

Exhibit C

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IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

CIVIL ACTION NO.: 10A28641-2

PATRICK C. DESMOND AND MARY C.
DESMOND, INDIVIDUALLY, AND
MARY C. DESMOND, AS
ADMINISTRATRIX OF THE ESTATE
OF PATRICK W. DESMOND,
Plaintiffs,

vs.

NARCONON OF GEORGIA, INC.,
DELGADO DEVELOPMENT, INC.,
SOVEREIGN PLACE, LLC,
SOVEREIGN PLACE APARTMENT
MANAGEMENT, INC., LISA
CAROLINA ROBBINS, M.D., THE
ROBBINS GROUP, INC., AND
NARCONON INTERNATIONAL,

Defendants.

VIDEOTAPED DEPOSITION OF LISA MOOTY

On Behalf of the Plaintiffs

DATE TAKEN: January 18, 2011
TIME: 1:04 P.M.
PLACE TAKEN: Imperial Plaza
6767 North Wickham Road
4th Floor
Melbourne, Florida
REPORTED BY: CYNTHIA A. ANGELL
Florida Professional Reporter
Registered Professional Reporter
California Certified Shorthand Reporter

1 the term pretrial diversion. What does that mean? What
2 is a pretrial diversion program?

3 A. It's PTI, pretrial intervention.

4 Q. Excuse me.

5 A. And what it means is that we intervene on the
6 client's behalf prior to it going to criminal court and
7 divert their case from the criminal court docket to the
8 specialty court docket, drug court.

9 Q. Are there certain criteria that you have to
10 meet in order to be eligible to enter the intervention
11 program?

12 A. That is correct. They have to meet the
13 statutory guidelines being a first-time, nonviolent,
14 third-degree felony drug offender.

15 Q. And what's a third-degree felony?

16 A. Possession of drugs.

17 Q. Okay. Now, I want to talk to you a little bit
18 about Patrick Desmond and his involvement in the
19 intervention program.

20 Do you recall Mr. Desmond?

21 A. Yes.

22 Q. All right. Tell us how you first came in
23 contact with Mr. Desmond. What was the circumstance for
24 you first meeting him?

25 A. He had submitted an application to drug court

1 for possession of cocaine and paraphernalia.

2 Q. And -- ans what did you do with that
3 application?

4 A. Oh, it went -- what I did with it, once he was
5 deemed qualified and the State Attorney approved, a
6 letter was sent to him to contact my office to schedule
7 an intake.

8 Q. I'm going to hand you what's already been
9 marked as Exhibit 1 to your deposition, and it's a
10 composite exhibit that I'll represent to you is a
11 certified copy of the drug court's file. You may need
12 to refer to that from time to time as we talk this
13 morning.

14 Who decides ultimately whether or not someone
15 is eligible for the diversion or intervention program?

16 A. The State Attorney.

17 Q. And does the court have to sign off on that?

18 A. The -- the -- no. The State Attorney approves
19 entrance into the program. A contract is then drawn up,
20 and the client is brought before the drug court judge to
21 sign that contract.

22 Q. Now, do you recall specifically what conditions
23 the court imposed on Mr. Desmond as part of his
24 intervention program?

25 A. The standard PTI contract.

1 I assume that means that he violated the terms
2 initially of his intervention contract; is that right?

3 A. Technically we don't use the word "violation,"
4 but he was in noncompliance of his contract because it
5 is a voluntary program on the part of the defendant. So
6 we reviewed with him the options and offered a higher
7 level of care.

8 Q. And -- and -- and let's back up a little bit.

9 When he's first -- when he first enters the
10 intervention program, he is required by the drug court
11 to attend -- as part of his contract to attend
12 outpatient drug and alcohol rehabilitation?

13 A. Correct.

14 Q. Was that outpatient drug and alcohol
15 rehabilitation, was that administered in Florida?

16 A. Yes, it was.

17 Q. And what's the name of that program? Do you
18 recall?

19 A. The service provider at that time was Western
20 Judicial Services.

21 Q. Okay. And so he attend -- do you recall how
22 long he was in the intervention program before he got
23 his second -- or got his second DUI?

24 A. I believe ten months.

25 Q. All right. And as a result of the second DUI

1 you sit down with him and then you decide that there may
2 be additional conditions that you need to impose upon
3 him?

4 A. The drug court team does.

5 Q. Okay. Who else is on the team?

6 A. Officers from the Department of Corrections,
7 counselors from the service provider.

8 Q. All right. Now, let's -- let's zero in on
9 that.

10 What were the additional conditions that were
11 imposed upon him by the drug court team after he got
12 that DUI?

13 A. A higher level of care which was residential.

14 Q. All right. Now, I'm going to hand you what's
15 been marked as Plaintiff's Exhibit 6. It's Bates Nos.
16 Desmond 0005.

17 Do you recognize that document?

18 A. Yes, I do.

19 Q. And what is it?

20 A. It is a modification to his pretrial
21 intervention contract.

22 Q. And in what manner had the court modified his
23 original contract?

24 A. To allow him to complete Narconon of Georgia.

25 Q. And was he required as -- pursuant to that

1 A. That's correct.

2 Q. Do you know why Ms. Rieser would have sent you
3 that -- a copy of that license?

4 A. Because I asked if they had a substance abuse
5 license.

6 Q. And -- and she sent you that document that's
7 attached, Exhibit 2?

8 A. That's correct.

9 Q. There's -- it looks -- up at the top of that
10 header there it looks like it's a three-page fax, or it
11 says it's a three-page fax -- I'm sorry -- on the cover
12 page. Do you see that?

13 A. Yes.

14 Q. And there's only -- I've only got one page
15 attached to that. Do you know -- do you recall what
16 that third page was?

17 A. I do not.

18 Q. Now --

19 MS. WHITLOCK: Can I see the exhibit,
20 please?

21 MR. HARRIS: You've got it in your set
22 that I gave you.

23 MR. KEREW: This is the third page.

24 MR. HARRIS: Okay.

25 MR. KEREW: This is the second page.

1 Q. Were you told that the students were
2 involuntarily restrained?

3 A. No, ma'am.

4 Q. You said that Patrick finished the Narconon
5 program, came back to Florida. Now, when he was in
6 Florida, didn't he have a hearing in front of the judge?

7 A. He had a post-residential hearing.

8 Q. And -- with the judge?

9 A. Yes, ma'am.

10 Q. And he explained to the judge at that time what
11 the program was like, the Narconon program?

12 A. The participant explains what they got from the
13 program.

14 Q. All right. And the judge has the opportunity
15 to ask whatever questions the judge thinks is
16 appropriate?

17 A. Yes, ma'am.

18 Q. And after going through that program the judge
19 did not tell you that Narconon was not an appropriate
20 place for Patrick to return to?

21 MR. HARRIS: Object to form.

22 THE WITNESS: No, ma'am.

23 BY MS. WHITLOCK:

24 Q. I'm correct? The judge did not tell you that?

25 A. No, ma'am.

1 rules and regulations?

2 A. I understood what the license meant, sir. I
3 didn't go any further because having had the
4 conversation with Miss Rieser I believed that the
5 program met the requirements and that that was merely a
6 license to provide substance abuse, education, and
7 treatment.

8 Q. So you believe, if I understand you right, that
9 there would have been housing provided, dietary needs
10 would be met, 24-hour supervision, and the detox program
11 which is set forth in the license?

12 A. No.

13 Q. Is that -- is that what you understood?

14 A. Well, yes, sir.

15 Q. Now, you talked about the Bridge, and I'm not
16 sure that I got the full name; but the Bridge program
17 that you talked about earlier, does the Bridge program
18 have bars on the window?

19 A. No, sir.

20 Q. Does the Bridge program have armed guards that
21 could prevent members, or students, from leaving?

22 A. No, sir.

23 Q. Is there any authority that you're aware of
24 that, if Patrick had been sent to the Bridge or had
25 elected to go to the Bridge rather than Narconon, that

1 Q. Okay. Before my questions just now have you
2 ever even heard of the name "One Sovereign Place"?

3 A. No, sir.

4 Q. Okay. No one from Narconon has ever mentioned
5 to you any involvement with One Sovereign Place and
6 their rehabilitation program, have they?

7 A. No, sir.

8 Q. Okay.

9 MR. BARTLETT: That's all the questions I
10 have.

11 REDIRECT EXAMINATION

12 BY MR. HARRIS:

13 Q. Just a few follow-ups.

14 Was the drug court team operating under the
15 assumption that Patrick Desmond was in a residential
16 rehabilitation facility when it was approved?

17 A. Yes, sir.


18 Q. And why -- tell us again. Why were you and the
19 rest of the team operating under that assumption?

20 A. Because I presented to the team the
21 conversation I had with Miss Rieser regarding housing,
22 detoxification programs they had available, dietary
23 needs and those kind of things that, you know, I
24 believed she was meeting the requirements of the drug
25 court team as far as a residential program went.

FROM :

FAX NO. :

10 2007 12:44PM P1


NARCOTICON
 OF GEORGIA
 Drug Education/Rehabilitation

FAX COVER

DATE: Sept 10, 2007 NO. OF PAGES 3

ATTENTION: Lisa Moody

FAX NUMBER: 321-637-5387

SENT FROM: May Ruser

TELEPHONE #: (770) 379-0208

FAX #: (770) 395-9431

NOTES: I was nice speaking
to you - Please call
me at 770-263-4709 if
you have any questions.

May

(You called Tracy earlier, but
you spoke to me this time)

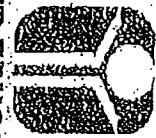
May

3684 Peachtree Parkway B1 Norcross GA 30092 Phone: 770-379-0208 Fax: 770-395-9431
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PLAINTIFF'S
 Exhibit No. 2
 Date: 11/8/11 Rptr: CA
 ANGELL REPORTING

DEPARTMENT OF HUMAN RESOURCES

STATE OF



GEORGIA

DRUG ABUSE TREATMENT AND EDUCATION PROGRAM PERMIT

This is to certify that a permit is hereby granted to

NARCONON OF GEORGIA, INC

(Name of Governing Body)

to maintain and operate a DRUG ABUSE TREATMENT AND EDUCATION PROGRAM with 1 branch offices, named as

NARCONON OF GEORGIA

(Name of Facility)

Approval is granted to provide the following programs NARCONON NEW LIFE AMBULATORY DETOXIFICATION PROGRAM
BRANCH LOCATED AT 5784 PEACHTREE INDUSTRIAL BLVD, ATLANTA, GA

Said facility and premises are located at 5688 PEACHTREE PARKWAY #B1

in NORCROSS County of GINNETT (County) Georgia (State)

This permit is effective May 04, 2007

and remains in effect unless revoked or suspended.

This permit is granted pursuant to the authority vested in the Department of Human Resources, Official Code of Georgia Title 26, Chapter 5, and signifies that the provider complies with the Rules and Regulations of the Department of Human Resources on the date this license was issued.

THIS PERMIT IS NOT TRANSFERABLE

Permit No: 044-4931-D

OFFICE OF REGULATORY SERVICES

GEORGIA DEPARTMENT OF HUMAN RESOURCES

By: Carol Robinson
Issuing Official

Maureen E. Daugherty
Director, Office of Regulatory Services