

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, Sc.

SUPERIOR COURT

AMERICA CONDOMINIUM :

ASSOCIATION, INC., et al :

:

-vs- :

NC/99-0232

:

IDC, INC., IDC PROPERTIES, INC. :

and THOMAS R. ROOS :

HEARD BEFORE MRS. JUSTICE THUNBERG

MAY 5 and 8, 2008

APPEARANCES:

CHARLES D. BLACKMAN, ESQUIRE

-and-

WILLIAM R. GRIMM, ESQUIRE

FOR THE PLAINTIFFS

JOHN B. HARWOOD, ESQUIRE

-and-

MATTHEW REEBER, ESQUIRE

FOR THE DEFENDANTS

DAWN C. BRANCH

COURT REPORTER

1 Q You -- it appears on October 28th, the information -- the
2 purchase price Transaction Summary was that you -- I
3 think it's GG -- at this point in time, October 28th,
4 approximately nine days after the transaction had
5 occurred, you were looking for me to be paying \$26.5
6 million plus or minus the adjustments, which were in the
7 formula?

8 A Yes.

9 Q And did you intend for me --

10 A Well, I'm not sure we were looking to you. This document
11 appears to be -- to be a document prepared after the
12 closing summarizing the final numbers. I would assume
13 you had already paid the money because we would not have
14 given you the Deed had you not done that.

15 Q So you expected me to pay the money for the property,
16 though?

17 A At the closing, yes.

18 Q And would I pay for -- the money if I wasn't getting the
19 property?

20 MR. GRIMM: Objection, Your Honor.

21 THE COURT: Sustained. That's obvious.

22 Q So you -- if you were expecting for me to be paying for
23 the property, did you not intend for me to believe that I
24 was the owner of the property?

25 A Tom, we could have given you a deed to The Breakers, and

1 if you paid us \$26 million, we would have said thank you
2 very much, and the fact that you got nothing out of that
3 transaction was a matter for you to be concerned with and
4 not us. We were looking for the money. You were making
5 up your own mind, was Goat Island worth \$26 million. I
6 have no idea. You agreed to it. Maybe it was worth
7 less.

8 Q So you don't find it at all unsettling that your law firm
9 is arguing they sold me property that you didn't own?

10 MR. GRIMM: Objection, Your Honor.

11 THE COURT: Sustained as to that question.

12 MR. GRIMM: Sustained?

13 THE COURT: Sustained.

14 Q So go back to the Real Estate Sales Agreement, which I
15 believe was in that big fat -- it's in that thick Exhibit
16 H. It has that Real Estate Sales Agreement. We just
17 earlier testified to that. Now, I believe you testified
18 that this -- you believed this was a legal contract?

19 A Yes.

20 Q Correct?

21 A Yes.

22 Q And you believed that the document -- the contract was a
23 binding agreement upon me?

24 MR. GRIMM: Objection, Your Honor. Even a pro se
25 does not get to ask the same question six times.