

1                   IN THE STATE COURT OF FAYETTE COUNTY

2                                 STATE OF GEORGIA

3  
4           KURT TAYLOR,                                 )  
5                                 Plaintiff,                                 )  
6                                 vs.   )  
7           SUSAN HOWSE,                                 )  
8                                 Defendant.                                 )

CIVIL ACTION FILE

NO. 2015-SV-0270

9  
10                                 Before the Honorable Jason Thompson

11   Judge, State Court

12                                 Fayette County Courthouse, Fayetteville, Georgia,

13   on the 25th day of January, 2018.

14  
15                                 APPEARANCES OF COUNSEL:

16                                 For the Plaintiff:     MR. JEB BUTLER  
17   MR. DARREN TOBIN  
18   Attorneys at Law

19                                 For the Defendant:   MR. MARK SCOTT  
20   Attorney at Law

21  
22  
23  
24   DONNA HASINSKI, CCR  
25   Certified Court Reporter

1 P R O C E E D I N G S

2 THE COURT: Everybody ready to proceed?

3 Call your next witness.

4 MR. SCOTT: Shane Grimshaw.

5 THE COURT: And just so everybody knows,  
6 Mr. Grimshaw has been outside.

7 SHANE GRIMSHAW

8 after having been first duly sworn, was examined and  
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. SCOTT:

12 Q. State your name for the record and spell  
13 Grimshaw.

14 A. G-r-i-m-s-h-a-w.

15 Q. Mr. Grimshaw, would you tell the jury what you do  
16 for a living.

17 A. I'm a private detective, or, private  
18 investigator, more commonly known.

19 Q. Who do you work with?

20 A. I work for Capitol Investigation, Inc.

21 Q. Did my office retain you to assist us with this  
22 case?

23 A. I believe so; yes.

24 Q. And in the context of assisting with this case,  
25 did you perform some surveillance on Mr. Taylor?

1 A. Yes, I did.

2 Q. And how did you do that?

3 A. From my vehicle with the use of a camera and just  
4 waited for Mr. Taylor to go out into the public and  
5 observe him.

6 Q. Now, when you set up, do you set up just looking  
7 into his house?

8 A. No, sir, I did not. I parked down the ways on  
9 the cross street and when I drove by his house early in  
10 the morning, I observed vehicles parked in Mr. Taylor's  
11 driveway. As those vehicles exited the neighborhood, I  
12 followed them to determine who the occupants were, and if  
13 Mr. Taylor was one of those occupants I continued to  
14 follow him and observe him in public.

15 Q. As a result of your efforts, did you produce a  
16 video?

17 A. Yes, I did.

18 Q. Is that the video?

19 A. I believe it is.

20 Q. Is that a true and authentic copy of that video?

21 A. Yes, it is.

22 MR. SCOTT: May we proceed to show it?

23 THE COURT: Any objection?

24 MR. BUTLER: No objection, Your Honor.

25 THE COURT: Is it going to be an exhibit number

1 or --

2 MR. SCOTT: I think we're just going to show it  
3 to the jury, not enter it as an exhibit.

4 THE COURT: All right. We are now going to watch  
5 the video. No objection.

6 So you can play the video if you would like to.

7 (Thereupon, the video was  
8 played for the jurors.)

9 DIRECT EXAMINATION (Cont'd)

10 BY MR. SCOTT:

11 Q. Is that Mr. Taylor?

12 A. No.

13 Q. Do you know who that is?

14 A. No; I do not know who.

15 Q. Was that a vehicle that was at Mr. Taylor's home?

16 A. Yes.

17 Q. And now what's happening here?

18 A. I'm driving back by the residence to make sure no  
19 other vehicles had departed.

20 Q. What's happening here?

21 A. I believe Mr. Taylor departed that day in the  
22 blue truck and was followed to Chick-fil-a.

23 Q. What's this here?

24 A. Later that morning I was following Mr. Taylor and  
25 I lost --

1 Can you pause the video for me?

2 A. I lost mobile surveillance of Mr. Taylor near  
3 that area and that's why that video was there.

4 Q. Okay. What's this showing?

5 A. This is the next day early in the morning upon  
6 arrival.

7 Q. Is that the residence?

8 A. No. This is indirect surveillance position I'm  
9 using waiting for Mr. Taylor to drive by.

10 Q. Okay.

11 Are you now moving?

12 A. No, sir. I was just driving by to confirm that  
13 none of the vehicles had left.

14 Q. Okay. How many days did you perform  
15 surveillance?

16 A. Three.

17 Q. And is June 14th the middle day?

18 A. Yes, sir.

19 Q. What's happening now?

20 A. A vehicle is leaving that residence that is not  
21 Mr. Taylor's.

22 Q. Do you know whose vehicle that is?

23 A. No, I do not.

24 Q. Is it not Mr. Taylor?

25 A. I don't believe it was Mr. Taylor.

1 Q. Is this the next day?

2 A. Yes, sir.

3 Q. So is it fair to say you didn't see anything the  
4 middle day?

5 A. Correct.

6 Q. What are we seeing now?

7 A. This is Mr. Taylor after he's arrived near a  
8 fitness gym parking lot driving the jaguar that I've seen  
9 in his driveway previously.

10 Q. Is he leaving now?

11 A. Yes, he is.

12 Q. What's happening now?

13 A. I was just taking the license plate on that  
14 vehicle for report purposes.

15 Q. What's happening now?

16 A. I believe Mr. Taylor's arrived at a Dick's  
17 Sporting Goods; yes.

18 Q. What's happening now?

19 A. Mr. Taylor's followed back to the vicinity of his  
20 residence.

21 Q. Did you resume your previous station?

22 A. Yes; correct.

23 Q. Did you take shots ever thirty minutes?

24 A. Roughly. I mean it's no set time. It's just  
25 every once in a while to show that I am still in the area

1 at that time of day.

2 Q. Driving by at that point?

3 A. Yeah; I drove by at the end of the day.

4 Q. Is that all you saw?

5 A. Yes, sir.

6 Q. At any point in time did you observe Mr. Taylor  
7 lose his way?

8 A. Could you explain, lose his way?

9 Q. Seem to get lost.

10 A. No; I don't recall.

11 MR. SCOTT: Thank you.

12 THE COURT: Cross examination.

13 Would there be any need to keep the tv on?

14 MR. BUTLER: Yes; one exhibit.

15 THE COURT: So cross examination.

16 MR. BUTLER: Thank you, Your Honor.

17 CROSS EXAMINATION

18 BY MR. BUTLER:

19 Q. Mr. Grimshaw, good afternoon.

20 You and I met once before at your deposition  
21 months and months ago.

22 A. Good afternoon, Mr. Butler.

23 Q. I want to show you now what I've marked as  
24 Plaintiff's Exhibit 74 of which opposing counsel already  
25 has a copy. Take a look at that.

1           That's the invoice, isn't it?

2           A.    That is an invoice for the company I work for.

3           Q.    And it's your invoice from the company you work  
4 for to the law office of Natalie Smith; right?

5           A.    Yes.

6           Q.    And that is Mr. Scott's law firm; right?

7           A.    Yes.

8           Q.    And this is the invoice for Kurt Taylor; right?

9           A.    Yes.

10           MR. BUTLER:   Your Honor, we tender Plaintiff's  
11 Exhibit 74.

12           MR. SCOTT:    No objection.

13           MR. BUTLER:   And we'd like to put it up if you  
14 will.

15           THE COURT:    Plaintiff's 74 is in evidence.

16                           (Thereupon, Plaintiff's Exhibit  
17                           74 was admitted without  
18                           objection.)

19                           CROSS EXAMINATION (Cont'd)

20 BY MR. SCOTT:

21           Q.    Now, if we look at this invoice, you can see on  
22 the right side of this invoice you can see the number of  
23 hours worked; right?

24           A.    Yes, sir.

25           Q.    It gives the number of hours done in surveillance



1 on a given day and also the driving time; correct?

2 A. Correct.

3 Q. If we total all this up, as you may recall doing  
4 at your deposition, we get a total number of hours billed  
5 for of 31.5; does that sound right to you?

6 A. Yes.

7 Q. The total charge for all that was 2,295 dollars  
8 and zero cents; correct?

9 A. Yes.

10 Q. If we do the division, that comes out to 72  
11 dollars and 85 cents an hour. Does that sound right?

12 A. Yes, sir.

13 Q. That includes four hours of driving time and I  
14 think seven and a half hours of surveillance time; is that  
15 right?

16 A. Correct.

17 Q. Some of that surveillance time you didn't  
18 actually do; isn't that true?

19 A. Yes, sir.

20 Q. You didn't do the surveillance on the 18th, did  
21 you?

22 A. No.

23 Q. That was a fellow named -- what was the other  
24 guy's name who did it?

25 A. Markeze Garland.

1 Q. Now, did you ever see video from Garland's  
2 surveillance?

3 A. No, I haven't.

4 Q. Ever seen a report from Garland?

5 A. No.

6 Q. You've been doing surveillance work for years  
7 now; correct?

8 A. Correct.

9 Q. And you've worked for the law office of Natalie  
10 Smith, that is, Mr. Scott's law firm, before, haven't  
11 you?

12 A. Yes.

13 Q. Worked for him about a dozen times or so?

14 A. I couldn't give you an exact number; multiple  
15 times, I will say.

16 Q. Would you agree that you've been to the law  
17 office of Natalie Smith to deliver materials about a dozen  
18 times?

19 A. Yes.

20 Q. I've noticed in watching that video that you  
21 would arrive before dark in Mr. Taylor's neighborhood; is  
22 that right?

23 A. That is correct.

24 Q. Why?

25 A. Typically, when I conduct surveillance I arrive

1 that early in the morning in case someone should depart  
2 for work and need to go be gainfully employed, and if that  
3 were the case, then, I'd if able to follow them to work  
4 and obtain that information.

5 Q. Also, if you arrive before dark, people don't see  
6 you pull in; isn't that true?

7 A. I can't attest to what people view or don't view.

8 Q. We noticed when you were parked there, you  
9 weren't looking most of the time when you turned the  
10 camera on Mr. Taylor's house, were you?

11 A. No.

12 Q. You were looking at someone else's house?

13 A. I'm not particularly looking at the house; no.  
14 I'm sitting there waiting for Mr. Taylor to drive by.

15 Q. It was the house in your video camera; right?

16 There was a house in your video camera; right?

17 A. There is a house there; yes.

18 Q. Whose house is that?

19 A. I have no idea.

20 Q. Did you knock on their door?

21 A. Nope.

22 Q. Did you ever talk to them and tell them who you  
23 were?

24 A. No, sir.

25 Q. I noticed in your video there was a scene there

1 where there was a lady coming by in a walker walking down  
2 the street. Do you remember that?

3 A. Yes.

4 Q. Did you tell her who you were or what you were  
5 doing there?

6 A. Not that I recall.

7 Q. I noticed there was a guy walking a dog one of  
8 those mornings. Did you tell him what you were doing  
9 there?

10 A. I don't remember speaking with him; no.

11 Q. Do you think they had a right to know what you  
12 were doing on their street?

13 A. No.

14 Q. Isn't it true that even if someone does see you,  
15 you don't want to tell them what it is you're doing?

16 A. Correct. I have a client that has a job that  
17 needs to be protected, and it's a covert investigation.

18 Q. Isn't it true that even if someone asks what it  
19 is you're doing, like comes up and knocks on your window,  
20 you won't tell them?

21 A. Correct.

22 Q. What would you tell them if someone came up and  
23 asked what you were doing parked on the street for three  
24 days?

25 A. I'd ask them to call the police and have the

1 police come speak with me and the police can go speak to  
2 them after they spoke with me.

3 Q. Isn't it true that you have been in past  
4 assignments when conducting surveillance been noticed by  
5 the person you were conducting surveillance on?

6 A. Yes, I have.

7 Q. And someone has knocked on your window and asked  
8 what you were doing; isn't that true?

9 A. I don't know that I've had someone physically  
10 knock on my window, but I have been confronted by people  
11 and asked what I'm doing.

12 Q. What did you say? What did you do?

13 A. As before I said, you have a question about what  
14 I'm doing and you're concerned, you should probably call  
15 law enforcement.

16 Q. Isn't it true that on at least one of those  
17 occasions, you closed up your window and drove off?

18 A. I have; to protect my safety.

19 Q. You had a shot -- and I think Mr. Scott asked you  
20 about it -- of Mr. Taylor walking into a gym or something  
21 like a gym; do you remember that?

22 A. Yes.

23 Q. Did you go inside and ask the people there what  
24 he'd been doing in the gym?

25 A. No.

1 Q. Did you ask anybody in the area in that gym what  
2 they knew about it?

3 A. No.

4 Q. Based on the time stamp on your video there, I  
5 had Mr. Taylor in that gym area for twenty-three minutes.  
6 Does that sound right to you?

7 A. Yes.

8 Q. And isn't it true at least when Mr. Taylor walked  
9 in and when he walked out, he was wearing a collared shirt  
10 and loafers?

11 A. Yes.

12 Q. You were in Mr. Taylor's neighborhood for I think  
13 we said three days?

14 A. Yes.

15 Q. Did you ever on the day you were going to leave  
16 talk to his neighbors and ask what they knew about  
17 Mr. Taylor?

18 A. No.

19 Q. Did you ever talk to his neighbors and asked if  
20 they'd seen him do any work out in the yard?

21 A. No.

22 Q. Did you talk to anyone at all who knew  
23 Mr. Taylor?

24 A. No.

25 MR. BUTLER: That's all I have.

1 THE COURT: Redirect?

2 MR. SCOTT: Very brief.

3 REDIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q. Did I or my office ask you to contact any of his  
6 neighbors?

7 A. No.

8 Q. Did I or my office ask you to contact anyone  
9 around Mr. Taylor?

10 A. Not at all.

11 Q. What was the assignment?

12 A. To observe and document activity of Mr. Taylor in  
13 public.

14 THE COURT: Will there be a recross?

15 MR. BUTLER: Nothing further, Your Honor.

16 THE COURT: Is he released from his subpoena?

17 MR. SCOTT: He is released.

18 THE COURT: Thank you. You're free to stick  
19 around or you can leave.

20 THE WITNESS: Thank you, sir.

21 (Thereupon, a recess was taken,  
22 a conference charge was held  
23 after which the closing  
24 arguments took place.)

25