heard out of people’s mouths is exactly what is going on: It has nothing to do with race, and is about class and growth. But given that class and race intersect, particularly in a place like Stockbridge, it’s hard to think this is not about race at all.”

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Attorneys for Stockbridge have filed a flurry of state and federal lawsuits, claiming the new city would prevent Stockbridge from paying back millions of dollars of debt it took on to build a new City Hall, which opened in 2009, as well as violate the Voting Rights Act of 1965 and the equal protection clause of the 14th Amendment. So far, they have not been able to halt the referendum, though some legal claims remain pending.

While advocates for Stockbridge say the new city would probably be responsible for its share of Stockbridge’s municipal bond debt and have to impose a property tax, those championing Eagle’s Landing have vowed not to impose such a tax, and they say it is too early to determine what their share of the debt would be.

“A lot of things have to be negotiated,” Consiglio, 63, the chairwoman of the Eagle’s Landing Educational Research Committee.

While Consiglio, who lives in unincorporated Henry County, complains Stockbridge’s leaders have failed to provide basic services and let down high-end neighborhoods with poor city planning, she says her push for cityhood is less about Stockbridge than giving the area an economic jolt.

“If we have a city, we can control our destiny and control what comes in and what it looks like,” she said. “We felt we didn’t have that. We wanted an economic boost for our area.”

Not everyone who lives in the proposed city, though, agrees.

Marilyn Flynn, a retired speech therapist who lives in the Windsong Plantation, a subdivision within the boundaries of Eagle’s Landing, said she would vote against the new city because she did not trust the motives of those spearheading the project, whom she suspected of being in cahoots with real estate developers.

“It’s greed,” said Flynn, who is white. “Now that blacks are in the majority, they’ve lost control of the money, the power. They want to get back political control.”


As a retiree on a limited income, Flynn, 84, worried the new city would make it too expensive for her to remain. Some of her neighbors, she said, seem to believe creating a new city would bolster their status, regardless of the plight of their neighbors.

“They like the white linen tablecloths and better stores; they think that will make them better people,” she said. “They think that’s their goal — to increase the value of their houses without any consideration of the people they’re going to hurt.”

jenny.jarvie@latimes.com

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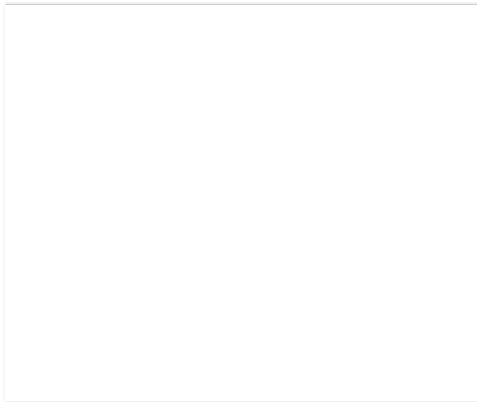


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Stockbridge group takes stand on proposed new city

Neighbor Staff
Jun 26, 2018



Stockbridge citizens recently formed a ballot committee to defeat a November referendum potentially enabling Henry County's fifth municipality, the city of Eagles Landing.

"Citizens of Stockbridge were shocked at the governor's signing of the bills," Stockbridge Coalition To Keep Stockbridge Together chair Yolanda Barber said in a statement about Senate bills 262 and 263. "Our group is 'standing firm' behind defeating the cityhood initiative and are eager to educate the community on the 'real facts' of the negative and devastating impact a city of Eagles Landing will have on Stockbridge and the county."



MORE INFORMATION



Update: Governor signs city of Eagles Landing bills

According to a news release, the group is a ballot committee registered with the state of Georgia.

Meetings are Thursdays at 6:30 p.m. at Mount Olive Baptist Church, 469 Mount Olive Road, Stockbridge.

Information: 678-289-4310 or
www.facebook.com/stockbridgecoalition



Proposed Henry County city has supporters' committee



Proposed Henry County city gets election green light



+2

Stockbridge, Eagles Landing debate cityhood vote in federal court


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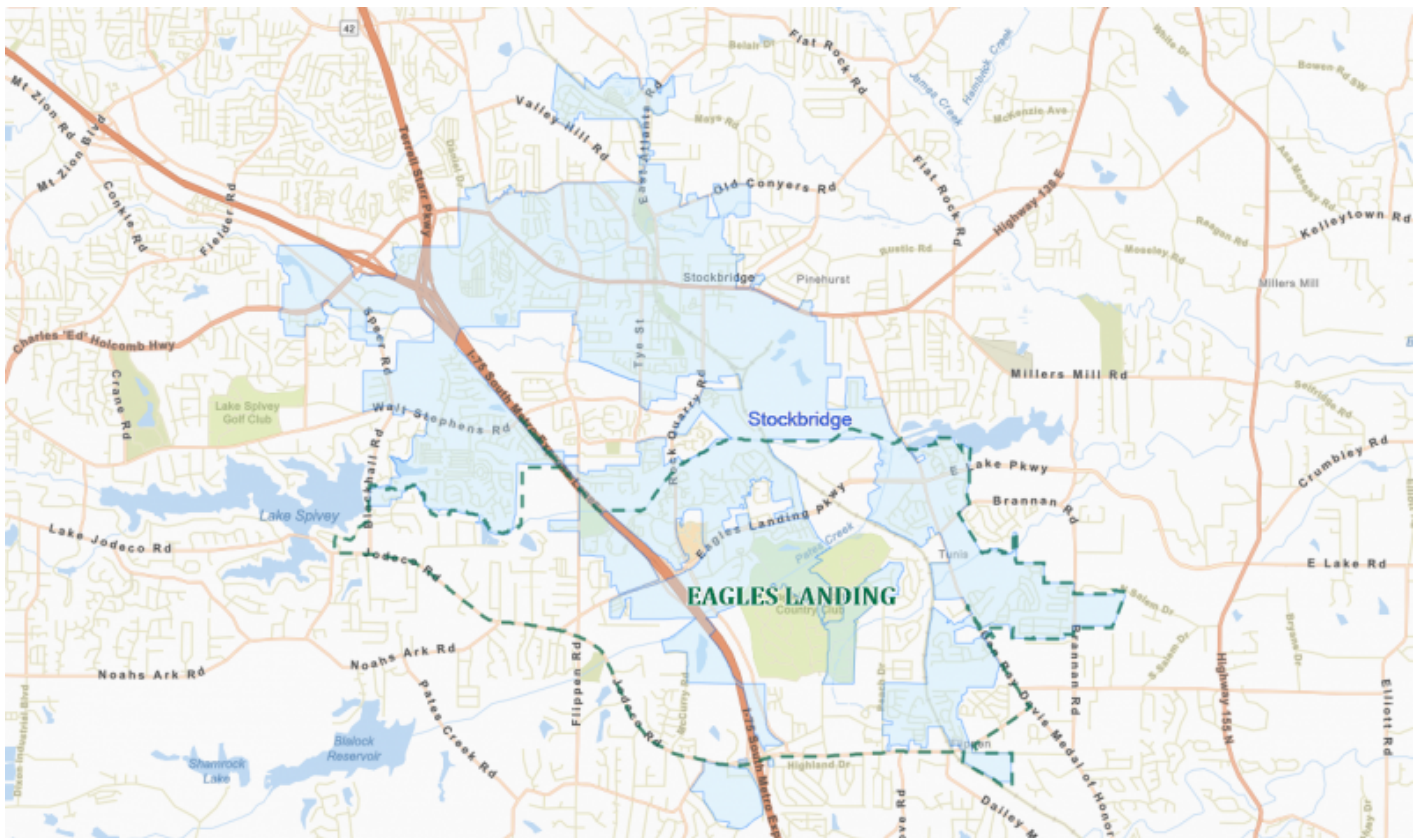
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Eagles Landing And Stockbridge: A Tale Of One Community, Two Identities

By [RICKEY BEVINGTON \(/PEOPLE/RICKEY-BEVINGTON/\)](/PEOPLE/RICKEY-BEVINGTON/) & [STEPHEN FOWLER \(/PEOPLE/STEPHEN-FOWLER/\)](/PEOPLE/STEPHEN-FOWLER/) • APR 13, 2018

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The proposed city of Eagles Landing (green outline) would require de-annexing part of the City of Stockbridge (light blue)

EAGLES LANDING EDUCATIONAL RESEARCH COMMITTEE

UPDATE 5/8/2018: Gov. Nathan Deal signed into law a bill that would allow part of the city of Stockbridge to be annexed if the new city of Eagles Landing is formed. This was one of the more controversial measures on his desk to sign by Tuesday's deadline.

ORIGINAL STORY: A bill that passed just hours before the end of this year's legislative session is creating conflict for some residents of Henry County.

If Governor Nathan Deal signs it, voters could create the new city of Eagles Landing, and with it, their own government, tax base and services.

To do so, they would take away land, revenue and residents from the city of Stockbridge.

Vikki Consiglio is the chair of the Eagle's Landing Educational Research Committee (<http://elerc.org>), the group that pushed for the bill.

She says folks in the area, which has higher per capita incomes and property values, just want more say over how their tax dollars are spent, and unincorporated parts of Eagles Landing have no representation in Stockbridge.

Stockbridge Mayor Anthony Ford disagrees. He calls the bill undemocratic, and says it threatens his city's existence.

I traveled down I-75 and met up with Consiglio and Mayor Ford in different places along the main economic corridor that some residents call Stockbridge, others want to call Eagles Landing, and they all call home.



Listen

0:00

GPB's Rickey Bevington talks with Vikki Consiglio, Chair of the Eagles Landing Educational Research Committee, and Stockbridge Mayor Anthony Ford.

My conversation with Consiglio began in an empty lot behind a Waffle House. She points to a dense tract of trees stretching two miles along the interstate.

Currently, it's undeveloped. But she sees it as a forest of opportunity for a new city.

“We’re looking to create a city where we can work, eat, shop, play, live,” Consiglio said. “And to have a place that folks don’t have to get in their cars to drive ten exits up or ten exits down to go to the places that they like to frequent, which is the grocery stores or shopping malls or just little boutiques or fine dining restaurants. Those are things that we just don’t have in this area and that we need.”

She says they would like to model the new Eagles Landing on the Alabama city of Mountain Brook just a few minutes outside of Birmingham. They have a million-square foot development called The Summit (<https://thesummitbirmingham.com/>) that features palatial homes and fancy shops.

**People want to know why.
We want our money back.
We want the money that
they have taken over the
years and given us nothing.**

Residents have a movie theater instead of medical supply stores, a Williams-Sonoma instead of a Walmart, and a Cheesecake Factory instead of a Chick-fil-A.

Outside a Starbucks less than a half mile from the Waffle House where Vikki Consiglio shared her vision, I meet Mayor Ford. He says city leaders have been working tirelessly to provide exactly that type of development just one exit down.

The proposed site of Jodeco South would be a 160-acre mixed use development at the far southern point of Stockbridge.

“...And that is exactly where we’re going to attract those high end businesses and have some condos, single family homes, commercial property, live work and play concept, trail networks or whatnot in that area,” Ford said. “We’re working with developers presently... I tell you, if we actually go down to the intersection of 75 and Jodeco Road, you’ll see that the clearing is there, the construction equipment is there. It’s coming.”

Creating a new city could throw a wrench in those plans. The new development will be next door to Eagles Landing, but several miles from Stockbridge. So Mayor Ford offered state legislators a compromise that would still give a voice to those in unincorporated parts of the county.

“We presented with them an actual map that would align a designated area of Eagles Landing

along with present city of Stockbridge and do actual council districts,” Ford said emphatically. “As a compromise. You say you want local representation? Well here is an idea for you: Where we expand the city, add the Eagles Landing and the unincorporated county area. This is how we’d like to come to you. If you want this. Check this out.”

He didn’t hear back from lawmakers. But Consiglio has her answer:

“Most certainly not.”

She continues: “They have annexed all the businesses that surround most of these neighborhoods. They've done nothing for this area and I don't see in the future that they would do anything. They want the money, but they don't want to provide the services.”

All the businesses that make up the annexed area of Eagle’s Landing Parkway represent more than just a place to go in Stockbridge.

Until Jodeco South gets developed, economically speaking, the mayor says this *is* Stockbridge.

“This is what they call the Eagles Landing area,” Ford says, gesturing to places like La Hacienda Mexican restaurant, a Shell gas station and a Walgreens. “But it is part of Stockbridge.”

“As a matter of fact, this entire economic corridor is a primary corridor that actually finances the city Stockbridge itself, all the way from Highway 42 going west to I-75, and on the other side of 75 is Hudson Bridge Road to Flippen Road.”

But it can be confusing.

Both the city of Stockbridge and the proposed city of Eagles Landing have feasibility studies that support their two stances. Stockbridge says Eagles Landing would be devastating for the city’s finances. Eagles Landing says there’s enough money to keep both of them afloat.

You don't take from the city and divide the city up just because you feel it's not being run right or you feel that they don't serve your interests. There's other ways to do that. You don't destroy something in the process like this.

There's one thing both Consiglio and Ford do agree on -- media reports and social media conversations framing things about race are off the mark.

"If you are familiar with the Eagle's Landing area, 49% of our proposed city is going to be black," Consiglio states. "These are affluent black residents."

"So for someone to say this is affluent white only, that is not a true statement. They need to look at the demographics of income, of age, of population and demographics of race. And with it being a predominantly black city, we feel like those statements are untrue and folks are just not doing their homework."

Ford says it's not about race "because I represent everybody. It's about the people and the hardworking people of the community."

He thinks it's more about political power, but he says there's a perfectly good democratic process to handle that now -- without carving up his city.

"If someone's not satisfied with me we need to have a dialogue, or when I come up for election you don't vote for me, you vote for somebody else," he counters. "Or you run yourself, get out and knock on the doors and run yourself, but you don't destroy a city like this."

And that's the basis for why he's fighting: for the people and for his city.

"I will fight until we can fight any more about this and get it right," Ford said. "You just don't destroy a city like this."

The bill now awaits Governor Deal's signature or veto. Mayor Anthony Ford and Vikki Consiglio are preparing for the road that lies ahead, regardless of the outcome.

"We have to believe in the system," Consiglio said. "We have to believe that there are folks out there who respect our right to vote. So that's what we're hoping for."

She pauses, and says this is really all about the vote.

"That's what we're pushing right now: giving folks the opportunity to vote their form of government. It's not a takeover, it's not stealing. You can't steal when you're allowing folks to vote and let the citizens decide what they want to be."

For Ford, it's a different problem to tackle. New city or not, he's still Mayor of Stockbridge, and there are still unhappy constituents.

"It's literally impossible in a sense to satisfy the requirements for 100 percent of people 100 percent of time," he said. "So it will be some folks that I won't be able to reach."


"They'll be adamant to say 'Hey no I don't want any part of this,' so we go out to the majority and we have to work toward mending everything back together.

It's a task Ford says he's up for, once he knows the city will remain intact – "which *will* happen," he adds.

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Hooray, and it is a welcoming feeling that the folks in this corner of town FINALLY have elected officials fighting for the votes of the folks who up until now have been denied a voice. The citizens in the proposed city of Eagles Landing are the only ones that get to vote, and that is a bit of boomerang for the folks that are used to calling the shots. That said,

there is no doubt there will be some hard feelings but if you allowed the folks other than in the proposed city of Eagles Landing to vote, then we would all be back at square one with mob rule and the taxpayers paying the most not being represented.

In all fairness, Mayor Ford does have a proposal to remedy this, but he has not yet earned the trust of the people. He has a long way to go. Here is an idea....he can start in his own backyard where he is President of the Monarch Village Board that is being sued for denying benefits to 70 homeowners, and these homeowners are actually being maliciously counter sued for a huge lump sum by the Mayor and his Board simply for asking to have the same services as he does. His HOA Board has ALL of the money and instead of instilling trust and a sense of community, they have chosen to weaponize a team of attorneys against their own homeowners and paying for it using money these same homeowners have paid into Monarch Village's coffers. That is the definition of bullying.

A lot of folks around here say this isn't relevant. "2 different things." "Take it somewhere else." It seems to me that they say this because there is a parallel here that hits very close to home. It is in fact highly relevant because 2 members of the city council also happen to

reside in Monarch Village and this is also the only history of community service we have to reference for this Mayor. If you want to know if Stockbridge will treat you fairly and that you will receive the same benefits and services as everyone else in the community, ask the Manderley HOA. We are a microcosm of what is in store for Stockbridge if Eagles Landing does not become its own city.

^ | v 1 • Reply • Share ›



Kathryn Schwenger • 2 years ago

Except - there is no right to vote for 66% of the citizens of Stockbridge! We are totally disenfranchised from any sort of say or vote about a bill that would steal 50% of our most lucrative, productive residential and commercial properties because a small group of people - including many who were actually part of Stockbridge City Council when they supposedly failed to 'listen' and provide the amenities Eagles Landing claims are lacking - are disenchanted with the 'demographics'! This is a land grab by a few power hungry individuals who think that as long as they get the money and power they want it doesn't matter who they throw to the wolves. The whole process has been flawed and is rife with serious and disturbing precedents not just for Stockbridge but for the whole state of Georgia. If de-annexation can happen in Stockbridge, then it can happen anywhere and other groups of small elitist individuals with lots of money and powerful friends can tear apart any other city in this State to form their own 'enclaves' of entitlement. That's what this issue really is about - entitlement!

^ | v 1 • Reply • Share ›



Art Christian → Kathryn Schwenger • 2 years ago • edited

I agree wholeheartedly with what Kathryn Schwenger has written.

Governor Deal please veto SB 262 & SB 263!!

Save the legislature from itself and the bonding capacity of all Georgia cities from being labled too risky to lend. The precedent of law allowing city tax digests to be involuntarily destabilized at anytime by the Georgia Legislature is what is too risky. If Georgia is to be the #1 State in which to do business, then the business climate must be a stable one. Keep Stockbridge Together and the State open for business.

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Residents sound off during meeting to determine future of Stockbridge

Posted Mar 6, 2018



Source: WGCL



Stockbridge leaders to hold news conference on future of city

Posted Mar 6, 2018

City leaders in Stockbridge met Thursday to discuss a controversial proposal aimed at cutting their city in half.

The bills would allow voters to decide whether residents in southern Stockbridge could split from the city and form a new city of Eagle's Landing.

The proposal has passed both chambers and is currently waiting for approval on Governor Nathan Deal's desk. It is unclear if Deal is expected to sign the legislation.

The proposed area is made up largely of wealthy neighborhoods. Residents there say they want to have more control about how they're being represented. They say they want to build parks and senior centers in their area and provide better police protection.

Forming new cities is nothing new in metro Atlanta. In the last couple of decades, we've seen the formation of cities like Sandy Springs, Dunwoody, Milton and Tucker. Those communities were all formed from unincorporated portions of their counties.

This legislation is different. It would allow for the creation of a new city by splitting up an existing city. It would require legislative approval to get it on the ballot for the voters in that area to decide.

Stockbridge Mayor Pro Tem LaKeisha Gantt told CBS46 News in February that allowing the move would be catastrophic.

"This would devastate our community and any city in the state of Georgia," Gantt said. "This is unprecedented, and at this time, we are fighting back by prayer, through prayer."

Camilla Moore, Director of Community Development says city leaders would have to create a city property tax and that would send property values plummeting.

"This would be the first time in the history of Georgia that you allow a community to go into an existing city cherry pick property and take it away from that city," said Moore.

Stockbridge resident Bruce Smith Jr. says he believes the move is partially motivated by race. In January, Stockbridge made history when an all-black city council was sworn in.

"Now that the city's become a 100 percent minority government and things have turned around and the finances are stable, you have just a few people want to come with this land grab because they don't like what's going on," said Smith Jr. "It seems to be motivated by greed, money and race." *Eagle's Landing moves one step closer to cityhood State Senate passes bill that could stall creation of City of Eagle's Landing Henry County residents react to proposed Stockbridge split* Representative Demetrious Douglas hopes the governor will veto the legislation.

"I hope it gets to the governor and he decides it will affect his legacy on the state of Georgia," said Douglas. "The total citizens to be affected by the bill is the whole city of Stockbridge but the whole city of Stockbridge won't get a vote on their future and I think that's sad in today's society."

Tom Lentz lives in Stockbridge. He thinks Eagles Landing should have its own city because of the corrupt politics at city hall. He doesn't believe Stockbridge will get any better.

"I've been unimpressed with Stockbridge leadership. There's a lot of politics going on," said Lentz. "Apparently that effort has been going on by mayoral candidates for some time and has not been successful because the council has been unethical, dishonest, I think."

Stockbridge is promising a lawsuit to try and stop the proposal. If the governor signs off on the proposal, it would be up for vote during the May primary elections. *More on the forming of the city of Eagle's Landing* Copyright 2018 WGCL-TV (Meredith Corporation). All rights reserved.

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The City of Stockbridge Official Position Statement Opposing the City of Eagle's Landing and the Impact to the City of Stockbridge

Posted on Wednesday March 22, 2017

The City of Stockbridge Official Position Statement Opposing the City of Eagle's Landing and the Impact to the City of Stockbridge



The City of Stockbridge Official Position Statement Opposing the City of Eagle's Landing and the Impact to the City of Stockbridge

There has been very little information compiled that justifies the viability of the proposed city; nor has any consideration been given to the devastating financial and social impact such a proposal would have upon the City of Stockbridge. It is unprecedented to remove substantial portions of areas from one proven, effective City, to place into the geographic area of an as-yet unproven, unknown city with very little input from the people who would be affected.

In addition, one is left to question the true motive of the proponents of a new city, especially given the likelihood of such a city to impose a substantial property tax (which Stockbridge does NOT have), in addition to the existing county property tax.

Based on the lack of information provided to the City of Stockbridge regarding formation of a new Henry County City of Eagle's Landing, and the proposed impact of the inclusion of significant portions of City of Stockbridge parcels, the Mayor, City Council, and City Manager of Stockbridge strongly oppose the proposal to establish the City of Eagle's Landing.

The City of Stockbridge is in full support of seeking to better define its boundaries to eliminate confusion concerning city limits, and to that end has a proposal currently in front of the 2017 General Assembly. We remain focused on strengthening the quality of services provided, as well as quality of life events and venues for our residents, along with offering a welcoming environment in which to do business.

- **Severe adverse economic impact on Stockbridge**

- o Removing our primary commercial corridor, would severely reduce the amount of revenues we receive annually through business licenses and permits
- o Although Stockbridge does not currently have a property tax, should residents vote for one in the future, the removal of these commercial properties, as well as, the removal of the higher valued homes, would further adversely impact the City's ability to offer services at our current levels. Would require an overly excessive millage rate on the remaining residential property owners

- **Adverse impact on existing Franchise Fees**

- o Franchise fees for Electric, Gas, Telephone and Cable TV, make up roughly 17% of our current revenues.
- o By reducing the franchise area, these revenues will also be reduced

- **Current Contractual Obligations**

- o We currently have contractual obligations with Capital One, which holds the note on City Hall, Waste industries for our sanitation, and GEFA for our Water and Sewer facility and several others. All contracts would need to be looked and assessed.

- **Impact on Bonding Capacity**

- o A key component of establishing our bond rating, and our ability to secure loans for capital projects, is based on our revenue history from the above noted sources. As these are reduced, so too will our bonding strength be reduced

- **Negative Precedence for All Cities**

- o The proposal to create a new city by pulling from an existing city has never been done before, and would set an extremely adverse precedence for all cities. The notion that an outside entity could arbitrarily grab the most valuable portions of an existing city, leaving it decimated financially, is ill-conceived.

- **Desire for High-End Retail**

- o This has been stated a reason for pursuing the new city, however, Stockbridge has been working diligently on this same endeavor for the past few years. The recent annexation of the Jodeco property, and the City's commitment of \$3 million towards the infrastructure, clearly shows that these efforts on on-going.

- **Disenfranchisement**

- o This effort has already proven to be extremely polarizing, and does far more to divide our community rather than bringing residents together to work collectively on our common goals.
- o We have attempted to meet with the group spearheading the new city movement, however, they have refused to meet with council members to discuss their concerns and issues.

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https://www.henryherald.com/news/opposition-proposed-city-of-eagle-s-landing-is-an-effort/article_2161d7d2-4413-5e68-b2f6-3453d7db2fce.html

Opposition: Proposed city of Eagle's Landing is an effort to kill Stockbridge

By Asia Ashley

aashley@henryherald.com

Feb 27, 2017



Georgia Sen. Emanuel Jones (D-Decatur) co-sponsored Saturday's townhall, which was planned to discuss the impact of the proposed city on the city of Stockbridge. (Staff Photo: Asia Ashley)

STOCKBRIDGE— A town hall hosted by Henry County Commissioner Bruce Holmes on Saturday allowed county leaders and residents to voice their opposition to the creation of a city of Eagle's Landing, which some leaders say will destroy the city of Stockbridge by taking more than a third of its commercial corridor and socioeconomics.

"I think this is an effort to kill the city of Stockbridge," said Holmes before applause from the crowd of over 50 gathered at Global Impact Ministries in Stockbridge.

Georgia Sen. Emanuel Jones (D-Decatur) co-sponsored the event, stating that the proposal is a "clear violation of the Voting Rights Act" by disenfranchising black voters since black Stockbridge council members John Blount and Elton Alexander would be taken out of their voting districts because they live in the Eagles Landing area.

Jones said the racial demographics of the area is an important consideration of any cityhood proposal. The city of Stockbridge is currently about 60 percent black, and the city of Eagle's Landing proposed boundaries would have a demographic makeup of about 60 percent white.

"That's really, really hard to do," said Jones.

All of Hudson Bridge Road and Eagle's Landing Parkway, one of Stockbridge's main corridors, is proposed in the new city. The city proposal includes properties down to north of Jodeco Road.

Jones said taking those commercial areas would essentially bankrupt Stockbridge since the city has already entered into contracts and loans based off the revenue it anticipates from those businesses. Because of these existing financial ties, Jones said never in the history of Georgia has a city formed from another city. Cities are typically formed from unincorporated areas.

During Saturday's townhall, several local leaders, including Henry County District 2 Commissioner Dee Clemmons and Ga. Rep. Sandra Scott (D-Rex), voiced their oppositions to the new city.

Stockbridge Mayor Judy Neal read a statement on behalf of the Stockbridge City Council, stating Stockbridge's opposition to the creation of a city of Eagle's Landing. Neal also lives in the area proposed for the city of Eagle's Landing.

"There has been very little information compiled that justifies the viability of the proposed city, nor has any consideration been given to the devastating financial and social impact such a proposal would have on the city of Stockbridge," read Neal from the statement. "It is unprecedented to remove substantial portions of areas from one proven, effective city to place into the geographic area of an as-yet unproven, unknown city with very little input from the people who would be affected."

The Eagles Landing Educational Research Committee, the group that first proposed the new city to state legislators in a Feb. 1 letter, said during a pro-cityhood meeting Thursday that there are several reasons for self-governance, including community identity, local control over land use and development and local accountability of elected officials.

Another reason given by the committee, which was referenced several times throughout the Saturday's townhall is that the proposed city could attract high-end restaurants and businesses because of its higher per capita income.

One citizen asked during Saturday's event what the new city would be able to do that Stockbridge isn't able to do now.

"Nothing," responded Jones. He later added that restaurants come to areas that have more density which would provide more opportunities to make revenues.

A Windsong Plantation resident asked how the proposal came about being that many in the proposed area said they were unaware of the plan prior to learning about it through various media outlets.

Jones asserted that affiliates of Killearn Properties, which developed most of the Eagle's Landing area, and Republican legislators that have investments in the Eagle's Landing area, are likely behind the push. The Herald has not been able to independently verify the development group's involvement.

Scott told attendees that she did not plan to sign off on a bill in the General Assembly for the creation of the city of Eagle's Landing. If presented as a local bill, it would require signatures from all Henry County legislators. Jones said an alternative route for approval might be a general bill that wouldn't require all signature from Henry's legislators, but instead just a majority in the General Assembly.

Stockbridge resident Marilyn Flynn encouraged to put together an effort to "beat this."

Henry County Chair June Wood addressed the crowd during the townhall, but came under attack from residents in attendance who demanded she take a position on the city of Eagle's Landing proposal.

Wood said she would not make a decision until she had all the information from both sides. She did not attend Thursday's meeting hosted by the ELERC.

"I don't know all the details but I'm going to respect all those that vote. I'm not gonna take one side or the other because I want to hear what all the people have to say," said Wood. "I don't like the division and divisiveness that it's causing across this county. When a city is divided and county is divided we all fail."

Asia Ashley

Government reporter

EXHIBIT I



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BUSINESS INFORMATION

Business Name: **SUSAN CLOWDUS
AND ASSOCIATES
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Business Type: **Domestic Profit
Corporation**

Business Status: **Active/Compliance**

Business Purpose: **NONE**

Principal Office Address: **827 Fairways Court,
Suite 301,
STOCKBRIDGE, GA,
30281, USA**

Date of Formation /
Registration Date: **9/29/2010**

State of Formation: **Georgia**

Last Annual Registration
Year: **2021**

REGISTERED AGENT INFORMATION

Registered Agent Name: **susan clowdus**

Physical Address: **827 fairways court, suite 301, stockbridge, GA, 30281, USA**

County: **Henry**

OFFICER INFORMATION

Name	Title	Business Address
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john c clowdus	Secretary	827 fairways court suite 301, stockbridge, GA, 30281, USA
susan k clowdus	CEO	827 fairways court Suite 301, stockbridge, GA, 30281, USA

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Coren Randazzo v.
Henry County Police Department Officer Isaac Fisher

Isaac Fisher
April 22, 2021

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Defendant.

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Exhibit J-Fisher Deposition-000002

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1 **APPEARANCES OF COUNSEL:**

2 **On Behalf of the Plaintiff:**

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22 **Also present: Coren Randazzo**
23 **Mamie Kimbrell, Zoom host,**
24 **Thompson Reporting Services, Inc.**

25 **- - -**

1 **MS. FUNT: We're here in the case of**
2 **Randazzo versus Isaac Fisher. It's pending in**
3 **the Northern District of Georgia. It's Case**
4 **No. 1:20-CV-1917. This is the deposition of**
5 **Isaac Fisher taken pursuant to subpoena and by**
6 **agreement of counsel for all purposes under the**
7 **Federal Civil Rules.**

8 **My name is Samantha Funt, and along with**
9 **Zack Greenamyre, I represent the plaintiff in**

Thompson Reporting Services, Inc.
(678) 483-0600

1 this case. And it's Detective Fisher?

2 SERGEANT FISHER: Sergeant Fisher.

3 MS. FUNT: Sergeant Fisher.

4 And can we swear the witness?

5 ISAAC FISHER,

6 being first duly sworn, was examined and deposed as
7 follows:

8 MS. FUNT: And, Kevin, can we agree that
9 all objections except to privilege are
10 preserved by form objection?

11 MR. MORRIS: Yeah, or responsiveness.

12 MS. FUNT: Absolutely. Would be preserved
13 by a form objection?

14 MR. MORRIS: Yeah, objections except to
15 form and responsiveness and privilege. Yes, I
16 agree.

17 MS. FUNT: Thank you.

18 EXAMINATION

19 BY MS. FUNT:

20 Q Sergeant, you are appearing today pursuant to
21 notice?

22 A Yes.

23 Q What have you reviewed in order to prepare for
24 your deposition?

25 A Where or what?

1 Q What? What have you reviewed in order to
2 prepare for this deposition, if anything?

3 A I just went over the case file when I first got
4 the subpoena.

5 Q Okay. And the way that I received the case
6 file is in multiple different components. When you say
7 "case file," are you referring to the solicitor's file
8 or your personal file, or can you identify that a little
9 bit more?

10 A The case file that I submitted.

11 Q All right. And was that -- do you know how
12 that was categorized when it was produced to us in
13 discovery? Was that the Henry County Police Department
14 file, or was that the solicitor's file?

15 A I don't have anything referenced to the
16 solicitor's file at all.

17 Q Okay. So your file, to your knowledge, through
18 your investigation at the Henry County Police
19 Department; is that right?

20 A Correct.

21 Q Okay. Other than with your lawyer, have you
22 discussed this case with anyone else?

23 A No, just spoken about it when I received it
24 from the -- it came down actually from the chief of
25 police down and then to Kevin. That's it.

1 Q And did you speak with the chief of police
2 about it when it came down?

3 A No, only that Kevin would be giving me a call.

4 Q Okay. No other police officers? You didn't
5 discuss this --

6 A No.

7 Q -- with any of your police officers?

8 A No.

9 Q Okay. And you live in the Eagles Landing
10 Country Club in Stockbridge; right?

11 A Yes.

12 Q And do you have any -- this is for purposes of
13 picking a jury in this case. Do you have any family
14 within a 90-minute drive in Georgia, you know, including
15 spouse, adult children, cousins, parents, siblings from
16 where you live in Stockbridge?

17 A Yes.

18 Q And who would those be, and where do they live?

19 A Father lives in Stockbridge. Sister lives in
20 Clayton County and another sister in -- I believe she
21 moved to Duluth.

22 Q Okay. I assume -- have you ever given a
23 deposition before?

24 A Never.

25 Q You said never?

1 A Never.

2 Q Oh. So I'm sure your attorney has explained a
3 couple of things about how this will work, but just a
4 couple of ground rules: We can go back to any question
5 that I ask you at any point. If you remember something
6 that you'd like to add, just let me know at any point in
7 the deposition. The only major thing is that we need to
8 speak one at a time. As you noticed during the last
9 deposition, it can be difficult for the court reporter
10 to transcribe things otherwise.

11 I'm happy to take a break. I don't anticipate
12 going too long today. But during any break that we
13 take, do you agree that you will not discuss your
14 testimony with anyone?

15 A Yes.

16 Q If you need clarification about anything I'm
17 asking you, if something sounded weird, you don't
18 understand it, will you just let me know, and I will
19 clarify or ask a better question for you?

20 A I will.

21 Q And is it fair for me to assume that if you
22 answer my question that you understood it?

23 A Yes.

24 Q Today, you know, we're appearing on --
25 electronically via Zoom for this deposition. Will you

1 agree not to send or receive any messages to anyone
2 electronically or otherwise during the course of your
3 testimony today?

4 A Yes.

5 Q Great. Your lawyer might object to the form of
6 the questions that I might ask, and unless he instructs
7 you not to respond, you can just go ahead after his
8 objection and answer the question. Make sense?

9 A Makes sense.

10 Q Okay. Also, if I'm talking to you about any
11 particular issue in this case that you feel you need to
12 reference a document that I'm not showing you at the
13 time, just let me know, and I can try to pull that up
14 for you for better clarification.

15 A Okay.

16 Q Have you ever been a party to a legal
17 proceeding before, before this?

18 A No.

19 Q And I'm just going to ask you a couple of
20 things and understand whether or not you agree. So do
21 you agree that in filling out incident reports as part
22 of your work with the Henry County Police Department
23 that it's important for you and for all law enforcement
24 officers to be accurate when they're describing events?

25 A To the best -- you know, at the time when

1 something occurs, yes. Some things may be left out
2 unintentionally, but, yes, things should be put in the
3 report.

4 Q Okay. And it's important to be accurate as
5 you're describing events in a police report; is that
6 right?

7 A Yes.

8 Q Would you also agree that in filling out an
9 incident report it's important to be complete and not
10 leave out significant details?

11 A Should be. But like I said, there's times when
12 reports are submitted that things unintentionally are
13 left out, not purposely.

14 Q Right. But you agree that it's important to be
15 as complete as you can and as thorough as you can --

16 A Yes.

17 Q -- in filling out an incident report?

18 A Yes.

19 Q Would you also agree that it's important to be
20 honest in completing an accident report and not to lie?

21 A Yes.

22 Q You would agree with me that warrants for a
23 person's arrest must be accurate, complete, and honest;
24 right?

25 A Yes.

1 Q You'd also agree that -- or would you agree
2 that the reports created and the warrant in this case
3 was accurate, complete, and honest?

4 A Yes, it was honest.

5 Q And would you also agree that it was accurate
6 and complete?

7 A Yes.

8 Q You agree that the Fourth Amendment protects
9 citizens from arrest without probable cause?

10 A Yes.

11 Q And do you agree that in drafting a warrant
12 affidavit, it must include all facts that are material
13 to a probable cause finding?

14 A I will answer that in two parts. Yes, and
15 there's only enough room given back at the time for that
16 much information to be on there.

17 Q Are you saying that there's a limitation in the
18 narrative section of the actual warrant affidavit that
19 prevents you from including information?

20 A There was. They want it to be as brief as
21 possible because there wasn't enough room, if I recall
22 because I haven't written one in a long time, to put
23 like a whole scenario into the warrant. Basically, the
24 judges would want you to be brief.

25 Q Would you agree that if there's a material fact

1 to a probable cause finding that that should be included
2 in the warrant affidavit?

3 A Yes.

4 Q Do you agree that you cannot knowingly or
5 recklessly include incorrect inculpatory facts in a
6 warrant affidavit?

7 A Yes.

8 Q Do you agree that you cannot knowingly or
9 recklessly omit exculpatory facts from a warrant
10 affidavit?

11 A Yes.

12 Q Do you agree that an officer who should have
13 known that their warrant application failed to establish
14 probable cause violates the Fourth Amendment?

15 A Now, if a warrant is written, there is probable
16 cause.

17 Q I'm sorry. Can you repeat your response?

18 A Could you repeat what you -- repeat your
19 question?

20 Q Sure. Would you agree that an officer who
21 should have known that their warrant application failed
22 to establish probable cause violates the Fourth
23 Amendment?

24 A So, yes.

25 Q And would you agree that an officer may not

1 unreasonably disregard certain pieces of evidence by
2 choosing to ignore information that's been offered to
3 him or electing not to obtain easily discoverable facts
4 that might tend to exculpate someone?

5 MR. MORRIS: Object to form.

6 You can answer.

7 THE WITNESS: Yes.

8 BY MS. FUNT:

9 Q Would you agree that when a police officer
10 makes an arrest without heeding certain easily obtained
11 information the officer fails to act reasonably?

12 A If the information is given to him, yes, or
13 not.

14 Q But what I'm talking about is when, you know,
15 information could be easily obtained. So when a police
16 officer makes an arrest without getting a piece of
17 information that they can easily get to, does that
18 officer fail to act reasonably?

19 MR. MORRIS: Object to the form.

20 You can answer.

21 THE WITNESS: Yes.

22 BY MS. FUNT:

23 Q Would you also agree that an officer must
24 articulate the basis for their belief that a subject
25 committed an alleged crime?

1 A Yes.

2 Q And would you agree that officers cannot jump
3 to unreasonable conclusions?

4 A Yes.

5 Q Do you agree that law enforcement officers that
6 arrest individuals for no good reason at all should be
7 held accountable for their actions?

8 A For no good reason, yes.

9 Q Do you agree that being held accountable for
10 wrongful conduct includes paying for all damages caused
11 by the wrongful conduct and everything that happens as a
12 result?

13 MR. MORRIS: Object to form.

14 THE WITNESS: Yes.

15 BY MS. FUNT:

16 Q Can you just confirm that there was no
17 discipline or adverse action taken against you for your
18 actions in this case?

19 A There was not.

20 Q Do you agree that you were always acting within
21 the scope of your employment as a law enforcement
22 officer with the Henry County Police Department during
23 the events that led to the arrest of Mr. Randazzo?

24 A Yes.

25 Q Has anyone ever said that you violated policy

1 or procedure based on your actions that were taken in
2 this case?

3 A No.

4 Q If there is a settlement or a verdict, is it
5 your understanding that that would be paid by the City?

6 MR. MORRIS: Object to form.

7 THE WITNESS: I don't know if it's going
8 to be paid by the City or the County. We're a
9 County police department.

10 BY MS. FUNT:

11 Q Okay. So is it your understanding that if
12 there is a settlement or a verdict in this lawsuit that
13 it would be paid by either the County or the City?

14 A Yes.

15 MR. MORRIS: Object to form.

16 THE WITNESS: Yes.

17 BY MS. FUNT:

18 Q And it's your understanding that it would
19 likely be paid by the County?

20 A Yes.

21 Q Okay.

22 MR. MORRIS: Samantha, these cases are
23 always represented, and I think it's the case
24 here, under the reservation of rights.

25 MS. FUNT: Sure. Thanks.

1 MR. MORRIS: And I don't know what the
2 status of an indemnification provision is.

3 MS. FUNT: I don't intend to ask him about
4 that right now.

5 MR. MORRIS: Okay.

6 MS. FUNT: Especially if you don't know.

7 BY MS. FUNT:

8 Q But, you know, Sergeant, looking back at the
9 investigation that you undertook and your actions that
10 led to the warrant and arrest of Coren Randazzo, would
11 you do anything differently?

12 MR. MORRIS: Object to form.

13 You can answer.

14 THE WITNESS: Okay. Probably -- you got
15 to understand that's 2018, and back then we
16 were getting maybe three, four, five cases a
17 day on top of the ones we were working. So
18 maybe one case took more time than another. I
19 probably would have added a couple of things in
20 there -- or a few more things in there, i.e.,
21 the -- what I observed when I went to the
22 victim's office. I don't believe I put that in
23 there, but I would have probably put that in
24 there as well.

25 BY MS. FUNT:

1 Q Okay. And when you say, you know, that you
2 would have added a couple of things here and there --
3 well, let's skip back a moment. Were you a sergeant at
4 the time of this case?

5 A No, I was a detective.

6 Q Okay. And have you held any other positions at
7 the police department other than sergeant and previously
8 detective?

9 A No.

10 Q Okay. And how long have you been working for
11 Henry County Police Department?

12 A This will be the sixth year.

13 Q And so you said back at the time when you were
14 working this case you were -- you were somewhat
15 overloaded in the amount of cases that they were giving
16 you at one time; is that right?

17 MR. MORRIS: Object to form.

18 THE WITNESS: I won't say overloaded. The
19 cases never stop coming, so you had to pretty
20 much prioritize crimes against victims, crimes
21 against property, things like that, crimes
22 against children. Those cases push other cases
23 back, so a couple of days may go by before you
24 work a case. So --

25 BY MS. FUNT:

1 Q Absolutely.

2 A -- you have to pick back up on it, so --

3 Q That makes perfect sense. And a case like this
4 probably did not get top priority; right?

5 A I wouldn't say that. It just flowed in with
6 the rest of the case files.

7 Q Okay. But this wasn't, you know, one of your
8 higher priority cases in the ranking; right?

9 A I -- I would -- I would say yes because -- or
10 no to that. It wasn't, because other cases that I had
11 to work back then.

12 Q Okay. And so you said that, you know, in
13 response to my question about whether you would have
14 done anything differently, you said you probably could
15 have added a couple of things here and there. Were you
16 talking about your warrant affidavit?

17 A No, I was talking about the -- after
18 Mr. Randazzo refused to speak to me and closed the door,
19 I had went over to the victim's office, and I had a hard
20 time getting in because after the phone calls they
21 changed the way they did business.

22 The door was locked. There was no more free
23 entry. There was a bell placed on the door, so you had
24 to buzz yourself in -- or ring the bell and then
25 somebody would come to the door and ask who was it.

1 They didn't just open up the door until I identified
2 myself, and then the door opened. I don't think I put
3 that in my report and also that they were installing
4 cameras in the hallway so they could see who's coming to
5 the office. I don't think I mentioned that. But
6 that's -- that's one of the things I could have added in
7 there.

8 Q Okay. So when you say could have added in
9 there, though, you're talking about your warrant
10 affidavit; right?

11 A No, I'm talking about the report itself.

12 Q Oh, the report itself. Okay. Right. So we
13 are talking about the entire -- the entirety of your
14 actions. So you said that you would have added some
15 facts about your observations of the victim's office
16 into the police report looking back now in retrospect.

17 Is there anything else that you would have done
18 differently that you can think of?

19 A Not at that time. It's been a while. I don't
20 know.

21 Q If presented with the same facts and
22 circumstances again, would you do anything differently?

23 A No, based on the meeting, the contact with
24 Mr. Randazzo and him refusing to speak about the phone
25 calls to Mrs. Clowdus and given what she told me, okay,

1 and the criminal history of Mr. Randazzo, which the
2 simple assault, which pretty much determines that a
3 violent injury towards another, not having his side of
4 the story and refusing to speak to me and based on what
5 she said to the responding officer and what she told me,
6 to protect her safety and naturally change the way of
7 life, locking her doors and bells and cameras, I felt
8 there was enough probable cause to take a warrant for
9 him.

10 Q Okay. I take that as a no, if you were
11 presented with the same facts and circumstances you
12 wouldn't choose to do anything differently in the course
13 of a new investigation?

14 A If it came up the same way, no, I would not.

15 Q Okay. You mentioned, you know, you were
16 understanding the probable cause in this case to be kind
17 of circumstances based on this refusal to speak with you
18 at his door, what Ms. Clowdus told you, as well as his
19 criminal history. Did you have access to the
20 plaintiff's criminal history prior to taking out a
21 warrant for his arrest?

22 A Yes, before I -- and everybody made a practice
23 of it. If I get a suspect and there's a possibility
24 that something may go wrong, I run a criminal history.
25 And when I ran Mr. Randazzo's criminal history, I seen

1 the simple assault, obstruction of the officer, and a
2 couple of other charges. That's when I know to take
3 another detective with me just to observe and to -- for
4 our safety.

5 Q So when did you run his criminal history?

6 A I can't be for sure to say. It might have been
7 the same day that I received the case.

8 Q Okay. Were you familiar at the time with
9 anything that he had been convicted of or just charges
10 that were -- that he had on his record?

11 A Just the -- just whatever printed out on the
12 criminal history.

13 Q And did that tell you, you know, whether he was
14 convicted of anything or just charged?

15 A I don't recall that. It's a --

16 Q When you say --

17 A It's a whole narrative. They give you a whole
18 narrative of things to review. I don't recall the
19 convictions or the nolle pros or nothing like that.

20 Q Okay. So you don't recall if you knew at the
21 time, or you don't recall what they were?

22 A I knew what the charges were. That's what I
23 put in my report --

24 Q Uh-huh.

25 A -- what he was charged with. As far as the

1 outcome, I didn't put that in the report.

2 Q Okay. And were you able to see the outcome of
3 those criminal charges at the time?

4 A If they were on the report, they would be
5 there. I would be able to view it.

6 Q And I'm just trying to understand. Did you run
7 his GCICs or NCICs in order to get this criminal
8 history, or what was the way in which you went about
9 gathering that information?

10 A That's where the criminal history comes from.

11 Q So you ran his GCICs?

12 A Yes.

13 Q Did you maintain a copy of his criminal record
14 in your police -- police file?

15 A No, that's against policy. Once you print off
16 the criminal history, you view it. You can take notes
17 from it. But after you're finished with it, it gets
18 shredded, and it gets logged in the book as being
19 shredded.

20 Q Okay. So it's against policy to save a copy of
21 the GCICs into the investigative file?

22 A Yes, you cannot keep it with the file.

23 Q A couple more of these general questions and
24 then we'll get into the meat. Have you ever made
25 knowingly false or misleading statements in connection

1 with your role as a law enforcement officer?

2 A No.

3 Q Have you ever been disciplined for failing to
4 conduct a thorough investigation?

5 A No.

6 Q Have you personally created or edited any
7 police documents in response to this lawsuit?

8 A No.

9 Q What year did you graduate from high school?

10 A 1977.

11 Q Do you have any other degrees besides a high
12 school degree?

13 A No. Some college, but never a degree.

14 Q And can you just give us a broad overview of
15 your career to date?

16 A Starting from when?

17 Q Your first law enforcement position.

18 A My first law enforcement position was when I
19 retired from the Marine Corps. I went back home to New
20 York. I became a New York City police officer at the
21 17th Precinct in Manhattan.

22 Q How many years were you in New York?

23 A Just hitting two years. Then I relocated to
24 Georgia.

25 Q And what was the reason for the relocation?

1 A Just cost of living.

2 Q Sure. That makes sense.

3 A Yeah, it did.

4 Q And so you went from New York to where in
5 Georgia?

6 A Forest Park.

7 Q Okay. And how long were you with Forest Park?

8 A 14 years.

9 Q What was your position there?

10 A I left as a sergeant in the criminal
11 investigations division, CID detective.

12 Q That was the highest position you held there?

13 A Yes.

14 Q And were you ever -- or why did you leave
15 there?

16 A Wanted to change departments, work in Henry
17 County. I worked with a lot of officers and detectives
18 and supervisors in Henry County before, agency-agency
19 type of work, and I decided to come to Henry County.

20 Q Okay. So you just wanted to work for a
21 different county?

22 A I didn't hear you.

23 Q You just wanted to work for a different
24 department or a different county?

25 A Yeah, just wanted to change departments.

1 Q Were you ever disciplined in your position at
2 Forest Park?

3 A No.

4 Q Were you ever found to be in violation of
5 departmental policies there?

6 A No.

7 Q Sorry. Just give me one second. Sorry. I'm
8 going to share my screen with you and mark a document as
9 Exhibit 1. Can you see my screen now?

10 A It's like --

11 (Audio distortion.)

12 MR. MORRIS: It's small.

13 (Plaintiff's Exhibit No. 1 was marked.)

14 MR. MORRIS: Oh, wait. What's going on
15 here? For some reason it was throwing your
16 information on to another screen in full screen
17 mode, so he couldn't see it. I think he can
18 now.

19 THE WITNESS: Yeah, I can see it now.

20 (Audio distortion.)

21 MR. MORRIS: For some reason now, though,
22 you are really choppy.

23 MS. FUNT: I'm choppy. Is everybody able
24 to hear me?

25 THE WITNESS: Yes. Go ahead.

1 BY MS. FUNT:

2 Q Okay. Do you recognize this document?

3 A I have never seen that before.

4 Q This document it says from the Forest Park
5 Police Department for Isaac Fisher, Sergeant Isaac
6 Fisher. Was that -- (audio distortion) -- at the time,
7 Forest Park 1277?

8 A Yes, it was.

9 (Reporter clarification.)

10 BY MS. FUNT:

11 Q My question was: Was that your badge number,
12 1277?

13 A Yes.

14 Q This is a policy violation document, as far as
15 I can tell, that says that while you were on scene you
16 failed to ensure that a thorough investigation was
17 completed, and this was during a major death
18 investigation; is that right?

19 A That's what it reads, yes.

20 Q And it also says you used profanity towards a
21 subordinate when discussing aspects of the investigation
22 and that these -- (audio distortion) -- violated
23 departmental policy; is that right?

24 A That's what it says, but that never happened.

25 Q Okay. So just tell me about that. So you said

1 you've never seen this document; is that right?

2 A Correct.

3 Q Were you ever presented with information from
4 Forest Park indicating that you violated police
5 department policies in any other way from any other
6 person?

7 A The person that's on the bottom that says by,
8 Lieutenant Delk, we had spoken about that, about that
9 particular night. And how it started off is that the
10 indication was that I never responded to that particular
11 death investigation. And it was actually a suicide. He
12 said I never responded, which I did. As far as taking I
13 didn't do a proper investigation, if I recall, when I
14 got there, no one had went into the house. There were
15 officers standing all around, and I took charge of that
16 scene. So that was false. And we -- he and I spoke
17 about that.

18 And as far as the profanity against another
19 officer, I was speaking to -- the officer was -- if I
20 recall, the officer that he indicated that I was using
21 profanity -- profanity towards was not in the -- in the
22 group I was talking to. We were talking about the crime
23 scene itself. That's why in -- in this particular
24 incident, if something like this was written, then I
25 would have a chance to write something other than what

1 was said.

2 Q So did you write a response to this --

3 A No, I didn't. No, I did not.

4 Q Let me finish the question. Sorry.

5 A I think we were together.

6 Q In response to this allegation that your
7 actions violated departmental policies that was made by
8 Lieutenant James -- (audio distortion) --

9 A I can't hear you.

10 (Reporter clarification.)

11 MR. GREENAMYRE: I think, Sam, maybe if
12 you stop sharing your screen. That seems like
13 when our troubles started.

14 MS. FUNT: Is that better?

15 THE WITNESS: Go ahead.

16 MR. GREENAMYRE: Much better.

17 MS. FUNT: Is that better? You can hear
18 me? All right.

19 THE WITNESS: Perfect. Perfect.

20 BY MS. FUNT:

21 Q So I don't know if you answered this question
22 yet based on the feedback issue, but did you write
23 anything in response to an indication that you violated
24 departmental policy when you were at Forest Park Police
25 Department?

1 A I don't know if it was -- I wrote something,
2 and it might have been pertaining to this incident. I'm
3 not sure.

4 Q Were you ever found -- okay. That's okay.

5 And do you know if you were ever disciplined as
6 a result of the incident described in the document we
7 were looking at?

8 A Never.

9 Q Were you disciplined in any other law
10 enforcement positions that you held?

11 A No.

12 Q What was the first date that you became
13 involved in an investigation related to phone calls
14 placed to Susan Clowdus?

15 A Say that again.

16 Q What was the first date that you became
17 involved in an investigation related to phone calls
18 placed to Susan Clowdus?

19 A I don't remember the exact date. I don't have
20 the case file in front of me.

21 Q Okay. I'm going to pull up another document.
22 Hopefully we don't have too much trouble with the
23 feedback.

24 MR. GREENAMYRE: Sam, if you want, I can
25 try to do this on my end --

1 MS. FUNT: That would be great.

2 MR. GREENAMYRE: -- if yours isn't
3 working.

4 MS. FUNT: That would be great.

5 Can you pull up the solicitor's file, page
6 30?

7 MR. GREENAMYRE: Yeah.

8 MS. FUNT: We'll mark the solicitor's file
9 as Plaintiff's Exhibit 2.
10 (Plaintiff's Exhibit No. 2 was marked.)

11 MR. GREENAMYRE: Is this what you want,
12 Sam?

13 MS. FUNT: Yes. Thank you.

14 BY MS. FUNT:

15 Q So this document, do you recognize this
16 document?

17 A Yes.

18 Q What is this?

19 A It's a supplemental report to the initial --
20 initial police report that was taken.

21 Q Okay. And for the record this is page 30 of
22 the solicitor's file that we just marked as Plaintiff's
23 Exhibit 2. This is dated April 25th, 2018. Is this the
24 first document that you're aware of that indicates the
25 earliest involvement you might have had with this

1 investigation?

2 MR. MORRIS: Object to form.

3 You can answer.

4 THE WITNESS: That wouldn't be the first
5 document. It would be the initial police
6 report.

7 BY MS. FUNT:

8 Q Okay. Is there any other document that might
9 clue us into the first time you got involved with the
10 case?

11 A Yes, the first responding officer to the
12 report. That's when I -- that's what I have -- that's
13 what I read first.

14 Q Okay. But you weren't actually with the
15 responding officer to the report; right?

16 A Correct.

17 Q And so what I'm trying to get at is, you know,
18 when were you assigned to work on this case since you
19 weren't -- you weren't with the initial responding
20 officers?

21 A It would probably be the -- if I started it
22 that date, it would be the 25th.

23 Q Okay. So to the best of your knowledge, you
24 know, it was April 25th, 2018, when you first got
25 involved with this case; is that right?

1 A Yes. Or it could be the day after. It depends
2 on when I -- I don't know exactly when, but some
3 reports, if we go out and do an investigation today,
4 we're taking notes. When we type the notes in, it will
5 come up to that same day that we typed the notes. So it
6 could have been that day. Do you understand what I'm
7 saying?

8 Q You were saying that it could have been a day
9 or so before or after this report is dated --

10 A It would have been after.

11 Q -- just based upon the input?

12 A It would have been after. For example --

13 Q Uh-huh.

14 A And I don't know for sure because it's been
15 such a long time. If I had spoken to both parties on
16 the 24th and it was late during the day, the next day I
17 would -- I would type in my notes. And that's the
18 standard in other cases, but that day --

19 Q But in --

20 A -- start typing the notes.

21 Q Okay. But in that case if you had done
22 anything on the 24th, you would have written it down;
23 right?

24 A Not in typed form.

25 Q All right. So this is the earliest record we

1 have, and you might have been involved a day or so
2 before. Based on the date here, it looks like, you
3 know, you were inputting your notes for the first time
4 on the 25th; is that right?

5 A That could be true, yes.

6 Q Okay.

7 MS. FUNT: And, Zack, can you turn to page
8 29? I think it's just the page before. Yeah.

9 BY MS. FUNT:

10 Q Do you recognize this document?

11 A Yes.

12 Q What is this?

13 A That's from Sergeant Godsey who -- he receives
14 anywhere from 30 to 60 reports from the road. He would
15 briefly scan all those reports and assign -- he would
16 assign, let's say -- because I've done it. He would
17 assign reports with leads --

18 Q Right.

19 A -- like quick leads, names, dates, and things
20 and such. In scanning all those reports, anything he
21 felt or any other supervisor felt that wasn't quickly
22 resolved or something that could be worked right away,
23 they would inactivate it. But inactivated cases can
24 always come back. It's just something that they do.

25 Q Absolutely. And we'll talk about that.

1 So, you know, this is -- it's got a case number
2 at the top of it, the 1-18-006122. Do you know that
3 case number to be associated with this investigation and
4 the phone calls made to Susan Clowdus?

5 A If that's the case number, I think so, yes.

6 Q Okay. And so is it fair to say that from
7 reading Godsey's narrative here that he was not
8 assigning -- or choosing not to assign this case at that
9 time due to a lack of investigative leads? Is that
10 right?

11 A Correct.

12 Q Okay. And you said Godsey was one of your
13 supervisors?

14 A Yes.

15 Q Okay. And why was it not assigned at that time
16 on April 2nd, 2018, due to a lack of investigative
17 leads?

18 A You would have to ask him that, and basically
19 it's like I said when I told you that we get all the
20 cases from the road.

21 Q Uh-huh.

22 A And he's just -- he's just scanning cases,
23 scanning cases, and he'll inactivate one, unfound
24 another, assign. Everything is like done that day, and
25 like I said, inact -- cases that are inactivated, they

1 come back. They can be activated, and they can be
2 worked.

3 Q Right. But you don't at this point even now
4 know why he didn't assign the case at least initially
5 due to a lack of investigative leads?

6 A No. Only from past -- past experience with him
7 in cases and other supervisors in cases.

8 Q Did your past experience tell you anything
9 about why he wasn't assigning this one?

10 A Probably, like I said, he was just scanning
11 them and assigning cases that had leads, names, you
12 know, things like that. Because we get assigned, like I
13 said, four or five cases a day, and this is -- this is a
14 way of not eliminating so many cases being assigned.

15 Q Right. Right. But let me just be clear. On
16 April 2nd, 2018, Corey Randazzo was not a suspect in
17 this case; is that right?

18 A No.

19 Q And, in fact, no one was? There were no
20 investigative leads at the time?

21 A Correct.

22 Q Had there been any investigative leads since
23 this Godsey report of April 2nd, 2018?

24 A Yes, the one that I did.

25 Q And is that the plaintiff in this case, Corey

1 **Randazzo?**

2 **A** **Yes.**

3 **Q** **Has there been any other individuals identified**
4 **as investigative leads in this case?**

5 **A** **No.**

6 **Q** **Was there any video footage collected at any**
7 **point as part of the investigation?**

8 **A** **No.**

9 **Q** **What does Henry County Police Department say**
10 **about recording citizen interactions?**

11 **A** **What do they say about recording citizens'**
12 **interactions?**

13 **Q** **Right. So for an investigative interview,**
14 **let's say, is there a Henry County Police Department**
15 **policy about whether or not officers should record**
16 **investigative interviews?**

17 **A** **I don't -- I don't recall the policy verbatim,**
18 **but when we're conducting an interview in the office, we**
19 **have interview rooms where we record. That's the only**
20 **time.**

21 **Q** **Okay. So policy is generally to record**
22 **interview that happens in the police department; right?**

23 **A** **Well, now it's -- you know, the uniformed**
24 **officers have video cameras now.**

25 **Q** **Right, body-worn camera.**

1 A That's a part of policy.

2 Q Okay. And are officers at least to your
3 knowledge of the Henry County policy -- under that
4 policy are they encouraged or required to videotape with
5 their body-worn camera an investigative interview in the
6 field?

7 A With a body-worn camera, yes, uniformed
8 officers, they do activate them.

9 Q Okay. Did you wear your body-worn camera
10 during any investigation in this case?

11 A Criminal investigation division didn't have
12 body-worn cameras at that time, only uniform division.

13 Q Okay. Did you have a tape recorder or cell
14 phone that you used to record interviews as a detective
15 at that time?

16 A No, I didn't have one.

17 Q You didn't carry any recording device when you
18 went on investigations?

19 A No.

20 Q Why not?

21 A I didn't have one.

22 Q Do you believe it would have been -- well, was
23 it pursuant to policy that you didn't have one?

24 A No, I just didn't have one that day.

25 Q Was that your choice not to have one? Could

1 you have had one?

2 A I can't think back if it was my choice then
3 or -- I can't think back.

4 Q Okay. Just to be clear, you didn't even have a
5 phone with you when you were doing an investigation?

6 A Oh, I had a phone, yes.

7 Q Okay. So your phone could have recorded
8 conversations if you wanted it to; right?

9 A I don't recall if the phone that I got had --
10 had recording or not. I can't recall. We've done had
11 several phones since then. Now they record. I can put
12 it on, and it records. It doesn't have a body-worn
13 camera system in it, but it can record.

14 Q Okay. Did the phone that you had at the time
15 of this investigation in 2018 have the ability to
16 record?

17 A I don't recall that.

18 Q But you at least had a phone at the time?

19 A Yes.

20 Q And did you by choice not take along a tape
21 recorder or any other recording device?

22 A I don't know if it was by choice. I just
23 didn't take one that day.

24 Q Okay. Could you have taken one?

25 A It's a possibility, yes.

1 Q And if you wanted one, the police department
2 would have provided you with one; right?

3 A If they had one available, yeah.

4 Q Are there any recordings at all that you're
5 aware of regarding conversations you or any other
6 officers had with either Clowdus or the plaintiff, Coren
7 Randazzo?

8 A No, not that I'm aware of.

9 Q Are there any new documents that you're aware
10 of that have been collected as part of this
11 investigation since the case was dismissed?

12 A No.

13 Q Since all the criminal charges were dismissed?

14 A No.

15 Q Okay. All right. Other than the documentation
16 that was provided to us in discovery, are you aware of
17 any other documents or interactions with law enforcement
18 that the plaintiff might have had between the date of
19 the phone calls in this case, March 30th, 2018, and the
20 May 14th, 2018, when the case was dismissed?

21 A I recall him calling me asking for a copy of
22 the report, but that's it. I don't know of anybody else
23 he spoke to.

24 Q I sort of missed what you said. You said you
25 recall Plaintiff calling you?

1 A Yes.

2 Q Okay. At what point?

3 A I don't know exact what point, but it was after
4 I believe he already made bond. And he called looking
5 for a copy of the police report.

6 Q Okay. Is that the extent of the conversation,
7 can I have a police report?

8 A Yes, and I -- and I -- knowing -- I probably
9 directed him to the records department. That's where I
10 directed him to.

11 Q Okay. Other than that --

12 A That's --

13 Q Okay. Other than that, no other conversations
14 or interactions you're aware of between Plaintiff and
15 law enforcement between time of incident and time of
16 dismissal?

17 A Correct.

18 Q Okay.

19 MS. FUNT: Zack, can you pull up the
20 solicitor's file again, Exhibit 2, and turn to
21 page 6. Thanks.

22 BY MS. FUNT:

23 Q Sergeant, do you recognize this document?

24 A Yes, that's the phone records for Mr. Randazzo.

25 Q Okay. And how did you obtain these phone

1 records?

2 A Through a subpoena.

3 Q And was that a subpoena to Google Voice?

4 A Yes, if that's -- if that's the carrier, yes.

5 Q And did you -- is this the only phone record
6 that you obtained during your investigation?

7 A Yes.

8 Q And so you agree you did not obtain Susan
9 Clowdus's phone records at any point during your
10 investigation; is that right?

11 A No, I did not.

12 Q Why not?

13 A Didn't have no reason to at the time, and it
14 would have showed basically the same thing, him calling
15 her.

16 Q Do you agree that Plaintiff's number is (678)
17 379-8045 as it shows this Voice number on this document?

18 A Yes.

19 Q And this phone record identifies calls that
20 were made from the time period of March 29th, 2018,
21 through the 31st of -- of the same month; is that right?
22 So it goes 29, 30, 31?

23 A Yes.

24 Q And do you agree that Susan Clowdus made -- she
25 didn't make any allegations of any threatening calls

1 whatsoever on the 29th or on the 31st; is that right?

2 A I don't recall that, no.

3 Q So to the best of your knowledge, there was no
4 indication that she received threatening calls on the
5 29th or the 31st; is that right?

6 A That is -- like I said, I don't recall that,
7 no. The dates, no.

8 Q You're saying you don't recall the dates?

9 A Probably from what's on the report, that's --

10 Q Right. And the report only indicates calls in
11 question were made on March 30th, 2018; is that right?

12 A I believe so, yes.

13 Q And this call record reflects one call placed
14 to Susan Clowdus's work line number, which was the (770)
15 474-5515 number; is that right?

16 A I believe so.

17 Q Other than that one call, did you locate any
18 phone record evidence that documented a second or a
19 third call placed from the plaintiff's line, the (678)
20 379-8045, to any number associated with Susan Clowdus?

21 A No, not during that time. No.

22 Q Have you since?

23 A No, only based on what she told me and what was
24 in her statement.

25 Q Okay. But to be clear there's never been any

1 phone record evidence that documented a second call
2 placed from a phone line connected to the plaintiff to
3 any number associated with Susan Clowdus; is that right?

4 A That's correct.

5 Q And then, you know, these other -- where
6 there's a little Sharpie dot next to these phone
7 calls -- or this is a missed call we see, and then two
8 text messages, one in and one out; is that right?

9 A Yes, at the time that -- I was unaware that
10 those were text messages in and out.

11 Q You were unaware that SMS out meant a text
12 message out at the time of this investigation?

13 A Correct.

14 Q And you were unaware that SMS in meant a text
15 message in at the time of this investigation?

16 A Correct.

17 Q When did you figure out that that's what that
18 code meant?

19 A When was it?

20 MS. FUNT: Sir, while you're thinking
21 about that, Zack, can you pull up a document
22 labeled home, underscore, Susan Clowdus R-E?

23 MR. MORRIS: Zack's going to do that.

24 THE COURT REPORTER: I can't hear you,
25 Mr. Morris.

1 MR. GREENAMYRE: Go ahead.

2 THE WITNESS: Me?

3 MR. GREENAMYRE: I was talking to
4 Michelle.

5 THE COURT REPORTER: I couldn't hear what
6 Mr. Morris was saying.

7 MR. MORRIS: I was telling him that she's
8 asking when he learned that investigation and
9 not necessarily from who. So I don't have an
10 objection, and I just instructed him to answer
11 it based upon when he recalls learning
12 that information.

13 MS. FUNT: Okay. If you guys could make
14 all conversation on the record, please.
15 Thanks.

16 MR. MORRIS: I was. You just didn't hear
17 it. I didn't have an off-the-record
18 conversation.

19 MS. FUNT: Okay. If we can just make it
20 all audible. Thank you.

21 MR. MORRIS: I was. I'm sorry.

22 MS. FUNT: No, I'm just going forward.
23 We're good.

24 BY MS. FUNT:

25 Q So the question was, Sergeant: When did you

1 figure out that this SMS out, SMS in meant text message
2 in and out?

3 A When I first spoke to the attorney.

4 Q Okay.

5 MS. FUNT: And, Zack, can you pull up the
6 home, underscore, Susan Clowdus R-E document?

7 MR. GREENAMYRE: Sam, is that in the same
8 location, same folder?

9 MS. FUNT: Yeah.

10 MR. GREENAMYRE: I see it now. It wasn't
11 updating. Give me one second, and I will pull
12 it up.

13 MS. FUNT: Okay. Thanks.

14 BY MS. FUNT:

15 Q While we're still looking at this document,
16 it's the (770) 474-5515 was the number we were talking
17 about. That's the business number; right? Sergeant?

18 A Yes.

19 Q Okay.

20 MR. MORRIS: We couldn't hear you
21 sometimes.

22 MS. FUNT: That's a problem.

23 BY MS. FUNT:

24 Q Can you hear me now?

25 A Yes.

1 MS. FUNT: So can you enlarge that so we
2 can see the bottom portion? So if you could
3 scroll to the top too just for a moment.

4 BY MS. FUNT:

5 Q So I'll represent to you that this is Susan
6 Clowdus's website. Have you ever been to her website or
7 googled her?

8 A No.

9 MS. FUNT: If you'll scroll to the bottom.

10 BY MS. FUNT:

11 Q Would you agree with me that the website has
12 her business address as she is a Realtor for Susan
13 Clowdus Real Estate listed as (770) 474-5515?

14 MR. MORRIS: Object to form. Are you
15 asking is that what it shows when you printed
16 this PDF of this web page on April 21st or what
17 it showed way back when?

18 BY MS. FUNT:

19 Q Well, I'll ask you: You know, how did you find
20 out that, you know, the 5515 number was her business
21 line if you didn't Google her or look at her web page?

22 A If I recall, I think it's in her statement, in
23 the officer's report.

24 Q Okay. But looking with me now, would you agree
25 that, you know, as a real estate agent she had this

1 number public facing on her website at the time of this
2 incident?

3 A I have no way of knowing that.

4 Q Okay. Would you agree that it makes sense that
5 as a real estate agent she had a number public facing?

6 A To her office, yes.

7 Q And you were aware at the time that she was a
8 real estate agent; right?

9 A Yes.

10 (Plaintiff's Exhibit No. 3 was marked.)

11 MS. FUNT: Okay. We can take that
12 document down.

13 BY MS. FUNT:

14 Q You actually knew her prior to this
15 investigation; right?

16 A Yes.

17 Q How did you know her?

18 A In passing. We never were like speaking
19 buddies or anything like that, just knew her being a
20 member at the country club.

21 Q Oh, you're both members at the same country
22 club?

23 A Yes.

24 Q And that's the Eagles Landing Country Club;
25 right?

1 A Yes.

2 Q Okay. So casual acquaintance from the country
3 club; right?

4 A Not even casual.

5 Q But you knew her name; is that right?

6 A Oh, yes, I knew her name. Yes.

7 Q And you knew her profession?

8 A Yes.

9 Q And did you know her husband Jim?

10 A Yes.

11 Q How'd you know him?

12 A From being with her.

13 Q So the same way, just being members at the same
14 club?

15 A Yes, that's it.

16 Q And did you ever socialize with them?

17 A No, they -- I can say they got their own group
18 that they socialize with.

19 Q Got it.

20 In Ms. Clowdus's deposition, she mentioned that
21 your wife is also a real estate agent; is that right?

22 A Part-time.

23 Q Okay. Do they socialize together, your wife
24 and Ms. Clowdus?

25 A No.

1 Q Do they work in part of any of the same real
2 estate circles?

3 A No.

4 Q Got it.

5 So I just want to talk to you briefly about the
6 attempted secession for the Eagles Landing away from the
7 city of Stockbridge. So can you just describe briefly
8 what you know about Eagles Landing, their attempt to
9 secede from the city of Stockbridge?

10 A As much as anybody else knew, that it was in
11 the works. That's it.

12 Q Okay. And would you agree there was a lot of
13 media coverage about that issue for some time leading up
14 to some votes on the issue?

15 A If there was, I didn't see any of it.

16 Q You weren't aware of any media coverage on the
17 issue?

18 A I was aware, but I never seen any of it.

19 Q How did you become aware if you didn't see it?

20 A Talk.

21 Q Oh. People talked about it; right?

22 A Yeah. Of course, yeah.

23 Q Yeah. And especially as a resident of the
24 country club, people were talking about how Eagles
25 Landing was going to attempt at least to secede from the

1 city; right?

2 A Yes.

3 Q And would you agree that there were kind of
4 people on both sides of this issue, people strongly
5 opposed to it and people strongly for it? Is that
6 right?

7 A I agree with that.

8 Q And you probably knew people on both sides of
9 the issue living in Eagles Landing; right?

10 A Yes.

11 Q And would you agree that one of the concerns
12 that people who were opposed to the movement had was
13 that separating out the southern portion of the city
14 with its main commercial corridor would force the city
15 of Stockbridge to impose new property taxes?

16 A I can answer that in two parts. Yes, and then
17 for another one because of the -- of the coming police
18 department in Stockbridge. They would probably get
19 taxed too.

20 Q That the police department would get taxed
21 itself?

22 A No, Stockbridge is forming a police department.

23 Q Oh, okay.

24 A So the citizens are going to have to pay taxes.

25 Q Okay. So a two-part reason that people were --

1 some people at least were concerned about this
2 annexation that would raise taxes; is that right?

3 A Correct. That's what I've heard, yes.

4 Q And that was something you had heard before
5 this investigation got underway; is that right?

6 A Yes.

7 Q So the calls that you were investigating we
8 talked briefly about, they took place on March 30th,
9 2018; is that right?

10 A Yes.

11 Q Do you know what Sine Die is? I may not be
12 saying it right.

13 A What?

14 MR. MORRIS: Sine Die with the Georgia
15 legislature, I think, is what she's asking
16 about.

17 THE WITNESS: No.

18 BY MS. FUNT:

19 Q You can make any clarifications to me, you
20 know, if you don't understand my question.

21 A No, I don't understand it.

22 Q Okay. Yeah, and your lawyer was right. You
23 know, I was asking about this -- this day in the Georgia
24 legislature where bills -- it's like the final date for
25 bills to get passed before both chambers before it goes

1 to the governor. It's fair if you don't know much about
2 legislature. Just --

3 A I don't. I don't.

4 Q Okay.

5 MS. FUNT: Zack, can you pull up this
6 article Eagles Landing Final Bill? I think
7 it's Update -- Update, underscore, Eagles
8 Landing. And can you scroll down?

9 BY MS. FUNT:

10 Q This article is dated March 30th, 2018, and
11 I'll represent to you that it says, you know, the
12 Georgia Senate in the last hours of its 2018 session on
13 March 29th approved the House of Representative
14 amendment Senate Bill 263 authorizing a charter for a
15 proposed city of Eagles Landing.

16 So would you agree that this proposal for the
17 creation of a new Eagles Landing city had just passed
18 the state Senate by midnight the night before these --
19 the March 30th date that you were investigating?

20 A If that's what it says, I would agree with it,
21 yes.

22 MS. FUNT: And can you pull up, Zack, the
23 CBS 46 article? Oh, we'll mark -- I think
24 we're at 4, Exhibit 4 for the last article, and
25 then 5 for this new one.

1 (Plaintiff's Exhibit Nos. 4 and 5 were marked.)

2 BY MS. FUNT:

3 Q Okay. Have you ever seen this article?

4 A No.

5 MS. FUNT: If you can scroll to page 2,
6 Zack, and pull it up a little bit bigger.

7 BY MS. FUNT:

8 Q The top of page 2 of this article on the same
9 issue of the annexation of, you know, Eagles Landing, it
10 has a quote from the mayor pro tem LaKeisha Gantt. Did
11 you know she was the mayor at the time?

12 A No.

13 Q You didn't know who the mayor at the time was?

14 A Of Stockbridge?

15 Q Yeah.

16 A No.

17 Q Okay. So at the top of this article, it has a
18 quote from her where she says, This would devastate our
19 community and any city in the state of Georgia. This is
20 unprecedented, and at this time we are fighting back by
21 prayer, through prayer.

22 Were you aware that -- you would agree with me
23 that devastating, the word devastating, was used as a
24 talking point against this annexation effort, you know,
25 through the media coverage?

1 A If that's what it reads, yes.

2 Q And also through, you know, your understanding
3 of the issue in the community, right, people were
4 talking about it as being devastating as far as what it
5 would do to the community and like you were saying, you
6 know, the tax issues?

7 MR. MORRIS: Object to form.

8 THE WITNESS: From the talk, yes.

9 BY MS. FUNT:

10 Q Right. And so --

11 MS. FUNT: Can you pull up, Zack, one more
12 article, the Eagles Landing Advocates article?
13 We'll mark this as Exhibit 6.

14 (Plaintiff's Exhibit No. 6 was marked.)

15 BY MS. FUNT:

16 Q Had you seen this article before --

17 A No.

18 Q -- during your investigation?

19 A No.

20 Q Do you recognize that to be Susan Clowdus
21 speaking at a committee meeting for the Eagles Landing
22 Educational Research Committee?

23 A It's pretty blurry, but, yes. Okay. There we
24 go, yes.

25 Q Okay. That's Susan Clowdus; right?

1 A Yes.

2 Q Okay. And you'd agree with me that during your
3 investigation you learned that she was an advocate, you
4 know, in her effort to -- in the efforts to spin off
5 Eagles Landing into a new municipality?

6 A Her and others, yes.

7 Q Right. She was part of a board. She was a
8 member on the board called the Eagles Landing
9 Educational Research Committee; right?

10 A I never knew the full name, but, yes, that's --
11 she was a part of that board, yes.

12 Q Okay. And you were also aware that, you know,
13 she spoke, you know, as an advocate on this issue on
14 forums that were held by the committee; right?

15 A Yes.

16 Q Did you ever attend any of these committee
17 meetings?

18 A I attended one.

19 Q Which one was that?

20 A I can't recall. They had so many. After the
21 first one, I never went back.

22 Q Okay. And were you a proponent of the
23 annexation?

24 A No.

25 Q You were opposed to it?

1 A Yes.

2 Q Okay. Any reason why?

3 A Didn't need the change, I think. It can stay
4 the way it is.

5 Q Right.

6 MS. FUNT: We can take that down. Thank
7 you. Can you pull up the solicitor's file
8 again? Page 27.

9 BY MS. FUNT:

10 Q So when you got Officer Foster's initial report
11 in this case, did you learn anything else from his --
12 from his investigation other than what he wrote in this
13 report?

14 A No.

15 Q And would you recognize what we're looking at
16 now to be Officer Foster's initial report?

17 A Pull it up a little bit.

18 MR. MORRIS: It's kind of small.

19 THE WITNESS: I just want to see the
20 bottom of it, the bottom where his name would
21 be. The bottom. There we go, yeah.

22 BY MS. FUNT:

23 Q All right. So this looks to be Officer
24 Foster's initial report on the case?

25 A Yes.

1 Q Did you speak with him directly or just read
2 this report to get the information?

3 A I read the report.

4 Q And so you didn't speak with him?

5 A No.

6 Q Okay. And so did you get any other information
7 from Foster or anyone else before you started diving
8 into your investigation?

9 A I received the report, and it had the Accurint
10 phone information in it, which came with the file that I
11 got.

12 Q Can you say that one more time? You received
13 the report?

14 A In addition with the report, inside the folder
15 was the Accurint report, which shows who the phone
16 number comes back to.

17 Q Got it. So there was an Accurint report that
18 traced the phone number, at least one of them, that
19 called in to Clowdus to the plaintiff?

20 A Yes.

21 Q Of course, you -- did you know Officer Foster
22 at all prior to getting involved in this investigation?

23 A Yes.

24 Q And you, of course, know him to be an accurate
25 and complete report writer when he's undertaking an

1 investigation; right?

2 A I can't tell you one way or another. Every
3 officer writes different reports different ways. But --

4 Q Okay. But you --

5 A -- I never corrected or read a majority of his
6 reports to make that determination.

7 Q Sure. But you're not aware of any instances
8 where he has left out, you know, specific threats made
9 to a victim in a police report that he was aware of;
10 right?

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

12 Q Okay. You don't know of any evidence that
13 Officer Foster would, you know, misrepresent a fact;
14 right?

15 A Yes.

16 Q And it would also be, you know, police
17 policy -- or let me ask you: So when Officer Foster was
18 out doing this initial investigation with -- meeting
19 with Clowdus, do you know if he was wearing a body-worn
20 camera at that time?

21 A No, I do not.

22 Q Okay. Did you ask for any audio or video from
23 his interaction with Clowdus?

24 A No.

25 Q Why not?

1 A I didn't ask. I don't -- I don't know why. I
2 didn't ask.

3 Q If he had had audio or video, he could have
4 provided that to you; right?

5 A He would have put it in his report that he had
6 it on.

7 Q So he would have put it in his report? Is that
8 what you're saying?

9 A Yes.

10 Q And if he had it on, he could have provided
11 that to you if you asked him; right?

12 A Correct.

13 Q Okay.

14 MS. FUNT: Can you scroll to the
15 narrative on the next page, Zack?

16 BY MS. FUNT:

17 Q So looking at what Officer Foster wrote in this
18 initial report, he said that he at -- that at 10:15,
19 right, on March 30th, 2018, Clowdus received a phone
20 call on her cell phone from a number (678) 379-8045 and
21 that caller stated, Is this where all citizens of
22 Stockbridge needs to send their tax bills since you
23 devastated the city of Stockbridge? Is that right?

24 A Yes, that's in the report.

25 Q Okay. And then he reported that she told

1 him -- you know, she hung up the phone right after that
2 statement?

3 A That's in the report, yes.

4 MS. FUNT: And, Zack, if you could scroll
5 down to her written statement, which should be
6 two or three pages down below in this file, I
7 think. Right there.

8 BY MS. FUNT:

9 Q So now we're looking at page 32 of this
10 solicitor's file. Would you agree that that statement
11 that Foster wrote in his report, it's word for word what
12 she wrote here, you know, on March 30th, 2018, (678)
13 379-8045 called, and caller at 10:15 said, Is this where
14 all the citizens of Stockbridge needs to send their tax
15 bills since you devastated the city of Stockbridge?
16 Just for that first call, that's word for word what
17 Foster wrote down; right?

18 MR. MORRIS: Object to form.

19 THE WITNESS: It appears to be.

20 BY MS. FUNT:

21 Q Is there any other --

22 MS. FUNT: Well, sorry. Page 12, Zack.
23 Next page. Yeah.

24 BY MS. FUNT:

25 Q Do you know who wrote this factual write-up?

1 A No, I do not.

2 Q Okay.

3 MS. FUNT: Can you blow it up a little
4 bit bigger?

5 BY MS. FUNT:

6 Q Do you know who might have written this?

7 A I couldn't tell you.

8 Q Okay. And it looks that, again, you know, we
9 have a third time where it's documented in a different
10 place in the police file that it says on March 30th,
11 she, meaning Susan Clowdus -- because that's the victim,
12 you know, listed at the top here -- she received a phone
13 call on her cell phone from phone number (678) 379-8045,
14 and she stated the caller said, Is this where all the
15 citizens of Stockbridge needs to send their tax bills
16 since you devastated the city of Stockbridge and then
17 hang up.

18 Just for the first call, you'd agree with me
19 that that is word for word what we've seen in two other
20 places, both in her written statement and in Foster's
21 incident report; right?

22 MR. MORRIS: Object to the form.

23 You can answer if you can.

24 THE WITNESS: It appears to be.

25 BY MS. FUNT:

1 Q Are there any other write-ups you're aware of
2 the substance of these phone calls in a police report
3 anywhere else besides what we've just been looking at?

4 A Not that I'm aware.

5 Q Okay. Did you ever document, you know, the
6 substance of these calls as Susan Clowdus described
7 anything to you?

8 A In my report. What's written in my report, I
9 did.

10 Q Okay. And let's see where that would be.
11 Thank you.

12 So in your report we've got -- you know, I
13 don't see that you actually made a write-up of the words
14 that, you know, she remembered hearing on these phone
15 calls, but you did at the -- in the bottom paragraph of
16 this document --

17 MS. FUNT: If you could blow that up a
18 little bit more.

19 BY MS. FUNT:

20 Q -- you asked her, you know, about her written
21 statement and if there was anything else, if you can see
22 this last paragraph, that she did not include in it when
23 she had written it. And she stated there was nothing
24 else to add except that she was worried or in fear of
25 her safety because of the calls; is that right?

1 A Correct.

2 Q Is there anywhere else in your report that you
3 would have written, you know, the substance of these
4 calls down?

5 A No, I would just go by what's in the officer's
6 reports and her statements.

7 Q Okay. So just to be clear, you're not aware of
8 any other official write-up of the substance of these
9 calls that were made to -- to Susan Clowdus by any
10 officer or anyone investigating this case?

11 A Correct.

12 Q Hold on one second.

13 Okay. And then, you know, looking at this
14 paragraph a little bit more closely, in the second
15 sentence, you're talking about when you met with her at
16 your office; right?

17 A At her office.

18 Q Right. And you asked her if she received any
19 further calls from the listed number, and she stated
20 that if a number shows up without a name she will not
21 answer it; is that right?

22 A Yes.

23 Q Okay. Do you know if she spoke -- if Susan
24 Clowdus spoke with any other officers other than
25 yourself and Officer Foster? And we know she spoke

1 to -- generally to Chief Ireland at one point. Do you
2 know if she spoke to anyone else about the substance of
3 these calls?

4 A No.

5 Q Okay.

6 MS. FUNT: Zack, can you play the 11 Alive
7 interview? And we'll mark it as Exhibit 7.
8 (Plaintiff's Exhibit No. 7 was marked.)

9 MS. FUNT: And let me know if you need a
10 break at any point. We're kind of quickly
11 going through here, so . . .

12 We're not getting the audio, Zack. This
13 was the issue I was having before. I'm not
14 sure why.

15 MR. GREENAMYRE: Can y'all hear the audio?

16 MS. FUNT: No. No. Oh, you can? No.

17 No.

18 (Video played.)

19 BY MS. FUNT:

20 Q Had you heard that report before during your --
21 prior to today?

22 A You broke up a little bit.

23 Q Sorry. Have you heard that report before,
24 prior to today?

25 A First time.

1 Q That was the first time you heard it?

2 A (Nods head.)

3 Q Okay. Did you hear Susan Clowdus's voice or
4 recognize it to be her on that interview?

5 A Yes.

6 Q And would you agree that during that interview
7 she told the news reporter that all the calls sounded
8 like they were from different people, two of them men
9 and one of them the voice of a woman?

10 A During that -- during that interview, yes.

11 Q Okay. Did she tell you that it was two men and
12 one woman?

13 A No, if I recall, she told me that it was two
14 calls from a male and sounded to be like the same male
15 to her and one female.

16 Q Did you write that down anywhere?

17 A No, I did not.

18 Q Why not?

19 A I can't explain why. It's just like I didn't
20 explain why the door was locked. I just recalled that
21 being said to me when I interviewed her.

22 Q That was when you went to her office?

23 A Yes.

24 Q So she told you she heard two -- or on -- on
25 two of the calls she heard a male voice and to her it

1 sounded to be the same male voice?

2 A Right. The same person, yes.

3 Q And then she had a third call with a third
4 voice that sounded like a female; is that right?

5 A Yes, one of the calls she said was a female.

6 Q Did she tell you that it sounded like someone
7 was trying to disguise their voice during all of this?

8 A I don't recall that, whether she said that or
9 not.

10 MS. FUNT: Let's see. Zack, can you pull
11 up the ELERC press release? And we'll mark
12 this as Plaintiff's Exhibit 8.

13 (Plaintiff's Exhibit No. 8 was marked.)

14 BY MS. FUNT:

15 Q Do you recognize this document?

16 A No.

17 Q Did you receive press releases from the city of
18 Eagles Landing Educational Research Committee when --
19 when you were at -- or, you know, closer to the time of
20 this incident?

21 A No, I did not.

22 Q Did you have access to them?

23 A I may have, but I didn't receive any.

24 MS. FUNT: Can you scroll down to the body
25 of the document a little bit more? Okay.

1 Thanks.

2 BY MS. FUNT:

3 Q So this document says, let's see, in the third
4 paragraph --

5 MS. FUNT: If you could blow it up just a
6 little bit more.

7 BY MS. FUNT:

8 Q -- that the incidents have resulted in charges
9 of harassing phone calls and terroristic threats, and
10 while the investigation is ongoing, multiple suspects
11 have been charged and one bound over for a hearing for a
12 grand jury. That suspect was Michael Randazzo.

13 And so here where it says, you know, multiple
14 suspects have been charged, was that true?

15 A That didn't come from my case file, no.

16 Q So that's not true; right?

17 A Not true.

18 Q Okay. No one else was charged in this case
19 besides Coren Randazzo?

20 A That is correct.

21 Q And the article goes on to commend you for
22 finding --

23 MS. FUNT: If you could scroll down a
24 little bit more.

25 THE WITNESS: Oh, I see it.

1 BY MS. FUNT:

2 Q Oh, there we go, in the next paragraph. To
3 commend you, Isaac Fisher, for the great work in
4 performed to find the individuals involved and make
5 arrests, plural; right? Is that also untrue?

6 A As far as --

7 Q That there were multiple arrests, that is?

8 A That is correct.

9 Q Still only one arrest, to your knowledge?

10 A Yes.

11 Q Okay.

12 MS. FUNT: Zack, if you can pull up the
13 dismissals. And here we'll mark as Exhibits 9
14 and -- Plaintiff's Exhibit 9 and 10.

15 (Plaintiff's Exhibit Nos. 9 and 10 were marked.)

16 BY MS. FUNT:

17 Q Do you recognize this first document?

18 A No, I do not.

19 Q Have you ever seen the dismissal in the case
20 that you investigated against Coren Michael Randazzo?

21 A No, I have not.

22 Q Do you agree in looking at this document that,
23 you know, for the charge of terroristic threats and acts
24 in the state of Georgia case versus Coren Michael
25 Randazzo the State could not prove the case beyond a

1 reasonable doubt based on a lack of corroborating
2 evidence and that charge was dismissed?

3 MR. MORRIS: Object to the form. Are you
4 asking him if he agrees with you that's what it
5 says?

6 MS. FUNT: If he agrees that's what
7 happened.

8 MR. MORRIS: You can answer.

9 THE WITNESS: No.

10 BY MS. FUNT:

11 Q You don't agree that's what happened?

12 A As far as what the State can't prove, I don't
13 know. But the probable cause gave me enough to get the
14 warrant, but I don't know why the State -- I've never
15 seen this document before, so I can't really comment on
16 it.

17 Q Okay. And so you have no idea whether the
18 charges that you investigated were prosecuted to the
19 fullest extent or dismissed? You just don't know? Is
20 that what you're saying?

21 A I wasn't informed, no.

22 Q Okay. So before seeing this document, which we
23 can agree is a dismissal, you didn't know whether the
24 charges were still pending?

25 A I knew they wasn't still pending.

1 Q Were you aware that -- were you aware that the
2 charges were dismissed before today?

3 A Yes.

4 Q How did you become aware of that?

5 A By Mr. Randazzo.

6 Q Okay. When did he tell you that?

7 A It was -- it was back -- I think when he called
8 me about the -- I can't remember. I won't guess. I
9 won't guess on it. But I believe during the phone call
10 about the police report itself when he called and asked
11 for it. But I can't remember if it was that day or not.

12 Q Okay. So other than by speaking with the
13 plaintiff, you had no other indication that the case was
14 dismissed?

15 A Yes, this is the first time I've seen this
16 document and --

17 Q Do you agree based on looking at this document
18 that the case was dismissed due to a lack of
19 corroborating evidence?

20 A That's what it states.

21 Q It sounds like -- well, what's your position?
22 Do you agree with the State's decision to dismiss this
23 charge?

24 MR. MORRIS: Object to the form. I mean,
25 one sentence, I'm not sure that you get a full

1 rationale for the State's motivations.

2 But he can answer it if he can.

3 THE WITNESS: I can't answer it.

4 BY MS. FUNT:

5 Q Okay. So you're saying that you don't have an
6 opinion on whether or not, you know, this decision to
7 dismiss was a good decision or a bad decision?

8 MR. MORRIS: Object to the form.

9 You can answer it if you can.

10 THE WITNESS: I can't answer that.

11 BY MS. FUNT:

12 Q Do you disagree with the State that they had
13 enough evidence to move forward?

14 A Not working for the DA's office, I don't know
15 what they had or what they thought they didn't have.

16 Q Would the DA have anything other than what you
17 provided them?

18 A No.

19 Q Okay. Are you aware if the DA did have
20 anything other than what you provided them?

21 A I'm not aware of anything they had or didn't
22 have.

23 Q Okay. On the basis of what you provided the
24 DA, did you believe that they had enough to proceed in
25 prosecuting Coren Michael Randazzo for the charge of

1 terroristic threats and acts?

2 A The only thing I had is what I had as far as my
3 probable cause, and as far as the DA's office, I -- then
4 again, I can't comment on what they -- what they decided
5 and how they decided on it.

6 MS. FUNT: Zack, can you go back to the
7 solicitor's file, page 30? And then if you
8 could scroll to the page before that as well.
9 Thank you.

10 BY MS. FUNT:

11 Q So between, you know, April 2nd, 2018, and the
12 next page, you know, where we can see your investigation
13 get started on or around April 25th, what changed
14 between April 2nd, you know, where there were no
15 investigative leads and it was not being assigned to,
16 you know, this case getting off the back burner?

17 A Okay. As I stated, I mean, why Sergeant Godsey
18 didn't sign it that day or why he didn't or did, I don't
19 know. But I know that cases are done this way in the
20 department where a case may be inactivated without --
21 that's something that he writes because every case has
22 to have an entry, if you understand what I mean.

23 Q Uh-huh.

24 A So he would write that entry that he viewed it
25 and at the time -- at the time didn't have enough

1 investigative leads, meaning that the case could be
2 reissued and worked, but --

3 Q But my question is -- I mean, I understand that
4 perfectly, and I appreciate that clarification. But,
5 you know, what information do you know, you know, came
6 to light that changed the case from being inactive to
7 active --

8 A Oh, I can --

9 Q -- between April 2nd to April 25th?

10 MR. MORRIS: Object to the form.

11 You can answer it if you can.

12 THE WITNESS: Okay. The -- when Sergeant
13 Godsey inactivated the case, it came back. The
14 case actually came back with the Accurint file.
15 That's the new lead with Mr. Randazzo's name
16 and phone number attached to it.

17 BY MS. FUNT:

18 Q Can you repeat? I didn't hear what word you
19 used. You said the case came back with a what?

20 A The Accurint file.

21 Q Okay. Okay. So between April 2nd and April
22 25th an Accurint report was produced that connected the
23 call to Coren Michael Randazzo, and that's where you
24 were assigned the case as a result of --

25 A Correct.

1 Q -- that piece of evidence; right?

2 A Correct.

3 Q Okay. Any additional facts collected between
4 April 2nd and April 25th?

5 A No, I can't -- none other than what's in the
6 report.

7 Q So on April 25th, looking at this report again,
8 you went to -- to Mr. Randazzo's house to do a
9 knock-and-talk; right?

10 A Correct.

11 Q And you'd agree with me that there was no
12 probable cause to arrest him at that time?

13 A Correct.

14 Q And what other detective went with you?

15 A Detective Halinski.

16 Q Valinski?

17 A Halinski.

18 Q Halinski, with an H.

19 Okay. And I think we've talked about this, but
20 there's no video from that encounter either from your
21 body-worn camera because you didn't have one --

22 A I didn't have one.

23 Q -- or from Halinski?

24 A Correct.

25 Q Okay. Do you know if Halinski had any

1 recording devices with him?

2 A I don't know if he had any on him, but I know
3 none was used if he had one on him or not.

4 Q And is he same -- was he a detective as well,
5 or did he have a different position?

6 A Detective.

7 Q Okay. Did you ever tell Randazzo, you know,
8 that if he didn't talk to you he would be arrested?

9 A I don't think I used those words as a threat.
10 If I -- if I recall, I would have told him that it
11 was -- it was basically his chance to come talk to me
12 because what I had. It was a chance for him to tell his
13 side of the story about what went on. I gave him a --

14 Q Sorry. I didn't mean to cut you off. What'd
15 you say?

16 A I said I gave him -- the opportunity was to
17 talk about the case when I went to knock on his door.
18 He refused to talk with me. So after several knocks and
19 he didn't come back to the door, that's when we went
20 back to the office, and I called him and gave him --
21 said, You need to tell me your side of the story.
22 Because what I have is basically him threatening
23 someone. And if he had something to talk about, you
24 know, he needed to come talk about it. I wasn't going
25 to say if you don't talk to me I'm going to arrest you.

1 That's something I would not say.

2 Q And the fact that he refused to talk to you,
3 you found that to be suspicious; right?

4 A Well, suspicious and going against him, yes.

5 Q Suspicious and reason to believe that he might
6 have, you know, made threats to Susan Clowdus; right?

7 A Yes.

8 Q And when you say you called him, you left him a
9 voice mail; right?

10 A He didn't pick up the phone; correct.

11 Q And in that voice mail, did you say, you know,
12 if you want to talk to me, talk to me, but if you don't,
13 I'll take out a warrant?

14 A Yes.

15 Q And later that day, you know, you met with
16 Clowdus; right?

17 A I don't know if it was before the phone call or
18 after, but I met with her that day.

19 Q Okay. And I think I've already -- hold on a
20 second.

21 I think you already mentioned this, but you
22 asked her about her written statement.

23 MS. FUNT: And if you could -- if you
24 could pull up the written statement, Zack.

25 BY MS. FUNT:

1 Q Yeah. And so you showed her this statement,
2 right, and you asked her, you know, is there anything
3 else that you did not include, you know, that you want
4 to include?

5 A I don't recall showing her the statement. I
6 asked her about it.

7 Q I mean, you didn't hand it to her or show it to
8 her?

9 A No.

10 Q But you asked her, you know, we've got your
11 written statement, is there anything else you want to
12 add to it, and she said no, is that right, except for
13 the fact that she felt threatened for her safety?

14 A Yes, and I took that into consideration because
15 of the door locked now --

16 Q Uh-huh.

17 A -- the doorbells and the cameras going up.
18 Yes, I believe that.

19 Q But she didn't say that she wanted to add
20 anything else about the substance of these calls or, you
21 know, the way the voices sounded to her; is that right?

22 A Yes.

23 Q And -- one second. Would you agree --

24 MS. FUNT: If you could blow that up,
25 Zack, so we could see the words.

1 BY MS. FUNT:

2 Q That first call where in her own -- in her own
3 handwriting and in her own words she said that that
4 first caller said to her, you know, is this where all
5 the citizens of Stockbridge needs to send their tax
6 bills since you devastated the city of Stockbridge,
7 would you agree with me that the description of the
8 content of that first call does not constitute a crime?

9 A I don't know the tone of voice that was used
10 over the phone, so I can't answer that.

11 Q Would the tone of voice have made it into a
12 crime?

13 A It would have placed some type of fear in the
14 call if a certain tone was used.

15 Q Did this statement contain any threat of
16 violence?

17 A Not -- not written down like it is, no.

18 Q Okay. And so you would agree with me that the
19 content of this call, you know, even in a threatening
20 voice would not constitute a crime?

21 A It depends on how it was spoken to her.

22 Q Okay. So you're saying that if it was said in
23 a really mean, threatening voice, it may have
24 constituted a crime with those words.

25 A Exactly what you -- how you put it, yes.

1 Threatening voice, yes.

2 Q Okay. Let's see.

3 MS. FUNT: Can you turn to page 18? We're
4 still on the solicitor's file.

5 MR. MORRIS: Do you need a break?

6 THE WITNESS: No, I'm good.

7 MS. FUNT: Yeah, please let me know. I
8 know we've been going a minute without a break.

9 Okay. If you could scroll to the bottom
10 of that and blow it up. There we go.

11 BY MS. FUNT:

12 Q Would you agree with me this is a copy of your
13 warrant affidavit in this case?

14 MR. MORRIS: We can't see the top of it.

15 MS. FUNT: Okay. Sorry. Can you see the
16 top of it now?

17 THE WITNESS: Yes.

18 BY MS. FUNT:

19 Q Okay. Would you agree with me this is a copy
20 of your warrant application in this case?

21 A Yes.

22 Q And at the bottom, you know, we've got a brief
23 summary of what happened.

24 MS. FUNT: And can you make it a little
25 bit bigger? Sorry, Zack.

1 BY MS. FUNT:

2 Q It says -- the first words that you used are
3 the offender in concert with an unknown female did
4 telephone; right?

5 A Yes.

6 Q What evidence did you have that Mr. Randazzo
7 was making any phone calls in concert with an unknown
8 female?

9 A Based on the -- I think -- I can't remember. I
10 want to say it was -- I can't -- I can't remember.

11 Q You don't recall any evidence that you had to
12 include the statement that he acted in concert with an
13 unknown female; is that right?

14 A No, I think based on the time -- the time that
15 it was called, back-to-back calls is what led me to do
16 that.

17 Q Okay. So other than the fact that Ms. Clowdus
18 at some point said that she received back-to-back calls,
19 one of them was a female, you had no other evidence that
20 Mr. Randazzo had -- was working or connected to a female
21 to place any calls to -- to Ms. Clowdus; is that right?

22 MR. MORRIS: Object to the form.

23 You can answer.

24 THE WITNESS: Yes.

25 BY MS. FUNT:

1 Q Did you find Sunny Randazzo's number, who was
2 Mr. Randazzo's mom?

3 A Did I find her number?

4 Q Yeah. Did you have her number in the course of
5 your investigation?

6 A I had a number that was -- I believe it was
7 attached to her driver's information or -- or her arrest
8 profile --

9 MS. FUNT: Zack, can you scroll down --
10 oh, I'm sorry. You can finish.

11 THE WITNESS: Go ahead.

12 MS. FUNT: Can you scroll down to the
13 slides? Let's see. There you go. Thank you.
14 What page is this of the solicitor's file?
15 Let's see.

16 BY MS. FUNT:

17 Q All right. Here we have a slide that was
18 placed into the police file for Sunny Randazzo; is that
19 right?

20 A Yes.

21 Q Who created these slides? Do you know?

22 A I did.

23 Q You did? For what purpose?

24 A When we first made contact with her, there was
25 two vehicles in the driveway of the home.

1 Q Uh-huh.

2 A Once back at the office, we ran the tags.
3 One -- one of the vehicles came back to Mrs. Randazzo,
4 and one of them came to Mr. Dixon, I believe. And that
5 information I put into this particular slide.

6 Q Were you making the slides for any reason? Was
7 it just for your own purposes, or did you, you know,
8 have like a presentation about this case?

9 A No, any -- anytime I run a tag or something and
10 they came back to that particular person, I add them
11 into the report.

12 Q And this is the format that you typically use
13 to add a new kind of potential suspect into the report?

14 A Yes.

15 Q All right. So was Sunny Randazzo a potential
16 suspect at this point when you included her in the
17 report?

18 A Just a -- just a person of interest that I
19 never got a chance to speak to.

20 Q Okay. So it looks here on this slide that
21 there is a number that you found that was connected to
22 Sunny Randazzo; right?

23 A Correct.

24 Q Did you find Sunny Randazzo's number associated
25 with any calls placed to Clowdus through any evidence?

1 A No. And when I make up these particular files,
2 some of the information, i.e., when you go down to a
3 phone number and address, they may be different. And I
4 don't recall whether or not I called that number to
5 speak with her about it or if it was just disconnected.

6 Q You don't know if you called her; right?

7 A I don't recall if I did or not. Well, called
8 that number, that particular number.

9 Q Okay. But if you had spoken to her, you would
10 have written that down here in your -- in your file;
11 right?

12 A Yes.

13 Q And you didn't anywhere?

14 A No.

15 Q Okay. And so it's also fair to say that you
16 didn't run her phone records; right?

17 A No, I did not.

18 Q And so you have no evidence that Sunny Randazzo
19 was connected to any calls placed to Clowdus?

20 A Correct.

21 MS. FUNT: Can you scroll down to the
22 Dixon slide? It's a little -- sorry. It's
23 below that. Yeah, there we go.

24 BY MS. FUNT:

25 Q So you said -- you mentioned there was another

1 car parked in the driveway when you had conducted the
2 knock-and-talk with --

3 A Yes.

4 Q -- with Coren Randazzo and that the other car
5 was registered to this person, Christopher David Dixon?

6 A Yes.

7 Q And you've got a phone number here for him as
8 well; right?

9 A Yes. And that's -- those numbers, like I said,
10 are pulled off of the -- the driver's license
11 information. Nine times out of ten they're right. Nine
12 times out of ten they're wrong.

13 Q Did you call this number?

14 A I don't recall if I called him or not.

15 Q Okay. But, again, if you had called and spoken
16 with him, then you would have written that down; right?

17 A Yes, if I had made contact with him and spoke
18 to him, I would have put it on the report.

19 Q And you didn't write anything down about any
20 conversation you had with him; right?

21 A That's correct.

22 Q And it's also fair to say that you didn't --
23 you didn't collect his phone records, Christopher
24 Dixon's phone records?

25 A No, I did not.

1 Q And you didn't have any evidence to connect
2 Christopher Dixon to any phone calls placed to Susan
3 Clowdus; right?

4 A Correct.

5 MS. FUNT: Can you scroll to page 24? Can
6 you go up a little bit so we can see the top of
7 it?

8 BY MS. FUNT:

9 Q Do you recognize this document?

10 A Yes.

11 Q Investigation summary?

12 A Yes.

13 Q Do you know who wrote this?

14 A I did.

15 MS. FUNT: Can you blow it up a little bit
16 bigger?

17 BY MS. FUNT:

18 Q Is this entire summary true and accurate? You
19 can take a minute to read it if you need.

20 A Yes.

21 Q Okay. And that was based on your
22 investigation?

23 A Yes. It was a brief summary.

24 Q Sorry?

25 A It was a brief summary of the case.

1 Q Okay. And so it's true that, you know, based
2 on your investigation, first caller associated with the
3 statement is this where the citizens of Stockbridge
4 needs to send their tax bills since she was devastating
5 the city of Stockbridge, that was attributed to a male
6 caller; right? That's true?

7 A Yes.

8 Q And it's also true that shortly after a female
9 called and said, Watch your back, we're going to take
10 care of you for devastating the city of Stockbridge;
11 right?

12 A Yes, that's what I put in.

13 Q And that's true and accurate from your
14 investigation; right?

15 A Yes.

16 MS. FUNT: Can you pull up, Zack -- I had
17 a document titled New Report by Fisher.

18 MR. GREENAMYRE: Sam, we talked about this
19 document, but we never showed it to the -- to
20 Detective Fisher --

21 MS. FUNT: Okay.

22 MR. GREENAMYRE: -- the dismissal. I
23 don't know whether you want to touch on that or
24 not.

25 MS. FUNT: Sure. Sure.

1 BY MS. FUNT:

2 Q This is the dismissal paperwork for the second
3 charge. We looked at the one for terroristic threats.
4 This one was for harassing phone calls.

5 Have you ever seen this dismissal before today?

6 A No.

7 Q Similarly, you weren't aware other than by
8 speaking with Corey Randazzo that this charge was
9 dismissed against him?

10 A Yes, this is the first time I've seen this
11 document.

12 Q And would you agree with the prosecutor's
13 decision not to proceed in prosecuting the charge of
14 harassing phone calls?

15 A Based on what they got here, it says most
16 likely made phone calls, but it wasn't enough. But
17 that's -- that's their document. This is the first time
18 I'm seeing it.

19 Q Okay. Would you agree with their position that
20 there wasn't enough to continue to prosecute
21 Mr. Randazzo on the evidence they have?

22 MR. MORRIS: Object to form.

23 You can answer.

24 THE WITNESS: If that's what is stated.

25 MS. FUNT: Thanks, Zack.

1 And then pulling up this document, we'll
2 mark -- I think we're on 10. Do we know from
3 the court reporter?

4 MR. GREENAMYRE: I don't know, Sam. I
5 think we're on 10 or 11.

6 MS. FUNT: Okay. I believe this is 11,
7 but I'm not sure. So we'll mark this as
8 Plaintiff's Exhibit 11 and blow it up just a
9 little bit bigger.

10 (Plaintiff's Exhibit No. 11 was marked.)

11 BY MS. FUNT:

12 Q This document was produced to us just like this
13 in this kind of a blank PDF document without any title
14 or heading on it. Do you know, was this produced in its
15 native format?

16 A Switching -- switching systems in the
17 department, we couldn't go back and put -- I think this
18 is during that time -- a document into the old system
19 that would show up because we already got rid of the
20 system. So we typed this one and put it with the file.

21 Q Sorry. I'm trying to understand what you said.
22 You got a new, like, software system?

23 A Yes. And the old system -- and I don't
24 remember what they called it -- we couldn't add anything
25 to it. We had to go into a Word -- if we're adding

1 something to the case, we had to put it into a Word
2 document to put it with the file itself.

3 Q Is that what you did here? This was, like,
4 added through -- via Word document?

5 A Yes. Yes, that would be the Word document
6 right there.

7 Q And you'd just place a blank page with this
8 type on it into the file?

9 A Yes.

10 Q And you authored this document; right?

11 A Yes.

12 Q Is it true and accurate?

13 A Yes.

14 MS. FUNT: Can you blow it up a little
15 bigger so we can see the last paragraph?

16 BY MS. FUNT:

17 Q This is kind of just a supplement to your -- to
18 your report; right?

19 A Right.

20 Q When did you create this?

21 A I don't recall when I did this or what time or
22 date.

23 Q Was this prior to taking out the warrant?

24 A The way it reads, yes. Yes. But, yes, I would
25 say it would be the way I wrote it.

1 Q Okay. And so in the last paragraph you say,
2 you know, having the number to come back to Randazzo and
3 his actions while at his home and the charges in his
4 criminal history, I felt there was enough probable cause
5 to apply for an arrest warrant for the two listed
6 charges. Is that right?

7 A Yes. Yes.

8 Q So you agree that, you know, the call -- well,
9 when you say the number came back to Randazzo, that was
10 only the number for one -- associated with one call;
11 right?

12 A Talking about the phone -- the phone numbers in
13 general, the 8 -- what was it? 8 something, zero
14 something?

15 Q Right. The phone number that you attributed to
16 the plaintiff came back to one call to Clowdus's office;
17 right?

18 A At the time I think her cell phone also based
19 on what she provided with her statement and the report.

20 Q Okay. And were you familiar at the time that
21 she could respond to her office line, you know, on her
22 cell phone?

23 A No, I did not.

24 Q The phone records that we looked at previously,
25 right, that had one number associated with the plaintiff

1 that came into the 5515 business line for Clowdus;
2 right?

3 A That's what it showed, yes.

4 Q And that's the only phone record that you were
5 referencing here when you say the number coming back to
6 Randazzo; right? That's the only call record you have
7 that connected Mr. Randazzo to Clowdus; right?

8 MR. MORRIS: Object to form.

9 You can answer if you can.

10 THE WITNESS: I did that based on the
11 number of times she said she was called. I
12 don't know if it was a phone -- not -- not
13 know, but she stated that several calls was
14 made to her by that particular number. And
15 that was my whole reason why I went to talk to
16 Mr. Randazzo to find out his side of the story.
17 Having him not provide his side of the story
18 and what's presented in the case in the initial
19 report that several calls were made to her and
20 things were said and his criminal history,
21 especially the simple assault charge, I felt
22 that there was enough probable cause for me to
23 get a warrant for his arrest.

24 BY MS. FUNT:

25 Q And I just want to be very clear about what you

1 just said too because you said that Clowdus told you
2 that she received multiple calls from the number
3 associated with Coren Randazzo? Is that what you said?

4 A I believe that's in her statement.

5 Q I'm not aware of that appearing anywhere in her
6 statement, so I'd like to go back to that in a minute
7 and you can point out where that is.

8 But it's your testimony today that she told you
9 that she received multiple calls from -- from the number
10 associated with Coren Michael Randazzo; is that right?

11 A Yes.

12 Q And we'll go back and look at her statement in
13 a minute.

14 MS. FUNT: Actually, Zack, can you pull
15 that up now? There we go. He's fast. Let's
16 pull it up.

17 BY MS. FUNT:

18 Q And point out to me where in her written
19 statement she says she got multiple calls from (678)
20 379-8045?

21 A That is what she told me when I went to her
22 office, so --

23 Q Okay. So it doesn't appear in this statement?
24 Is that what you're saying?

25 MR. MORRIS: Hold on. Let him finish his

1 answer before --

2 BY MS. FUNT:

3 Q Oh, I'm sorry. Go ahead.

4 A Yeah, that is what she told me in -- when I
5 went to her office. And I believe that she said she
6 received -- if I recall correctly, she received a call
7 from the same number. She didn't answer.

8 Q You're telling us today that when you went to
9 her office you spoke with her, and she told you she
10 received multiple calls from (678) 379-8045, you know,
11 some of which she did not answer?

12 A Well, after a while, she said she stopped
13 answering the calls.

14 Q Okay. But you're sure that she told you, you
15 know, she received multiple calls from the (678)
16 379-8045; is that right?

17 A If I recall our conversation, that's what she
18 told me.

19 Q Did you write that down anywhere?

20 A No. Like I said, it must have been a
21 oversight, but I remember her -- I recall her saying
22 that. Just like the second call she said with the male
23 was the same voice, so . . .

24 Q Okay. And if that was true, that would have
25 been reflected on the (678) 379-8045 phone log that you

1 pulled from that day; right?

2 A It's a possibility. It's -- I need to see the
3 document of the phone calls.

4 Q Okay. You want to see the phone log again?

5 A Yes.

6 Q Sure, we'll pull that up.

7 MR. GREENAMYRE: Sam, do you know what
8 page it is?

9 MS. FUNT: Sorry. Yeah, I do. Hold on.

10 MR. GREENAMYRE: Here it is. I got it.
11 Page 6.

12 MS. FUNT: I'm causing you to do a lot of
13 back and forth here.

14 BY MS. FUNT:

15 Q We'll blow this up. And, you know, this is,
16 again, the Google Voice response you received from your
17 subpoena?

18 A Right.

19 Q You know, as you were saying, Clowdus told you
20 in her office that she received multiple calls from, you
21 know, the number at the top here, the (678) number, that
22 was a number belonging to Coren Michael Randazzo. So if
23 her statement to you was true, you know, there would be
24 multiple calls from that number to her phone; right?

25 A Yes. And looking at the document, first sight

1 of it, his number appearing on it several times, to the
2 number that was -- and it's his phone number, I believe
3 at that time that was the call she -- she was referring
4 to of the multiple calls.

5 Q So you're saying the SMS in and out, the missed
6 and input text message, you mistook that for a phone
7 call to her line?

8 A Yes.

9 Q When did you realize that?

10 A I guess when I first spoke to the attorney.

11 Q Oh, you realized it when you first spoke to
12 your attorney?

13 A Yes.

14 MS. FUNT: Can we take a quick five-minute
15 break? Sorry. Then we'll come back.

16 (Recess from 2:01 p.m. through 2:07 p.m.)

17 MS. FUNT: Zack, can you pull up page 34
18 of the -- I think this is in the Henry County
19 Police Department file that we'll mark as
20 Exhibit 12. Zack might not be back actually,
21 so we'll wait a second.

22 MR. GREENAMYRE: Sorry. I'm back.

23 MS. FUNT: Sorry. Thank you.

24 Zack, could you pull up the Henry County
25 Police Department response and turn to page 34?

1 Or maybe I can find it in the solicitor's file.

2 Okay. Thank you.

3 (Plaintiff's Exhibit No. 12 was marked.)

4 BY MS. FUNT:

5 Q So, Sergeant, at the top do you recognize this
6 document?

7 A Yes.

8 Q This was another supplement to your
9 investigative file that you created?

10 A Yes.

11 Q And it's dated April 29th, 2019?

12 A Yes.

13 Q I just wanted to see what you meant when you
14 said that the documents from the telephone provider were
15 not entered into the system.

16 A A lot of documents that we send to records
17 somehow get lost, and the phone records that I receive I
18 had them -- I always keep a file with everything that I
19 receive just in case some things like that happen. And
20 when they told me that they didn't have them, I sent
21 them because -- then I just put that in a note that
22 they -- they had received them and that they were not
23 provided before.

24 So like photos, anything like that, supplement
25 reports that they don't have or had never gotten because

1 they're not uploaded, that is done by a totally
2 different person, and if they don't do it, they don't
3 have it. DA's files, a lot of times when you go to
4 court and you take a file to court with you, the
5 prosecutor, she'll be talking or he'll be talking about
6 something, and you'll say, Well, that's -- that's in my
7 report. And then you'll hand it to them because they
8 never got it. I don't know why, but that's what
9 happens. A lot of --

10 Q So when you say it wasn't in the system, do you
11 mean the phone records that you subpoenaed from Google
12 Voice didn't make it to the DA's file?

13 A Correct.

14 Q Okay. So you corrected that?

15 A Oh, yes. Yes. Anytime they -- anytime
16 something's not in the file --

17 Q Okay.

18 A -- we get it to whoever needs to get it, and
19 then we -- I provide or we provide another supplemental
20 saying that they got it.

21 Q Got it.

22 With the subpoenas that you sent out to Google,
23 you also sent one out to bandwidth.com; right?

24 A I believe so. And that -- and I think that one
25 of the other -- probably it was Bandwidth saying that

1 they no longer had that particular number. Google, AT&T
2 now has it. So you had to -- you have to send out
3 another one.

4 Q Okay. So no records relevant to this case came
5 back from the bandwidth.com subpoena; right?

6 A Right, if they don't have the number, they'll
7 let you know they don't have that particular number. It
8 was given over to AT&T.

9 Q Okay. And that's what happened in this case
10 with the Bandwidth one?

11 A I believe so, yes.

12 MS. FUNT: Zack, can you pull up the
13 Georgia state representative file. It's just
14 an individual PDF.

15 (Plaintiff's Exhibit No. 14 was marked.)

16 BY MS. FUNT:

17 Q These documents were -- do you recognize these
18 documents as being part of the investigative file?

19 A Yes.

20 Q Tell me why they were included.

21 A Those numbers were attached to the particular
22 sheet I had gotten back from the phone company. And I
23 had researched the numbers, and one number came back to
24 this gentleman right here.

25 Q What numbers did you research? Were you

1 looking at the phone record evidence from the subpoena
2 to Google Voice?

3 A Yes.

4 Q Okay. So the numbers that -- the other numbers
5 that Plaintiff called during the day or maybe the day
6 before or day after March 30th, you looked those numbers
7 up, and they came back to these Georgia House of
8 Representatives?

9 A Yes.

10 Q Okay. Did you make anything of that?

11 A Nothing came out of that. And I -- and I
12 didn't put it in my report, but I know I did call to see
13 if the -- particularly the state house, which is on the
14 phone company's -- the phones are patrolled by, I think,
15 GBI. They -- they said no calls are recorded.

16 Q No further evidence that you thought was
17 relevant to your investigation in this case was taken
18 from these calls to the Georgia House of
19 Representatives?

20 A Correct.

21 Q And did you call these numbers before the
22 warrant was taken out or after?

23 A I believe I had -- I had to call before because
24 I had got the phone records and I wanted to find out who
25 the numbers belonged to.

1 Q Okay. So that was kind of part of the process
2 of investigating the numbers on that --

3 A Yes, just to see. Sorry. Just to see who was
4 on the other end.

5 Q Okay.

6 MS. FUNT: Zack, can you pull up the docs
7 produced, the new docs produced? I don't see
8 them in my file. Yeah. Thank you.

9 BY MS. FUNT:

10 Q Do you see this news article on the top --
11 first page of this?

12 A Yes.

13 Q Why was this included?

14 A That was something that was in the paper. I
15 don't know if somebody handed that to me or I just read
16 the article and just put it in the file just to -- to
17 have it in there.

18 Q Were the facts in this news article accurate?

19 A To be honest with you, I didn't read them.

20 Q Oh, you didn't read this article?

21 A No.

22 Q Okay. Who wrote this side note here at the
23 bottom of the articles?

24 A That's my handwriting.

25 Q Okay. So you wrote this side note, but you

1 didn't read this article that you included?

2 A Correct.

3 Q What was this side note saying? Do you know?

4 A That's the -- I spoke to I think her name was
5 Pam, and she told me that the GBI runs the phone system
6 and they -- no -- the lines are not recorded. Because
7 that was my question to myself to ask her are the lines
8 recorded, and she told me that they were not. Same
9 thing with the House of Representatives.

10 Q Got it.

11 MS. FUNT: Can you just go to page 2 of
12 this document, Zack?

13 BY MS. FUNT:

14 Q Looking at this table of contents, this list,
15 are you aware of any other evidence that exists on this
16 case that you or anyone else collected other than what's
17 included in this list?

18 A Just what I collected from the -- I don't see
19 that House of Representative gentleman there, the news
20 articles. But everything else should be there.

21 Q There was no 911 call made by Clowdus to the
22 police; right?

23 A That would be in the CAD system. That wouldn't
24 be part of this report. That would be a separate
25 printout in itself.

1 Q Well, was there a 911 call?

2 A Yes, she would have had to call 911 to get the
3 officer dispatched to her office.

4 MS. FUNT: Zack, can you pull up the
5 solicitor's file? Sorry. Okay. Page 52.

6 BY MS. FUNT:

7 Q At the top of this -- or do you recognize this
8 document?

9 A Yeah, that would come from the 911 center.
10 That's a CAD report.

11 Q At the very top left corner where it says no
12 911 call, only CAD, what does that mean?

13 A You would have to ask the 911 dispatchers that.
14 I don't know.

15 Q Okay. Is it possible that, you know, an
16 officer was dispatched based on some other reason other
17 than a 911 call?

18 A I would not know.

19 Q But she could have called like a nonemergency
20 police line; right?

21 A That would be -- well, that would show up in
22 the -- yeah, exactly. If she called the nonemergency,
23 that wouldn't hit the CAD system.

24 Q That would not?

25 A No, I don't believe so. It would.

1 Q So the CAD system is only activated by a 911
2 call?

3 A I -- I really don't know. I think they're all
4 tied in together. If you call 911 as far as
5 nonemergency, emergency, there's a record kept.

6 Q Okay. But you'd agree that this document says
7 no 911 call; right?

8 A Are we looking at the top?

9 Q Uh-huh. The top left corner, it looks
10 handwritten.

11 A That, I don't know who wrote that. But if it
12 came off of CAD, it's in the system. It was a system
13 call.

14 Q Okay. But you don't actually know whether
15 Susan Clowdus called 911; right?

16 A No.

17 Q And it appears to here -- to be at least from
18 this document that she may not have?

19 A Well, she would have to because there's a --
20 there's a CAD number. It was entered into the system.

21 Q But it also says no 911 call; right?

22 A I have no idea why that's up there.

23 Q Okay.

24 MS. FUNT: And then can you turn to page
25 44? I appear to be in the wrong file. Oh, the

1 new docs page 44. Sorry.

2 BY MS. FUNT:

3 Q Okay. So out of the other numbers that Corey
4 Randazzo had called during this time frame, you also
5 researched and did Accurint searches for the other
6 numbers other than the Georgia representative numbers;
7 right?

8 A Yes.

9 Q Okay. And you got different places such as the
10 Metro Trim Glass Company and the City of Stockbridge; is
11 that right?

12 A One of those numbers, yes. If that's one of
13 the numbers listed, I believe so.

14 Q Someone named Carlos Monasterio and then an
15 I.A. Clark?

16 A Yes, if that's the numbers listed.

17 MS. FUNT: Zack, can you pull up the
18 Ireland e-mail? It's a separate PDF.

19 (Plaintiff's Exhibit No. 13 was marked.)

20 BY MS. FUNT:

21 Q Do you recognize this e-mail?

22 A First I've seen it.

23 Q Okay. So did you ever talk to Ireland about
24 his conversation with Susan Clowdus?

25 A No, I did not.

1 Q But you don't know him to be a liar or
2 anything; right?

3 A Right.

4 Q And you don't know him to minimize the facts of
5 a crime?

6 A Correct.

7 Q And it says here in this e-mail that when he
8 talked to Susan Clowdus -- and you can take a minute to
9 read it since this is your first time seeing it. But
10 I'll represent to you that it says here that she was not
11 very concerned about the calls she received. Do you see
12 that?

13 A Yes.

14 Q Okay. Do you agree that's a little bit
15 different than her statement to the 11 Alive video that
16 we saw where she said she was in fear of her life;
17 right?

18 A That's different from what she said, yes.

19 Q Okay. And then just generally with the warrant
20 application that we've already looked at, the narrative
21 section that you listed at the bottom of the warrant
22 application, that was the full extent of what you
23 described to the judge; right?

24 A I believe so, yes.

25 MS. FUNT: Zack, can you turn to page 13

1 of the solicitor's file? And I think we're
2 getting close to being done.

3 BY MS. FUNT:

4 Q At the bottom of this document that you said
5 you created -- right?

6 MR. MORRIS: Object to form.

7 THE WITNESS: I didn't hear the question.

8 BY MS. FUNT:

9 Q Did you say you created this document?

10 A No, I did not.

11 Q Oh, okay. And you don't know who created this
12 document?

13 A No, I do not.

14 Q Okay. At the bottom of this document, it says,
15 Based on physical and testimonial evidence, a warrant
16 for harassing phone calls was subsequently issued for
17 the defendant's arrest.

18 Are you familiar with what physical and
19 testimonial evidence this is referring to?

20 A No.

21 Q A couple questions about the testimony that you
22 heard today. Before today, where you were present for
23 Mr. Randazzo's deposition, were you aware of any mental
24 health issues that -- that he had?

25 A No.

1 Q Before today had you ever encountered
2 Mr. Randazzo in the past or heard of him, before your
3 involvement, I'm sorry, in the case?

4 A No.

5 Q And before you took out the warrant, you said
6 that you had researched his criminal history; right?

7 A Correct, prior to meeting him.

8 Q And that that provided you additional support
9 for probable cause; is that right?

10 A Yes.

11 Q But you weren't really sure whether those
12 charges listed in his criminal history were convictions
13 or if they were just charges; right?

14 A Correct. And I don't go basically on that. I
15 go basically on the charges.

16 Q Okay. You don't really check whether there's
17 convictions or not, just look at the charges?

18 A If there was something that I needed to know
19 about. But like I said, I do that based on going to see
20 an individual. If there's any type of criminal history
21 and there's a charge in there that would cause me to be
22 concerned, then, yes, I would take someone with me.

23 Q Okay. So if it causes you any concern even if
24 it's not a conviction; right?

25 A Correct.

1 Q And that's what happened here?

2 A Basically, yes.

3 Q Okay. And just to be clear, you had included
4 as part of your investigative file, I think, some TLO
5 searches you did for Clowdus, Clowdus's number, maybe
6 her husband's number too?

7 MR. MORRIS: I didn't hear what you said.
8 I'm sorry.

9 MS. FUNT: Oh, I was asking about a TLO
10 search.

11 BY MS. FUNT:

12 Q Can you just explain for the record what a TLO
13 search is?

14 A I didn't check his numbers, Mr. Clowdus.

15 Q Just generally, though, can you explain what a
16 TLO search is?

17 A I can't at this time, no.

18 Q Okay.

19 MR. GREENAMYRE: Sam, I think they might
20 be using the Accurint instead, so that might be
21 a more intelligible way.

22 BY MS. FUNT:

23 Q Okay. All right. Did you use Accurint to run
24 searches on James Clowdus and Susan Clowdus as you were
25 investigating this case to see, you know, what phone

1 numbers and addresses were associate with their names?

2 MR. MORRIS: Object to the form.

3 But you can answer.

4 THE WITNESS: No.

5 BY MS. FUNT:

6 Q You did not?

7 A No.

8 Q Did you have the ability to do that?

9 A To run a Accurant check on both Susan and James
10 Clowdus?

11 Q Uh-huh.

12 A Yes.

13 Q Were you aware that Susan Clowdus had five
14 different phone lines?

15 A No, I was not aware of that.

16 MS. FUNT: I'm getting some really loud
17 yardwork. Are you guys hearing that as well?
18 Okay. I'll try to finish up.

19 MR. GREENAMYRE: It's not too bad, Sam.

20 BY MS. FUNT:

21 Q Okay. Did the police department generally have
22 the ability to check into a blocked call on a phone log
23 if that was the case?

24 A That all depends on the phone provider.

25 Certain phone providers would provide that information,

1 and some would not.

2 Q Okay. So it's possible just based on the
3 provider?

4 A Correct.

5 Q Do you know if it was possible based on Susan
6 Clowdus's provider to check into whether any blocked
7 calls to her numbers -- you know, who those numbers
8 were actually associated with?

9 A No, I do not.

10 Q Okay. Other than this lawsuit, have you ever
11 had a complaint made against you by someone who was
12 complaining about your investigation into a harassing
13 phone call charge?

14 A No, not that I can recall.

15 Q One second. Okay. If we could just take a
16 one -- all right. Yeah, I think -- I think that is all
17 of the questions that I have for you today. I don't
18 know if you or your lawyer want to make a statement
19 about reserving your right to read a written
20 transcription of the deposition.

21 MR. MORRIS: We'll reserve.

22 MS. FUNT: Okay. So reserve. And we can
23 conclude the deposition.

24 Thank you so much, sir.

25 (Deposition concluded at 2:28 p.m.)

C E R T I F I C A T E**G E O R G I A****CARROLL COUNTY:**

I hereby certify that the foregoing
Zoom Video conference Deposition was taken down, as
stated in the caption, and the questions and the
answers thereto were reduced to typewriting under my
direction to the best of my ability; that the
foregoing pages 1 through 110 represent a true and
correct transcript of the evidence given upon said
hearing, and I further certify that I am not of kin
or counsel to the parties in the case; am not in the
regular employ of counsel for any of said parties;
nor am I in any way interested in the result of said
case.

This, the 31st day of May 2021.

MICHELLE FULLER, CCR-B-1991
My License Expires: April 1, 2022

DISCLOSURE

**STATE OF GEORGIA
COUNTY OF CARROLL**

DEPONENT: ISAAC FISHER

Date of Deposition: April 22, 2021

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter.

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E R R A T A S H E E T

I, the undersigned, ISAAC FISHER, do hereby certify that I have read the foregoing deposition and that, to the best of my knowledge, said deposition is true and accurate (with the exception of the following corrections listed below.)

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ISAAC FISHER

Sworn to and Subscribed before me
_____, Notary Public.
This _____ day of _____, 2021.
My Commission Expires:

MF

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Isaac Fisher
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EXHIBIT K

Kayla Correa

From: Mike Ireland
Sent: Monday, April 02, 2018 1:43 PM
To: Cheri Matthews; Brad Johnson
Subject: Harassing phone calls.
Attachments: 20180402132607942.pdf

Good afternoon,

Just wanted to give an update on the case involving Susan Clowdus, she is said to be the President of the new propose City of Eagles landing. I did have a conversation with Susan Friday morning in reference to this incident. She was not very concern about the calls she received but, indicated it would be a good idea to document the incident. On Saturday, Sergeant Huffman and Officer Foster did go to her residence and initiate the attached incident report. I spoke with Ms. Clowdus on Saturday afternoon, she said, she had not receive any other calls in referencing to any harassment.

Overall, she was very pleased with the officers response to the incident and compliment their professionalism.

*Hillard M. Ireland
Deputy Chief
Henry County Police Department
770-288-8260 (office)
770-288-8366 (fax)*

EXHIBIT L

AGENCY ID	GA0760500	SUPPLEMENTAL REPORT	CASE NUMBER	18-006122
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NARRATIVE	<input checked="" type="checkbox"/> ORIGINAL REPORT	<input type="checkbox"/> SUPPLEMENTAL REPORT	Page 2 of 2
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On 03/31/18 at approximately 0845, I was told to report to 123 Prestwick Way South, Stockbridge, GA 30281 in reference to a person receiving harassing phone calls.

Upon arrival, I spoke to the complainant, Susan Clowdus, GA OLN 062690471, at the residence. She stated on 03/30/18 at approximately 1015, she received a phone call, on her cell phone, from phone number, 678-379-8045. She stated the caller stated, "Is this where all the citizens of Stockbridge needs to send their tax bills since you devastated the City of Stockbridge." She stated the called hung up the phone after his statement. She stated she continued her day and went into the office on Fairways Ct., Stockbridge, GA and she received more calls. She stated the second caller said, "Watch your back. We are going to take care of you because of you devastating the city of Stockbridge." She stated a female called next and said, "We are going to take care of you because you have devastated the city of Stockbridge." She stated she spoke to some friends and her family and was told to do a police report.

She stated the only phone number she has is the one that called her cell phone and it is a google voice number. The other phone calls came in to her business and at least one of them were blocked. She does not know who made the phone calls but she stated she is connected to the City of Eagles Landing formation of its own city.

CASE STATUS: <input checked="" type="checkbox"/> ACTIVE	<input type="checkbox"/> CLEARED BY ARREST	<input type="checkbox"/> EX. CLEARED	<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> OTHER	REPORT DATE:	03/31/18
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REPORTING OFFICER	NUMBER	APPROVING OFFICER	NUMBER
Foster	6402	Sgt. C. Huffman	4744

EXHIBIT M



Eagles Landing Educational Research Committee, Inc.
950 Eagles Landing Parkway, #618; Stockbridge, GA 30281
770-507-3232

PRESS RELEASE FOR IMMEDIATE ATTENTION

XXX

Henry County Police Make Arrests for Harassing Phone Calls

McDonough, Georgia. On March 31, 2018 one of the Eagles Landing Educational Research Committee (ELERC) Board members received three phone calls - two of which were threats on their life for their involvement in the City of Eagles Landing movement.

These three incidents were reported to the Henry County Police Department who took rapid action in the search for, and apprehension of persons suspected of involvement.

The incidents have resulted in charges of harassing phone calls, and terroristic threats. While the investigation is ongoing, multiple suspects have been charged and one suspect was bound over for a hearing of the Grand Jury on Tuesday, June 5, 2018 by the Henry County Magistrate Court. That suspect is known as Coren Michael Randazzo, a 49 year old male from Stockbridge, Georgia who also has a previous record of simple assault in 2015.

The Eagles Landing Educational Research Committee Board would like to commend Henry County Police Department Detective Isaac Fisher for the great work he and his team performed to find the individuals involved and make arrests. The Henry County Police are taking all threats seriously.

"We recognize there are citizens who may have sincere concerns about the proposed City of Eagles Landing. It is our hope that once they have had the opportunity consider all the available information they too will realize the new city will benefit all residents of Henry County. The cityhood supporters are diverse, honest and hard-working people that want the best for their family and communities. The cityhood supporters are not encumbered with conflicts of interest nor any other motivation besides realizing a dream to make the City of Eagle's Landing a reality," states a City of Eagle's Landing spokesperson.

"Many have asked for a list of the ELERC, Inc. Board of Directors and because of this incident we are hesitant to give out any information about our Board at this time," states Vikki Consiglio the ELERC Board chair. "We respectfully ask that citizens remain civil and respectful because we are all neighbors and citizens who will share in what we hope to create."

XXX

For Further Information Please Contact
Richard Carter at elercommittee@gmail.com