

**In The Matter Of:**

*Re: Ty Clevenger*

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*Robert Grant, Esquire*

*Vol. 1*

*September 26, 2013*

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1       COMMISSION FOR LAWYER                               IN THE  
2       DISCIPLINE   CIRCUIT COURT  
3                               Plaintiff                       FOR  
4       vs.   MONTGOMERY COUNTY  
5       TY CLEVINGER                                       CASE NO.   29143M  
6                               Defendant  
7       \_\_\_\_\_ /

9                               The Teleconference deposition of ROBERT E.  
10       GRANT, ESQUIRE was held on Thursday, September 26,  
11       2013, commencing at 1:35 p.m., at Gore Brothers  
12       Reporting & Videoconferencing, 3 Bethesda Metro Center,  
13       Suite 700, Bethesda, Maryland 20814, before Susan M.  
14       Liebrecht, a Notary Public.

21       REPORTED BY:   Susan M. Liebrecht, RPR

1 APPEARANCES:

2

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September 26, 2013**

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## 1 PROCEEDINGS

2 Whereupon,

3 ROBERT E. GRANT, ESQUIRE,

4 called as a witness, having been first duly sworn to  
5 tell the truth, the whole truth, and nothing but the  
6 truth, was examined and testified as follows:

## 7 EXAMINATION BY MR. CLEVINGER:

8 Q Mr. Grant, could you please state for the  
9 record your full name?

10 A Robert E. Grant.

11 Q And what is your occupation?

12 A I'm a lawyer.

13 Q And where do you work?

14 A I am a partner at a firm called Furey,  
15 Doolan & Abell, LLP. F, as in Frank, U-R-E-Y; Doolan,  
16 D, as in David, O-O-L-A-N, and Abell, A-B-E-L-L.17 Q And as you know, you and I have discussed  
18 your evaluation of William Cartinhour for Judge Huvelle  
19 and I want to ask you a few questions about that.20 Prior to interviewing or being asked to  
21 interview Mr. Cartinhour, did you have any previous

1 connection with Judge Huvelle?

2 A Aside from having appeared before her on a  
3 couple of occasions, no.

4 Q So, you didn't know her on a personal  
5 level, I guess?

6 A No.

7 Q Or any of her family members or anything  
8 like that?

9 A No.

10 Q Do you know why she approached you or your  
11 law firm to evaluate Mr. Cartinhour?

12 A She didn't approach me. She approached my  
13 partner, Phil O'Donoghue, and I believe that she knows  
14 Mr. O'Donoghue, although I'm not positive. I couldn't  
15 tell you why she approached him.

16 Q Okay. When you were asked to get involved  
17 in this case, did Judge Huvelle reach out to you,  
18 personally, or did someone else?

19 A No, Mr. O'Donoghue did.

20 Q Okay. So, I guess Judge Huvelle talked  
21 with Mr. O'Donoghue and then he spoke with you?

1           A           Exactly.

2           Q           Okay.  And tell me, generally, what you  
3 were asked to do?

4           A           My understanding was that Dr. Cartinhour  
5 was a litigant in a case before Judge Huvelle that she  
6 had in the Registry of the Court some sum of money  
7 that -- I believe that there was a judgment and  
8 Dr. Cartinhour was entitled to the money and Judge  
9 Huvelle was considering whether to release it to him,  
10 but had some concerns about his capacity and/or  
11 judgment and wanted some kind of assessment of  
12 Dr. Cartinhour before she decided whether, when and how  
13 to release the funds in the Court Registry.

14          Q           Did she, or her clerk, express why she had  
15 this concern and what the nature of her concerns were?

16          A           My understanding was that Dr. Cartinhour  
17 had, essentially, been duped out of the money and she  
18 was concerned that if she released funds to him that he  
19 might be duped out of it, again.  And so, she wanted to  
20 know whether there was some mechanism that should be  
21 put in place to assist him with the management of the

1 funds.

2 Q Did she say that to you? Or her clerk or  
3 someone else?

4 A That understanding comes from a  
5 conversation with Mr. O'Donoghue when he first  
6 approached me and from Judge Huvelle's clerk.

7 I can't recall whether I spoke with Judge  
8 Huvelle, herself, before I met with Dr. Cartinhour or  
9 only after.

10 Q Okay. And do you remember, like, the  
11 nature of what the clerk said about the case other than  
12 that they were afraid he might get duped out of money?

13 A Again, I don't remember exactly how I came  
14 to this understanding or from precisely what source,  
15 but my understanding was that Wade Robertson was a  
16 lawyer. He had somehow solicited Dr. Cartinhour's  
17 participation in or funding of a lawsuit. There was  
18 some question about Mr. Robertson's level of  
19 participation in the lawsuit and that, essentially, the  
20 money that was in the Court Registry was  
21 Dr. Cartinhour's money that had somehow been recovered



1 from Mr. Robertson.

2 Q But you're not sure exactly who told you  
3 what at what point?

4 A That's right.

5 Q Okay. And based on our prior conversation,  
6 as I understand it, you and your firm were working on  
7 this pro bono?

8 A That's correct.

9 Q Has the judge ever asked you, or to your  
10 knowledge, your firm or partners to do something like  
11 this before?

12 A I have been appointed, within the context  
13 of a court case, a pending guardianship case as counsel  
14 to a proposed ward. And if memory serves, I've been  
15 appointed as a successor guardian.

16 But outside of the context of a  
17 guardianship case, no, I can't think of another time  
18 when I've been asked to do something like this.

19 Q Would you describe this as unusual or  
20 common in the practice?

21 A You broke up a little bit there. Did you

1 say unusual or uncommon?

2 Q Would it be common or would it be unusual  
3 for something like this based on your experience?

4 A For me, personally, this was a little  
5 unusual.

6 Q And have you heard of any other lawyers  
7 being asked to do something like this? Not appointed  
8 as counsel, but asked to evaluate somebody.

9 A I can't say that I have.

10 Q Okay. Does that raise any concerns in your  
11 mind or did you just say, hey, I'm going to help out  
12 and you did it?

13 A No, it didn't really raise any concerns in  
14 my mind. I thought I understood the situation. I  
15 thought I understood what the judge was concerned  
16 about.

17 You know, I'm a member of the bar of the  
18 U.S. District Court for D.C., so, I looked upon it as  
19 being asked to do something, sort of, in service to the  
20 Court in my capacity as an officer of that court. So,  
21 I did it.

1 Q Sure, okay. Did Mr. Cartinhour disclose to  
2 you any psychological or psychiatric problems?

3 A No. Not that I can recall.

4 Q Did you ask him whether he had any such  
5 problems?

6 A By the time I met with him I knew that he  
7 had a treatment relationship with a psychiatrist. I  
8 can't recall whether I asked him specifically whether  
9 he had any psychiatric issues that he would report to  
10 me.

11 Q Okay. So, to your recollection, you didn't  
12 ask and he didn't say anything?

13 A I don't have any memory of me asking or him  
14 volunteering, you know, I have this condition or I have  
15 that condition or I take this medication or anything  
16 like that.

17 Q When did you first hear or have you heard  
18 that he had been diagnosed with schizophrenia?

19 A I don't think I heard that until you  
20 mentioned it in a phone conversation the other day.

21 Q Okay. If you had known that he was

1 suffering from schizophrenia or delusions, would that  
2 have changed your recommendation to Judge Huvelle?

3 A Probably not, because my task, as I  
4 understood it, was not really to give a medical  
5 evaluation of him because, of course, I'm not competent  
6 to do that. My focus was on whether, if someone filed  
7 a petition asking to have a guardian appointed for him,  
8 whether I thought that that would be granted or not.

9 Q I see. So, strictly a legal evaluation and  
10 whether or not a petition would be awarded by the state  
11 court?

12 A Right.

13 Q Okay. Based on your interactions with  
14 Mr. Kearney, and assuming that he knew about the  
15 schizophrenia, do you think he should have disclosed  
16 that to you? When I say Mr. Kearney, I'm talking about  
17 Patrick Kearney, Mr. Cartinhour's lawyer.

18 A Do I think he should have disclosed it to  
19 me?

20 Q Right.

21 A I mean, I can't really answer that

1 question.

2 Q Is that something that you would want to  
3 have known to relay to Judge Huvelle?

4 A I mean, if I had known about it, I would  
5 have relayed that, I'm sure. But you know, without  
6 knowing anything about the diagnosis or having a  
7 physician say to what degree he was impaired by the  
8 illness or, you know, more details like that, it's hard  
9 for me to answer a hypothetical question.

10 Q Sure. Do you have any reason to believe or  
11 suspect that Patrick Kearney or any other lawyer is  
12 manipulating Mr. Cartinhour?

13 A I never saw anything that gave me pause  
14 about that.

15 Q Okay. Did you have any interactions with  
16 Mr. Cartinhour and Mr. Kearney jointly other than that  
17 one meeting at Mr. Kearney's office?

18 A No.

19 Q And as I understand it, you have only met  
20 with him once at Mr. Kearney's office; is that correct?

21 A Yes.

1 Q Did anything come up about other people who  
2 might be possibly manipulating Mr. Cartinhour?

3 A I remember there was something to do with a  
4 group of Serbian nannies. And Dr. Cartinhour may have  
5 given some financial support to one Serbian nanny in  
6 particular or some group of Serbian nannies. It was  
7 something that was far enough out of the ordinary that  
8 it stuck in my memory, but I don't really remember any  
9 of the details.

10 Q Right. Do you know who told you about  
11 that? Whether it was him or Mr. Kearney or Judge  
12 Huvelle?

13 A It was either Dr. Cartinhour, himself, or  
14 Mr. Kearney, maybe together, maybe separately.

15 Q Do you recall whether Judge Huvelle or the  
16 clerk ever mentioned it either?

17 A I don't recall them ever mentioning it.

18 Q Was anything else said about the Serbians  
19 other than the fact that Mr. Cartinhour had given them  
20 money?

21 A Not that I can recall.

1 I take that back. There was something  
2 about he was going to set up some kind of foundation or  
3 something, but I don't remember what else that might  
4 have been about.

5 (A discussion was held off the record.)

6 (Mr. Jones joins teleconference.)

7 MR. JONES: This is Dirrell Jones with the  
8 State Bar of Texas.

9 MR. CLEVINGER: Good morning, Mr. Jones.  
10 Robert Grant is testifying.

11 MR. JONES: Okay.

12 BY MR. CLEVINGER:

13 Q Mr. Grant, was anything said about the  
14 nature of the foundation?

15 A All I can recall is that it was something  
16 to assist Serbian or maybe Eastern European nannies who  
17 were away from home and might have some expenses that  
18 were not met by their salary as nannies.

19 Q Was there any sort of romantic relationship  
20 disclosed between Mr. Cartinhour and any of these  
21 nannies?

1           A           No.

2           Q           Do you have any reason to believe that  
3 Judge Huvelle had any other ex parte contacts with  
4 lawyers or parties relating to the case?

5           A           When you say any others, I don't know that  
6 my contact with her was ex parte --

7           Q           Well, right.

8           A           -- but the only contacts that I'm aware of  
9 were her call to Mr. O'Donoghue, which launched this,  
10 and then my conversation with, I guess conversations,  
11 with her clerk and then with her.

12          Q           Okay. Is Judge Huvelle aware that you are  
13 being deposed today?

14          A           I have no idea. I haven't spoken with her  
15 about it.

16          Q           Sure. And you haven't had any  
17 conversations since you last reported to her regarding  
18 Mr. Cartinhour?

19          A           That's correct.

20          Q           What about Mr. Kearney? Is he aware that  
21 you're being deposed today?



1           A           He's certainly aware that my deposition was  
2 noted. I don't know whether he's aware that I'm being  
3 deposed or not.

4           Q           Did he contact you about the deposition?

5           A           He did.

6           Q           And what was the nature of his conversation  
7 to you about it?

8           A           He called me and said, hey, I understand  
9 that there has been a miscellaneous proceeding filed in  
10 the Circuit Court for Montgomery County because  
11 Mr. Clevenger wants to take your deposition.

12                       And I think he told me that you had noted  
13 several other depositions, including his and some other  
14 folks at his firm.

15           Q           Did he make any comments beyond that?

16           A           I think he said that he was planning on  
17 filing a motion to quash, but that's all I really  
18 recall about the conversation.

19           Q           Did he say anything critical about me,  
20 personally, or about Mr. Robertson?

21           A           I'm sorry, you broke up there, again.

1 Q Sure. Did he say anything critical about  
2 me or Mr. Robertson during that conversation?

3 A I don't remember anything specifically.  
4 The general tenor of it was that he viewed this as  
5 more, sort of, what he perceived to be frivolous  
6 litigation or dilatory tactics on your part.

7 MR. CLEVINGER: I'm going to move on to the  
8 exhibits that have been submitted to the court  
9 reporter.

10 In fact, I'll ask the court reporter to  
11 hand you Exhibit 1.

12 THE COURT REPORTER: Counsel, off the  
13 record, please?

14 MR. CLEVINGER: Sure.

15 (A discussion was held off the record.)

16 (There was a brief recess taken.)

17 (Grant Exhibits 1-7 were marked for  
18 purposes of identification.)

19 BY MR. CLEVINGER:

20 Q Mr. Grant, I'm going to first ask you about  
21 what's been marked as Exhibit 1?

1           A           Okay.

2           Q           And ask you if you recognize that document?

3           A           Yes, this is a printout of an e-mail sent  
4 by Philip O'Donoghue on Thursday, June 16, 2011.

5           Q           And is that something that you forwarded to  
6 me as part of my document request?

7           A           I did.

8           Q           And then Exhibit 2, do you recognize that  
9 document?

10          A           I do, let me just get it.

11                    This is a printout of an e-mail from John  
12 Timmer, who I understand to be Judge Huvelle's law  
13 clerk, sent to me on June 22, 2011.

14          Q           Did Mr. Timmer make any comments that you  
15 can recall about Mr. Robertson, in general, and  
16 Mr. Cartinhour?

17          A           My conversations with Mr. Timmer were, as  
18 best I can recall, largely logistical. I called and  
19 made sure I understood what Judge Huvelle wanted.

20                    And as you see in Exhibit 2, for factual  
21 background, he really directed me to the two published

1 opinions in the case.

2 Q Right, okay. Then, Exhibit 3, do you  
3 recognize that document?

4 A Yes.

5 Q Could you just briefly describe what that  
6 is?

7 A It's a printout of an e-mail to me from  
8 Patrick Kearney, sent on Wednesday, June 22, 2011.

9 Q And I think we have already discussed this,  
10 but Mr. Kearney did not reveal anything to you about  
11 the nature of Mr. Cartinhour's mental illness --

12 A No.

13 Q -- beyond the deposition?

14 A Right. And in one of the hearing  
15 transcripts that I reviewed he had said something about  
16 social phobias, but that was it.

17 Q Okay. And then Exhibit 4, is that also a  
18 document that you produced to me as part of the  
19 document request?

20 A Yes, it's another e-mail from Mr. Timmer to  
21 me. This one sent Wednesday, June 22, later in the

1 day, and it contains the, sort of, thread of the  
2 earlier e-mails that we exchanged.

3 Q And then Exhibit 5, is that also part of  
4 the same thread?

5 A Let me just see here. Yes.

6 Q Exhibit 6, do you recognize that document?

7 A Yes, it's a printout of an e-mail sent by  
8 Patrick Kearney to me on Tuesday, June 28, 2011.

9 Q He mentions something toward the end of  
10 that e-mail about the person holding POA.

11 Is that a power of attorney?

12 A That's what I understood it to mean, yeah.

13 Q Did he ever identify to you who that person  
14 was or is?

15 A I don't remember. I had asked about one  
16 and I don't think that there was one that  
17 Dr. Cartinhour had signed, at least as of June 28th.

18 Whether he signed one after that, I can't  
19 recall and I can't recall whom he named as his agent in  
20 it.

21 Q And then Exhibit 7, is that a copy of your

1 billing records related to the Cartinhour matter?

2 A Yes.

3 MR. CLEVINGER: I don't believe I have any  
4 further questions.

5 THE COURT REPORTER: Mr. Jones, do you have  
6 any questions?

7 MR. JONES: I have none. Thank you.

8 MR. CLEVINGER: Thank you very much,  
9 Mr. Grant, for your time.

10 THE WITNESS: Sure thing.

11 (Deposition concluded at 2:15 p.m.)  
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1 CERTIFICATE OF DEPONENT  
2

3 I hereby certify that I have read and  
4 examined the foregoing transcript, and the same is a  
5 true and accurate record of the testimony given by me.  
6

7 Any additions or corrections that I feel  
8 are necessary will be made on the Errata Sheet.  
9

10  
11  
12 \_\_\_\_\_  
13 ROBERT E. GRANT  
14

15 (If needed, make additional copies of the Errata Sheet  
16 on the next page or use a blank piece of paper.)  
17  
18  
19  
20  
21





1 State of Maryland

2 City of Baltimore, to wit:

3 I, SUSAN M. LIEBRECHT, a Notary Public of the  
4 State of Maryland, Carroll County, do hereby certify  
5 that the within-named witness personally appeared  
6 before me at the time and place herein set out, and  
7 after having been duly sworn by me, according to law,  
8 was examined by counsel.

9 I further certify that the examination was  
10 recorded stenographically by me and this transcript is  
11 a true record of the proceedings.

12 I further certify that I am not of counsel to  
13 any of the parties, nor in any way interested in the  
14 outcome of this action.

15 As witness my hand this 8th day of  
16 October, 2013.

17 \_\_\_\_\_ *Susan M. Liebrecht*

18 Susan M. Liebrecht, RPR  
19 Notary Public

20 My Commission Expires:  
21 September 8, 2017

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