



**BLOODGOOD &
SANDERS, LLC**

March 7, 2017

Robert T. Dillon, Jr.
1747 Somerset Circle
Charleston, SC 29407
dillonr@fwgna.org

RE: *Robert T. Dillon, Jr., PhD. vs. The College of Charleston and Brian McGee,
in his individual capacity*
Case No.: 2016-CP-10-3774
Our File No.: 2016-00105

Rob

Dear Robert,

The attorneys for the Defendant have scheduled your deposition for May 4, 2017, at 12:30 p.m., at the McNair Law Firm located at 100 Calhoun Street, Suite 400, Charleston. Please meet me thirty (30) minutes before so we can talk prior to the deposition.

It is essential that you be fully and adequately prepared and refreshed as to the facts. For this purpose, I will want an opportunity to go over your testimony with you and have scheduled your pre-deposition appointment for April 28, 2017, at 9:00 a.m., in my office. The following is offered to provide you with a basic understanding of the deposition procedure and to aid in preparing to have your deposition taken.

As you may know, a deposition is the taking of your testimony, under oath, by questions from the Defendant's attorney, in the presence of an official stenographer. This testimony, or some parts of it, may ultimately be used at trial. It is therefore important for you to be as prepared for it as for your testimony at trial. There is, however, no reason to be apprehensive about the deposition. Below, I have listed a number of general suggestions that you may find helpful to your preparation.

1. RECALL AND REVIEW THE FACTS

Concentrate and reflect on all of the facts and circumstances bearing on the incident, before and after it occurred.

2. **BE SURE YOU UNDERSTAND THE QUESTION BEFORE YOU ANSWER**

If, at the deposition, you do not understand a question asked by the opposing lawyer, make no attempt to answer it. Inform the questioner that you do not understand the question and he or she will clarify it. An inaccurate answer in response to a misunderstood question can materially affect the results of your case.

3. **ANSWER THE QUESTION AS BRIEFLY AS POSSIBLE**

- a. If possible, answer the questions with a "yes" or "no."
- b. Do not volunteer any additional information beyond what is necessary to answer the question.
- c. Answer only the question asked.
- d. Do not guess or speculate in answering a question. Simply state you do not know the answer.

4. **MAINTAIN A PLEASANT DEMEANOR**

- a. In answering the questions of the opposing attorney, maintain a polite and cooperative attitude.
- b. If you feel the other attorney is attempting to take advantage of you, do not display this feeling. I will be present and will take whatever action is appropriate under court rules.

5. **AVOID EXAGGERATION**

Do not try to improve upon the facts of your case by exaggeration. Such efforts are invariably recognized by the opposing attorney, who may later turn the inaccuracy to his or her advantage at trial. At trial, if the judge or jury feel you have exaggerated on one point, they may well assume you have exaggerated on other matters.

6. **MAKE AN EFFORT TO ENUNCIATE CLEARLY**

The stenographer is recording everything you say, which may later be used in court. You should speak audibly and clearly so that the court reporter properly records what you have said.

7. **PRESENT YOUR BEST APPEARANCE**

- a. When you appear at the deposition, the opposing lawyer will be appraising you and making some tentative evaluations of how you will impress the

judge or the jury. Therefore, you should dress neatly and conventionally.

- b. You should not hide your interest in the case and you should project your usual sincere, candid demeanor.

8. CONTEMPLATE ESTIMATES CAREFULLY

Witnesses are often careless when asked to estimate time, distance and other quantitative measurements. An inaccurate answer to such questions is usually the result of not giving the question sufficient consideration. Your answers to such questions should clearly state that it is merely an estimate and should only be answered after you have determined that you can give a fair estimate. Do not be forced into a guessing game by the opposing attorney. If he or she indicates to you that he or she only wants your best judgment with respect to a particular fact, but you are unable to make a reliable estimate, indicate that you cannot make a reasonable estimate and would only be guessing. There will be an opportunity after the deposition for you to find out and testify to that which you did not know at the deposition.

9. DO NOT QUALIFY FAVORABLE FACTS

Answer questions concerning favorable details of your case as definitely as possible. Avoid expressions such as "I think" or "I guess," when you have no doubt about the answer.

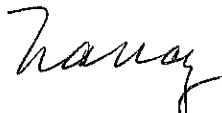
10. SUGGESTED BEHAVIOR WHEN YOUR ATTORNEY OBJECTS

During the deposition, if I make an objection, refrain from answering further until the matter has been resolved. This will permit me to make my objection clear for the record. I will then indicate whether or not you should answer the question which was the subject of the objection.

In addition to the above preparation suggestions, we will have sufficient time to discuss your deposition when we meet to prepare for it. If you have any questions, please do not hesitate to call. Thank you for your cooperation.

With kindest regards, I am

Sincerely,



Nancy Bloodgood

NB/alk
Enclosures

DEPOSITION POINTERS

First, you must realize that your words at a deposition are essentially ammunition for the other side. And the other side - your adversary - will use that ammunition against you at trial. For this reason, it is important that you **do not ramble**.

Second, only answer the questions you are asked directly. **Do not volunteer any information**, even if you feel it is helpful to your case. The more you say, the more you are tied into your statements later at trial.

Third, keep in mind the other side will be determining whether you will be credible at trial, whether a jury of your peers will like you, and more importantly, believe you. Thus, it is essential that you make a good witness at your deposition. **Don't get mad, be polite**. You should answer questions in a loud, clear voice. You should follow all instructions, including answering all questions verbally. You should dress as though you were going to court. Although the deposition will likely be rather informal, you should treat it with the seriousness it deserves. If the other attorney sees that you will make a good witness at trial, he is more likely to want to avoid trial. In order to avoid trial, he will make more of an effort to settle the case.

Fourth, **do not let the other attorney put words in your mouth**. Once you answer a question, sometimes a half hour later the other side will repeat what you said in a different question such as, "Didn't you say..." Don't agree with the other attorney that is what you said. Usually, he or she has changed your testimony. Repeat in your own words your testimony. Say, "No, what I said was..."

Fifth, **take your time answering questions**. The court reporter is taking down what you say, but she is not noting how long your pauses are. Think about the question before you answer it, so you are certain of the question and your answer.

March 1, 2017

Nancy Bloodgood, Esq.
Bloodgood & Sanders
242 Mathis Ferry Road
Suite 201
Mt. Pleasant, SC 29464

Re: *Robert T. Dillon, Jr., PhD., vs. The College of Charleston and Brian McGee, in his individual capacity*
Case No.: 2016-CP-10-3774

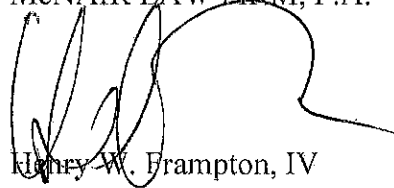
Dear Nancy:

Please find enclosed Defendants' Notice of Deposition of Robert T. Dillon, Jr. in the above referenced case scheduled in our office on May 4, 2017 at 12:30 p.m.

With kind regards, I am,

Very truly yours,

McNAIR LAW FIRM, P.A.



Henry W. Frampton, IV

Enclosure: as stated



STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
)
) CASE NO.: 2016-CP-10-3774

Robert T. Dillon, Jr., PhD.,
Plaintiff,

v.

The College of Charleston and Brian McGee, in his
individual capacity,
Defendants.

NOTICE OF DEPOSITION OF
ROBERT T. DILLON, JR.

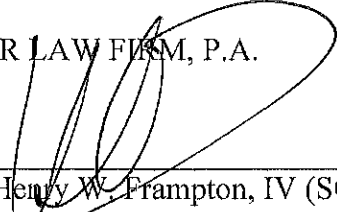
TO: NANCY BLOODGOOD, ESQUIRE, ATTORNEY FOR THE PLAINTIFF:

PLEASE TAKE NOTICE that the undersigned attorneys for the Defendants, pursuant to Rule 30 of the South Carolina Rules of Civil Procedure, will take, cause to be taken, the deposition of **Robert T. Dillon, Jr., on May 4, 2017, at 12:30 p.m. at McNair Law Firm, P.A., located at 100 Calhoun Street, Suite 400, Charleston, South Carolina,** before a Notary Public, or some other person agreed upon by counsel. You are notified to appear and take part in the examination as you may be advised and shall deem fit and proper.

Dated: March 1, 2017

MCNAIR LAW FIRM, P.A.

By



Henry W. Frampton, IV (SC75314)
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Attorneys for Defendants
The College of Charleston and Brian
McGee, in his individual capacity

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF CHARLESTON

) CASE NO.: 2016-CP-10-3774

Robert T. Dillon, Jr., PhD.,

Plaintiff,

v.

The College of Charleston and Brian McGee, in his
individual capacity,

Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that as an employee of McNair Law Firm, P.A., she served a copy of the foregoing **Notice of Deposition of Robert T. Dillon, Jr.** on the following U.S. Mail, postage prepaid and addressed as follows:

Nancy Bloodgood
Bloodgood & Sanders, LLC
242 Mathis Ferry Road, Suite 201
Mt. Pleasant, SC 29464
Attorney for Plaintiff



MCNAIR LAW FIRM, P.A.
100 Calhoun Street, Suite 400
Charleston, SC 29401
(843) 723-7831

March 1, 2017