

EXHIBIT F

Transcript Deposition of Lee Cavanaugh on July 29, 2022

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IN THE COURT OF COMMON PLEAS
OF SOMERSET COUNTY, PA
CIVIL DIVISION

* * * * *

HARRY C. NEEL, MICHAEL *
JENKINS, and LEE * Case No.
CAVANAUGH, Individually * 275 CIVIL
and Derivatively on * 2019
Behalf of THE *
STONYCREEK VALLEY *
DEVELOPMENT CORPORATION, *
Plaintiffs *
vs. *
DANIEL DIVELY, and THE *
STONYCREEK VALLEY *
DEVELOPMENT CORPORATION, *
Defendants *

* * * * *

DEPOSITION OF
LEE CAVANAUGH

November 18, 2022

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EXHIBIT

F

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DEPOSITION

OF

LEE CAVANAUGH, taken on behalf of the Defendants herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Michael G. Sargent, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the Somerset County Courthouse, 111 East Union Street, Somerset, Pennsylvania, on Friday, November 18, 2022, beginning at 1:10 p.m.

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I N D E X

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WITNESS: LEE CAVANAUGH

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S T I P U L A T I O N

(It is hereby stipulated and agreed by
and between counsel for the respective
parties that reading, signing,
sealing, certification and filing are
not waived.)

P R O C E E D I N G S

LEE CAVANAUGH,
CALLED AS A WITNESS IN THE FOLLOWING
PROCEEDING, AND HAVING FIRST BEEN DULY
SWORN, TESTIFIED AND SAID AS FOLLOWS:

EXAMINATION

BY ATTORNEY CASCIO:

Q. Could you please state your
full name for the record?

A. Lee Earl Cavanaugh.

Q. And you are aware that you're
being deposed in the case involving
the Stonycreek Valley Development
Corporation?

1 A. Yes.

2 Q. Have you ever been deposed
3 before?

4 A. Yes.

5 Q. And on what occasions?

6 A. As an expert witness in a
7 accounting matter.

8 Q. So, you have some experience in
9 this area. I'm going to be asking you
10 questions and you're answering them
11 under the oath you just took.

12 Do you understand that?

13 A. Yes, I do.

14 Q. Remember that the court
15 reporter is transcribing everything
16 that is said. And we want to try to
17 avoid talking over each other. I tend
18 to do it myself and I apologize in
19 advance. It's important that we wait
20 until he can get everything down in
21 order. You have to answer
22 affirmatively. Nodding your head or
23 doing anything else like you normally
24 might do to indicate yes or no --- you
25 have to speak up for the record.

1 You're under oath.

2 The penalty is perjury for
3 willingly giving false, misleading, or
4 incomplete testimony under oath. I'm
5 sure you understand that.

6 Is there any reason that would
7 prevent you from giving --- answering
8 the questions I'm going to give you?

9 A. No.

10 Q. If you don't understand a
11 question, please ask me to repeat it
12 or explain a term if you don't
13 understand what I'm asking. If you
14 answer the question, I'll assume that
15 you understood it.

16 Do you understand that?

17 A. Yes.

18 Q. If you need any clarification
19 to my questions, you can look to me
20 for clarification. And Mr. Must might
21 assist as well. It's a deposition.

22 But you understand if you're
23 not certain, you can ask for
24 clarification?

25 A. Yes.

1 Q. That's all I have by way of
2 introductions. I want to start by
3 asking you how long you've been
4 associated and how long you've been
5 going to Lake Stonycreek.

6 A. Since 1960.

7 Q. As I recall, the development
8 was established in the late '50s. So,
9 you've been pretty much the entire
10 time.

11 Is that correct?

12 A. It was built in 1960.

13 Q. And what was the nature of your
14 visiting --- why were you there in
15 1960?

16 A. I was accompanying my
17 grandfather who was buying two lots.

18 Q. And you probably met people
19 like Mr. McIntyre and things like that
20 at the time?

21 A. I was 9 years old. No, I did
22 not.

23 Q. I presume that that trip
24 resulted, at some point, with the
25 purchase of lots you said?

1 A. Correct.

2 Q. And where are the lots located?

3 A. They are located right across
4 the causeway bridge on the south side
5 of the lake.

6 Q. Okay.

7 And how was --- where are you
8 in relation to the dam?

9 A. About right in the middle.

10 Q. Okay.

11 Who was the --- so, after the
12 original developers, your father or
13 your ---

14 A. My grandfather.

15 Q. Your grandfather was the first
16 owner of the property there.

17 A. Correct.

18 Q. And how is --- could you go
19 through how --- the property and
20 estate and family since then? Just
21 the history of the ownership?

22 A. Sure. It went from my
23 grandfather to my mother and father to
24 me.

25 Q. And what was the --- how long

1 did your grandfather own the property?

2 A. He died in 1966.

3 Q. And so, about five or six ---

4 A. Then, my grandmother owned it.

5 Q. Right.

6 And how long did she own it?

7 A. I forget how many years she had
8 it before she signed it over to my
9 mother ---

10 Q. Okay.

11 A. --- and my dad.

12 Q. Okay.

13 And then, you --- my review of
14 deed records is your mother had passed
15 away?

16 A. Correct.

17 Q. And you got it after she passed
18 away.

19 A. Correct.

20 Q. What --- what do you or did you
21 do for a living as a career?

22 A. I'm still working full time.

23 Q. And what is your --- what is
24 your profession?

25 A. I run a registered investment

1 advisor office.

2 Q. And do you --- where is your
3 office or where do you work?

4 A. Mechanicsburg, Pennsylvania.

5 Q. Pardon?

6 A. Mechanicsburg, Pennsylvania.

7 Q. How often are you at Lake
8 Stonycreek in a month? How many times
9 a month are you there?

10 A. I close it down from November
11 to March. So, I'm never there then.
12 The rest of the year, I'm there as
13 much as I can be.

14 Q. And what would you say if you
15 were --- if I asked you to estimate
16 how many days a year you spend there -
17 -- or nights ---

18 A. It varies from year to year.
19 This year, I'll guess. Probably about
20 90.

21 Q. So, do the math. You're
22 probably better at that than I am.
23 It's about what percentage ---
24 percentage of the year would you be
25 present on the property?

1 A. It's about a quarter of the
2 year.

3 Q. What is your experience with
4 the governance of the lake?

5 A. I sat on the board. I can't
6 remember the first year. Around 2010,
7 2011 until 2017.

8 Q. Do --- do you know what the
9 status of the corporation was with the
10 Department of State when you first sat
11 on the board? Do you know?

12 A. No.

13 Q. Was it a profit --- for profit
14 or non-profit corporation when you
15 went on the board?

16 A. It was a non-profit
17 corporation.

18 Q. And were you aware of from your
19 prior --- prior to getting on the
20 board, were you aware of the creation
21 of the --- or the conversion to a non-
22 profit corporation?

23 A. No.

24 Q. Do you know --- do you recall
25 before it was a non-profit

1 corporation?

2 A. What do you mean do I recall?

3 Q. Well, do ---

4 A. I didn't pay much attention to
5 the governance of the Stonycreek
6 Valley Development Corporation until I
7 got on the board.

8 Q. Did you have any knowledge of
9 the fact that it was originally formed
10 as a for profit corporation?

11 A. After I got on the board.

12 Q. And what is the source of that
13 knowledge? How did you know that?

14 A. I was on the board. I
15 researched what was going on, how the
16 corporation was structured, when it
17 turned into a not for profit.

18 Q. And you say --- pardon me. Go
19 ahead.

20 Can you elaborate on what were
21 the changes made when it became a not-
22 for-profit corporation?

23 A. All I know is that they decided
24 to become a not for profit because the
25 original owners were getting dividends

1 for years. And then, all of a sudden,
2 there were no more dividends to be
3 had. The cost of repairing the lake
4 was too high to pay out dividends to
5 the owners. And so, the lot owners, I
6 believe, this is all from talking to
7 Dr. DeVries, Janet DeVries, decided
8 that they would make it a not for
9 profit.

10 Q. Was Janet DeVries the president
11 of the board when you were elected?

12 A. No.

13 Q. Who was president of the board
14 when you were elected if you can
15 recall?

16 A. His name was Dan --- on the
17 lake. Dan Beemer, Beemer.

18 Q. Do you know who the legal
19 counsel for the corporation was at the
20 time when you were on the board?

21 A. There was no official legal
22 counsel. Dan Willow gave us legal
23 advice.

24 Q. And not --- I don't want to
25 know what the advice was necessarily.

1 But in what manner did he give you
2 legal advice? Did he come to
3 meetings?

4 A. No. If we had a question, we'd
5 ask him.

6 Q. You'd ask him.

7 A. And he would give us an opinion
8 if he felt he could.

9 Q. And he --- just for the record,
10 was he a resident of --- he was a
11 property owner or partial property
12 owner?

13 A. He owns a lot on the lake I
14 believe. At least he's there a lot.
15 I've never seen the deed.

16 Q. Okay.

17 And you say he was sort of the
18 volunteer legal advisor to the board
19 at the time?

20 A. That is correct.

21 Q. Did you ever deal with any
22 other members of his firm?

23 A. No.

24 Q. The --- have you ever owned
25 stock in the corporation?

1 A. Yes.

2 Q. Can you provide me the
3 information relating to when you first
4 acquired stock?

5 A. I believe I bought the stock
6 around 2005 to 2010. I bought 10
7 shares of stock.

8 Q. And who did you buy them from?

9 A. Stonycreek Valley Development
10 Corporation.

11 Q. And so, they're issued by the
12 corporation.

13 You didn't buy from another
14 shareholder?

15 A. That is correct.

16 Q. Do you know --- are you aware
17 of how many people own shares of stock
18 in that 2005, 2010 timeframe?

19 A. I was not.

20 Q. Did that stock pay dividends?

21 A. Never. No. It never went to
22 when I owned it.

23 Q. We've had plenty of testimony
24 in the discovery phase of this case
25 about the conduct of board meeting ---

1 or annual meetings and shareholders'
2 meetings and board meetings.

3 How --- when you were on the
4 board in that period of time, can you
5 describe how the board meetings were
6 called and where they were held and
7 how they were --- whether anyone other
8 than board members attended?

9 A. Yes. Board meetings were the
10 same day every month. I think it was
11 the third Thursday. I don't remember,
12 Wednesday. They were held at St.
13 something --- St. Mark's, I believe,
14 Lutheran Church in Pottsville,
15 Pennsylvania. Everyone was welcome to
16 attend the board meetings.

17 Q. Were --- how --- what was the
18 average attendance at the board
19 meetings?

20 A. Varied widely depending on what
21 was on the agenda and who had an issue
22 they wanted to talk about. It would
23 always be one or two people there and
24 then, there would be as many as five
25 to ten people there.

1 Q. In addition to the board.

2 A. In addition to the board
3 members.

4 Q. Do you remember the size and
5 composition of the board at that time?
6 How many members?

7 A. I'm not sure if there were nine
8 or eleven. I know when I left the
9 board, it was 11. It seems to me
10 there might have been nine when I got
11 on.

12 Q. And how --- you say you served
13 for five years from 2005 to 2010 or
14 did I misunderstand?

15 A. You misunderstood the dates for
16 sure. I got on around 2010 and served
17 until 2017.

18 Q. Who was the --- who was the
19 president of the board in 2010 when
20 you went on?

21 A. Dan Beemer.

22 Q. And who --- how many presidents
23 or chairs were there in the period of
24 time you were on the board?

25 A. Several.

1 Q. And how were they selected?

2 A. Voted on by the board.

3 Q. At what time? The annual
4 meeting?

5 A. The board was elected at the
6 annual meeting. Usually, we got
7 together with the new board or the old
8 board or whoever got on and whoever
9 got off left. And with the president,
10 vice president, secretary, treasurer
11 right there that night, usually.

12 Q. What was the typical attendance
13 of the annual meetings about the time
14 you were on the board? How many
15 people would show up?

16 A. Good question. The sanctuary
17 would be probably 60 percent full with
18 people in every pew.

19 Q. Okay.

20 And how were --- who conducted
21 those meetings?

22 A. The board.

23 Q. Would the chairman have any
24 special role or how would that work?

25 A. There was no chairman. It was

1 a president.

2 Q. Oh, president. Excuse me.

3 A. We all met and decided who was
4 going to present what at the meeting
5 based on what the agenda was and who
6 knew the most about the topics.

7 Q. And what was your area of ---
8 what topics did you know the most
9 about?

10 A. I was treasurer towards the end
11 of my term. So, I did financial
12 reporting. I was also co-chair of the
13 reed and silt committee.

14 Q. The what?

15 A. Reed and silt committee looking
16 into dealing with our very bad reed
17 problem and our very bad silt problem.

18 I also was in charge of, after I was
19 there a while, of buying all insurance
20 policies. I got involved in other
21 things as they came up and I
22 volunteered to do it.

23 Q. As a board member?

24 A. As a board member, yes.

25 Q. Okay.

1 And what types of projects or
2 issues would you volunteer to be
3 involved with in a leadership type
4 role?

5 A. I was never in a leadership
6 type role other than the things I
7 mentioned. I just helped out.

8 Q. Okay.

9 What was the --- how did you
10 select the things you would volunteer
11 for?

12 A. If it came up and nobody else
13 volunteered and it was something I
14 thought I could be good at or helpful
15 in, I would volunteer. Sometimes
16 before anybody else volunteered
17 depending on the topic.

18 Q. Would it involve any area where
19 you had particular knowledge or
20 expertise like financial matters?

21 A. Of course. I was charged with
22 --- I am a CPA.

23 Q. So, how often would you say at
24 the period of time you would have been
25 responding to or addressing issues

1 involving your skills as a CPA?

2 A. I did the 990's gratis.

3 Q. What else? Anything else you
4 did?

5 A. That's all there was to do. I
6 presented the treasurer's report at
7 every board meeting.

8 Q. Who kept the books?

9 A. The books were kept by
10 initially Dan Beemer --- Beemer's
11 daughter. And when she left, we got
12 another lady. I think her name was
13 Barbara Walker. And when she left, we
14 got the current secretary, Annette
15 Fleever.

16 Q. And what --- have the roles
17 changed over the years for those
18 individuals?

19 A. I don't think the rules have
20 changed but the quality of work has
21 certainly changed. Annette Fleever
22 has been probably the best secretary
23 the board has ever had under my
24 tutelage or the years I was on the
25 board.

1 Q. And you say Annette. I'm
2 sorry. There was some squeaking going
3 on.

4 A. Annette Fleever.

5 Q. Could you describe how the
6 annual meetings were conducted at the
7 --- you talked about it briefly.

8 But was --- were the Robert's
9 Rules of Order strictly applied or
10 were they a little more informal than
11 that?

12 A. Nobody was appointed a
13 parliamentarian in charge of keeping
14 some of Robert's Rules of Orders. But
15 we tried to keep things --- there were
16 never any complaints about how the
17 meetings were structured.

18 Q. And what --- what role would
19 you play at annual meetings?

20 A. I gave financial reports. I
21 gave reports for the reed and silt
22 committee I was on. I did --- if an
23 insurance issue came up, I usually
24 addressed that.

25 Q. What knowledge did you have of

1 the --- you spoke briefly about the
2 corporate conversion in 2005.

3 Were you aware that was going
4 on when it was going on just as a
5 member?

6 A. No. I wasn't even a member
7 then. I wasn't a shareholder in 2005.

8 Q. Was somebody else in your
9 family the shareholder or the member?
10 Your mother?

11 A. I believe my grandfather
12 originally had 10 shares. No. I
13 don't know that he ever had shares. I
14 might have bought the first shares
15 that our family ever owned. And my
16 sister bought shares. I don't know if
17 she --- I don't know if she's cashed
18 hers out or not. I have no idea what
19 she did with hers.

20 Q. Do you presently own shares in
21 the corporation?

22 A. I think I sold them all back
23 but one.

24 Q. And when did you sell them all
25 back?

1 A. I don't remember the date. But
2 when the --- I think it was the ---
3 when they went to the one lot, one
4 vote, they offered a buyback of
5 shares, so that one of the
6 shareholders would relinquish his
7 cause he had, by far, the most.

8 Q. Would that have been in 2010?

9 A. No, no. Way after that.

10 Q. '19 --- 2019? Would that have
11 been the year in which this lawsuit
12 was filed?

13 A. Yes. That's '19, I believe.

14 Q. I believe so, too.

15 And what --- what did you
16 understand you were doing, at that
17 time in 2019, with the shares?

18 A. With my shares?

19 Q. Yeah.

20 A. I was ready to vote them. And
21 they were pulled.

22 Q. Okay.

23 When --- when did --- I have it
24 right here. I didn't think of it.
25 When did you actually dispose of the

1 shares?

2 A. When they offered to buy them
3 back.

4 Q. You responded to the offer?

5 A. I gave nine of my ten back.
6 Let me rephrase that. I sold nine of
7 my ten back.

8 Q. And you sold them to the
9 corporation?

10 A. Correct.

11 Q. And when was that in relation
12 to the 2019 annual meeting?

13 A. To my recollection, it was
14 right before the end.

15 Q. When did you file this lawsuit?
16 You filed the lawsuit before the
17 annual meeting.

18 Is that correct?

19 A. I believe it was filed in 2019,
20 yes. Before the annual meeting.

21 Q. A specific date is --- I'm not
22 going --- I don't need to have you
23 remember or speak to that. So, at the
24 time, you, as a Plaintiff, signed the
25 complainant in the lawsuit, you owned

1 how many shares, one or ten?

2 A. Ten.

3 Q. So, between the time you filed
4 the suit and the annual meeting is
5 when you sold them?

6 A. I'm pretty sure that's the
7 case. It may not be.

8 ATTORNEY MUST:

9 We can double check
10 that. I believe it's correct,
11 but I wouldn't swear to it.

12 THE WITNESS:

13 They were very close
14 together. Yes. They were
15 close together.

16 ATTORNEY CASCIO:

17 I'm just trying to get
18 some understanding.

19 ATTORNEY MUST:

20 I think it was in and
21 around that May 2019 time
22 period. But it may have been
23 in June they were sold back.

24 ATTORNEY CASCIO:

25 Okay.

1 That's a matter of
2 record. I wasn't trying to
3 trick you. I was trying to get
4 the information.

5 THE WITNESS:

6 I didn't feel like you
7 were trying to trick me.

8 BY ATTORNEY CASCIO:

9 Q. Okay.

10 Thank you.

11 What was your understanding of
12 what you were asking to do --- asking
13 the court to do in the complaint that
14 you signed?

15 A. Asking the court to force the
16 board to be transparent and give us
17 what we were asking for for a long
18 time prior to the filing of the
19 lawsuit that they refused to give us.

20 I also did not like the way some
21 board members were behaving, which led
22 to my resignation.

23 Q. What was the information that
24 you were upset? Describe what it was
25 that you were expecting to get, and

1 you didn't.

2 A. Expecting to get where?

3 Q. Where you said you were --- I
4 don't want to mischaracterize what
5 your answer was. But didn't you say
6 you were upset because you weren't
7 getting information that you wanted?

8 A. That is correct.

9 Q. Okay.

10 And what was that information?

11 A. Most of that was request of
12 information from Michael that I was
13 aware of.

14 Q. Jenkins?

15 A. That's correct.

16 Q. Do you know what the form of
17 those requests were?

18 A. My understanding was it's
19 almost always by email or verbally.

20 Q. Were you aware of any other
21 procedures by which you could request
22 information of the corporation?

23 A. No.

24 Q. And you're not aware of the
25 statute in Pennsylvania?

1 A. No.

2 Q. Okay.

3 And what was the nature of the
4 requests then? How were they made?

5 A. By email.

6 Q. And to whom were they
7 addressed?

8 A. My understanding is almost all
9 of them went to the entire board. But
10 I'm sure a few of them went to
11 individual board members or maybe more
12 than one but not all.

13 Q. Were you involved in the court
14 proceedings? I think you were next
15 door in 2019 to conjoin the annual
16 meeting.

17 A. Yes.

18 Q. What --- were you here that
19 day?

20 A. Yes.

21 Q. What did you understand the
22 process to be at that point? What was
23 the reason behind requesting the
24 relief that was requested at that
25 time?

1 A. We were contesting the whole
2 process of getting rid of the shares.

3 The notifications and everything else
4 were not in conjunction with our
5 bylaws being done in --- outside of
6 our bylaws.

7 Q. And the relief you requested --
8 - and I don't have a copy of the
9 complaint.

10 Are you familiar with what the
11 complaint was asking for at the time?

12 A. Yes.

13 Q. And what do you understand ---
14 I don't want you to recite it
15 verbatim.

16 But what was it that you were
17 asking the court to do?

18 A. That day?

19 Q. Yes.

20 A. To stop a special meeting to
21 convert, I think originally, it was
22 from one shareholder, one vote. And
23 then, later it became one lot, one
24 vote because that was being done
25 outside of the bylaws, in our opinion.

1 Q. And unless I'm misunderstanding
2 the complaint, did you prefer that
3 there was a one vote per share
4 governance model?

5 A. At the time, that's what was
6 required. Did I personally prefer it,
7 are you asking me?

8 Q. Yes.

9 A. At that time, yes.

10 Q. You qualified your answer.
11 Do you have a different opinion
12 today?

13 A. That takes a long response.

14 Q. I've got all afternoon.

15 A. All right.

16 At the time, I was not happy
17 with the board at all, which is why
18 there is a lawsuit, from my
19 perspective. They had done things I
20 thought were inappropriate and they
21 were juggling the shares to get what
22 they wanted to keep people off the
23 board. Not to make it this wonderful,
24 ethically one lot, one vote. There
25 were lots of emails in your discovery

1 we finally got that make it very clear
2 that they were conniving behind the
3 scenes to keep Michael Jenkins off the
4 board and from buying shares. That's
5 obvious. So, that's why I was against
6 it then.

7 The query of one lot, one vote
8 makes perfect sense to me. And as
9 we've said --- as I say and as Mike
10 said earlier, it was how it was being
11 done and why it was being done.

12 Q. So, if you had a vote today ---
13 it's a hypothetical question, but if
14 you had something to vote on today,
15 would you vote to go with one lot, one
16 vote?

17 ATTORNEY MUST:

18 Objection to the form of
19 the question. You can answer.

20 I'm going to object to the
21 form of the question as a
22 hypothetical. You don't have
23 to give a yes or no answer.
24 You can answer it however you
25 want to answer it.

1 were trying to --- I don't know what
2 the words were.

3 A. That's a very long answer. Do
4 you want me to give you a very long
5 answer?

6 Q. Yes, please.

7 A. Okay.

8 I was treasurer of the board.
9 I was in Florida. I came back from
10 Florida and learned that Mr.
11 Bannister, who was the vice president
12 of the board, gave Mr. Dively
13 permission, after Mr. Dively asked
14 him, to do about \$4,000.00 or
15 \$4,500.00 worth of dredging. And Mr.
16 Bannister took it upon himself to
17 approve that. There was no board
18 meeting. There was no vote. There
19 was no nothing. That made me crazy
20 because that's not how you do
21 business.

22 So, I immediately protested.
23 The next board meeting I believe I
24 attended, there was a motion and a
25 vote that they would never do that

1 again. Then, I, being the bookkeeper,
2 I put in the books that we paid that
3 money for dredging. At the next
4 meeting, I was contested, and they
5 said, "No, that needs to be shoreline
6 restoration." I said, "Well, the word
7 that was given to me was dredging and
8 using shoreline restoration is an
9 attempt to make it look different to
10 the DEP if they ever looked at it."

11 I also got reamed out for
12 contacting the DEP and trying to do
13 things decently and in order by almost
14 the entire board, especially by Mr.
15 Dively, who later went to the DEP on
16 some other issue that I can't even
17 reflect on because I was gone then.
18 So, things were getting ugly in my
19 opinion. Then, I did a 990 form. And
20 the 990 form and asked if there is any
21 conflicts of interest. That was
22 definitely a conflict of interest in
23 my opinion. So, I put it in the 990.

24 They refused to file it, had it
25 redone, and took that out. And then,

1 I resigned from the board because I
2 called our DNO insurance carrier agent
3 and asked him if the board is acting
4 inappropriately, does that insurance
5 cover you. And his answer was if
6 they're truly acting inappropriately,
7 no, it should not cover you. I said
8 fine. I called Larry Rossage and I
9 resigned from the board. And that was
10 also a very unpleasant phone call
11 because I said point blank, "Things
12 are going on that aren't appropriate."

13 And I said, "There is another
14 excavator on our lake named Greg Must.
15 He's been there forever. And he's
16 done work for the lake and he's a good
17 guy." And I said, "You know, that
18 deal with Dan Dively on the dredging?

19 What do you think Greg Must would
20 think of that?" And Larry Rossage's
21 exact words were, "I don't give a shit
22 what Greg Must thinks." And then, I
23 knew it was time for me to go because
24 the board had gone down a very bad
25 path.

1 Q. Would you consider this a
2 difference of opinion?

3 A. No. It's absolutely not. It's
4 ethics.

5 Q. What ethics?

6 A. You don't self-deal. You don't
7 go up to a vice president and say,
8 "Let me do this job for \$4,500.00.
9 Pay me and don't ever take it to the
10 board. Don't get it voted on. Don't
11 take any bids." That's unethical in
12 my opinion.

13 Q. And that was the basis of your
14 choice to resign?

15 A. And everything else I added
16 after that. They were not obeying our
17 own rules.

18 Q. At the present time, how much
19 stock do you --- how many shares do
20 you have?

21 A. One.

22 Q. What did you understand the
23 bidding requirements to be at the time
24 immediately prior to when you resigned
25 from the board?

1 A. It was a very nominal amount
2 the board could do without getting the
3 bids. I can't remember the exact
4 amount but I'm guessing it was around
5 \$500.00. And I believe at the time,
6 there was a limit of \$5,000.00 that
7 had to go to the shareholders for any
8 one item at that point.

9 Q. So, basically, you're saying if
10 an expenditure was to be in excess of
11 \$5,000.00, you'd have to call ---

12 A. A shareholders' meeting, yes.
13 We only had a \$90,000.00 budget. So,
14 \$5,000.00 was significant.

15 Q. What was the source of the ---
16 what was the revenue source of the
17 corporation?

18 A. Not to use any boat sticker
19 fees.

20 Q. And how were those established?

21 A. A lot of these were put into
22 deeds by the original landowners, way
23 back when they were at \$1.00 a foot.

24 Q. And they were not escalated at
25 all.

1 A. And they were not allowed to be
2 escalated. Do you want me to answer?

3 Q. Yeah. Go right ahead.

4 A. So, we couldn't raise the lot
5 fees, which was kind of absurd. So,
6 we're stuck with 1960 lot fees in
7 2010. And I think there has been a
8 bit of inflation since then.

9 So, boat permit fees were the
10 next thing that they went to. And
11 that was all in place before I got on
12 the board. And they would charge
13 different fees for different kinds of
14 boats. And those, they could
15 escalate.

16 Q. Can you remember any other
17 sources of revenue?

18 A. No.

19 Q. You mentioned --- or I didn't
20 take a note. What was --- during your
21 tenure on the board, what was the
22 annual budget roughly?

23 A. It was roughly reflecting in
24 the neighborhood of \$90,000.00 a year.

25 Q. Did you maintain any type of

1 reserve?

2 A. There was always a little bit.
3 Then, there was a huge reserve after
4 we were ordered by the state of
5 Pennsylvania to rebuild our dam. We
6 had an engineer running the board as
7 president at that time. He made an
8 estimate of what that was going to
9 cost in his own mind and put it out
10 for bids and we ended up getting it
11 for a whole lot less.

12 So, we had a huge reservation.
13 A huge pot of money left after that
14 in reserve, which was then designated
15 by the shareholders at an annual
16 meeting to be used for dredging.

17 Q. When you say huge, can you
18 recall the amount?

19 A. About \$400,000.00.

20 Q. And how --- am I correct in
21 understanding that those were
22 voluntary payments made --- donations,
23 if you will, made by property owners?

24 A. I don't think they were
25 voluntary. They had to go to the

1 Q. Do you know who represented the
2 ---

3 A. I do not know what to tell you.
4 I don't know who our attorney was for
5 that.

6 Q. Did you approve of that as
7 method of raising funds in that
8 situation?

9 A. Yes.

10 Q. I want to make sure I
11 understand your testimony.

12 It was --- would you say it
13 over --- it was more than was needed?

14 A. It ended up being more than was
15 needed. We didn't know that on the
16 front end.

17 Q. What was the basis of the ask?
18 Do you know? Why did you ask for the
19 ---

20 A. Sean Esten was an engineer,
21 well renowned in this county.

22 Q. I'll stipulate to that.

23 A. He --- it was his guess at what
24 it would cost us to do it. So, he
25 came up with the \$600,000.00 number.

1 It ended up costing us \$200,000.00
2 plus, so.

3 Q. To your knowledge, what's been
4 done with that excess funding that's
5 left over and not used for the
6 repairs?

7 A. I haven't been on the board for
8 a long time. When I was on the board,
9 it was untouched. Since then, my
10 understanding and from looking at
11 occasionally financial statements that
12 come to me through the emails, it's
13 getting spent on things that it wasn't
14 designated for, which is another
15 issue.

16 Q. Give me an example of what you
17 think was an unauthorized or
18 undesignated expenditure.

19 A. A new motor for a patrol boat.

20 Q. Anything else?

21 A. I can't think of anything
22 specific.

23 Q. Do you know when that would
24 have been?

25 A. New motor for a patrol boat?

1 19' --- it had to be '20, '21,
2 somewhere in there.

3 Q. And what is your knowledge of
4 the restrictions on that fund?

5 A. It was voted on at an annual
6 meeting that it was to be used for
7 dredging.

8 Q. Were there dam repairs done?

9 A. Well, yeah. The dam was
10 repaired.

11 Q. Is that dredging?

12 A. No.

13 Q. So, you objected to the repair
14 of the dam?

15 A. No.

16 Q. I'm not following you here.

17 A. We repaired the dam. We had
18 money left. There was a meeting.
19 They decided --- do we want to give
20 the money back to the shareholders or
21 do we want to hold it in reserve for
22 doing things? It was --- I was on the
23 dredging and silt removal and reed
24 committee. So, we decided to propose
25 to the owners --- the shareholders at

1 the time, that they would let us keep
2 that money as long as we used it for
3 reed removal and dredging.

4 Q. Do you call that a
5 redesignation on your response.

6 A. Of course, yes.

7 Q. And that was done in what
8 fashion? Just at an annual meeting?

9 A. It was voted on by the
10 shareholders with a quorum at an
11 annual meeting.

12 Q. And that's the current status
13 of that fund?

14 A. I understand it's down to about
15 \$200,000.00 but I don't know that for
16 a fact.

17 Q. You mentioned earlier in your
18 testimony that about the undergrowth
19 and things like that.

20 Is dredging a pretty common
21 issue or common occurrence at this
22 lake?

23 A. No. It's been done.

24 Q. How often?

25 A. I really couldn't answer that

1 specifically. I know Mr. Must, who I
2 mentioned earlier, did some dredging.

3 I can't remember how long ago.
4 Probably around 2010, if not before
5 that, down in what we call the fingers
6 area, where the water comes into the
7 lake. Dredging has been an issue
8 because our lake is filling up with
9 silt. When I was a child, like 16
10 years old, skiing around that lake,
11 there was three --- there was two
12 peninsulas that come out and then, at
13 the end of one peninsula, there's a
14 little island.

15 When I was a kid, I would ski
16 around that island. Today, if I go in
17 that area with a kayak, I drag bottom.
18 And I'm fat but not that fat. So, I
19 was a big proponent that we need to
20 get this thing done to its original
21 depth. I had no idea what the cost of
22 that would be until I started looking
23 into it as part of that committee and
24 it was outlandish.

25 Q. Did you --- did you --- any of

1 those dredging projects take place on
2 your --- during your tenure on the
3 board?

4 A. Just the one Mr. Dively did is
5 the only one I'm aware of.

6 Q. Did you think it was necessary
7 work?

8 A. It was improperly done.

9 Q. That's not my question, sir.
10 Answer my question.

11 Did you think it was necessary
12 to do that dredging?

13 A. It's necessary to do dredging.
14 I'm not so sure that that particular
15 spot was the most important spot that
16 needed dredged.

17 Q. Do you know how that spot was
18 designated or how ---

19 A. Designated to, my understanding
20 is, by Mr. Dively going to Mr.
21 Bannister saying, "Gee, this looks bad
22 over here." And that's what I got
23 from Mr. Bannister. I had quite a
24 long conversation with Mr. Bannister
25 after this happened. Up until then,

1 we were very close. And I think the
2 way he put it, "Dan is doing some work
3 for a lot owner. He said there is a
4 really bad place there and we should
5 dredge it out. And he could do it for
6 \$4,500.00."

7 Again, that was ordered by Mr.
8 Bannister without any board movement
9 or anything.

10 Q. When's the last --- what's the
11 last annual meeting you attended?

12 A. Last year.

13 Q. Are you a --- are you a regular
14 attender of the meetings?

15 A. Yes.

16 Q. It's been testified --- or we
17 got deposition testimony earlier of
18 the informality as we've been talking
19 about a little bit already.

20 Were there proxies and other
21 procedures like that that occurred
22 over the years of voting at annual
23 meetings?

24 A. Yes.

25 Q. And how were they managed?

1 A. To my knowledge, if someone
2 wanted to vote by proxy, they could
3 fill out a form. We had forms
4 sometimes. I'm not sure we always had
5 forms. But you could give your proxy
6 to someone to vote your shares for the
7 meeting or for a specific vote.

8 Q. A specific issue before the
9 meeting ---

10 A. Or for everything. That's my
11 understanding.

12 Q. Were they --- was that
13 procedure included in the bylaws or
14 was it just a kind of ---

15 A. I couldn't answer that. Excuse
16 me. I can't answer that. I don't
17 know.

18 Q. Just give me one moment please.
19 In your experience as a member
20 of the board of directors, you were
21 attending these meetings, isn't it
22 true that voting by acclamation was
23 sometimes more likely the case when
24 you're electing a board or did it
25 actually tap into the votes in case of

1 ballots?

2 A. I can't remember a specific
3 incident where a board was elected by
4 acclamation. But it may have happened
5 early on in my tenure. What I
6 remember in the last few years, I was
7 on a board, that was by ballot.

8 Q. I had a copy of the minutes of
9 the meeting Dr. DeVries conducted when
10 he introduced the sitting board. It
11 said, "I'd just like by acclamation
12 have them serve for another year." Is
13 that ---

14 A. That could very well have
15 happened. Dr. DeVries is one of the
16 most respected people that ever
17 resided on that lake.

18 Q. And is that uncommon?

19 A. Again, I didn't attend many
20 board --- or annual meetings prior to
21 2008. That goes back to 1960.

22 Q. That's a little while.

23 Was it a --- the 2008 meeting
24 contentious?

25 A. Not to my knowledge. Not that

1 I can remember. Meetings were rarely
2 contentious until ---

3 Q. Until you filed this suit?

4 A. No. Until things started being
5 done inappropriately, before we filed
6 the suit.

7 Q. When was that?

8 A. The first annual meeting was
9 after that occurred. So, you could
10 say ---

11 Q. We're both right.

12 A. Yes.

13 Q. I neglected to ask you about
14 your mention of qualifications and
15 licensing and things like that that
16 you hold.

17 Do you hold any state licenses
18 for the work that you do?

19 A. I'm a CPA. I'm a licensed CPA
20 in the state of Pennsylvania.

21 Q. Any other specific designations
22 such as that?

23 A. Not licenses but I've had other
24 designations.

25 Q. Such as?

1 A. For years, I worked as a
2 certified healthcare business
3 consultant, certified by a national
4 society, not by any state.

5 Q. And what's your --- what
6 training or what requirements did you
7 receive the certification you're
8 talking about? How did you ---

9 A. The healthcare business
10 consultant?

11 Q. Yes.

12 A. You have to pass an exam.

13 Q. A written exam?

14 A. Yes.

15 ATTORNEY CASCIO:

16 I think I'll refer to
17 Mr. Leake at this point. If
18 you're ready to go.

19 ATTORNEY LEAKE:

20 Mr. Cavanaugh, I'm
21 Attorney David Leake. I
22 represent Mr. Dively. And I do
23 have some questions. But
24 before we get there, just a few
25 brief, preliminary matters just

1 like the last deposition.

2 Does Counsel agree that,
3 as far as objection goes, that
4 the basis can be briefly
5 recited but anything else past
6 that will be reserved for later
7 argument?

8 ATTORNEY MUST:

9 Yes.

10 ATTORNEY LEAKE:

11 Are you going to be okay
12 with that?

13 ATTORNEY CASCIO:

14 Yes.

15 ---

16 CROSS EXAMINATION

17 ---

18 BY ATTORNEY LEAKE:

19 Q. Mr. Cavanaugh, obviously, when
20 I'm asking you questions, if you need
21 to take a break or consult with your
22 Attorney, you can go ahead and do
23 that. There's no problem just like
24 earlier. I would ask though, if I
25 have asked a question and you're in

1 the midst of answering it, that you
2 try to conclude the answer. That way
3 the record is clean.

4 Do you understand all of that?

5 A. Yes.

6 Q. And have you ever been deposed
7 before or ever had a deposition
8 before?

9 A. Yes.

10 Q. And in what case was that?

11 A. I couldn't name the case. It
12 was in Scranton, Pennsylvania many
13 years ago on a medical case where I
14 was an expert witness on --- I believe
15 there were billing issues.

16 Q. Okay.

17 And have you ever been in any
18 other depositions than that?

19 A. No.

20 Q. Do you understand that you're
21 under oath right now?

22 A. Absolutely.

23 Q. Okay.

24 And your testimony is that
25 you've never been deposed on any other

1 legal proceeding.

2 Is that correct?

3 A. To my recollection, yes.

4 Q. Okay.

5 A. I can't remember another one.

6 Q. Okay.

7 Were you deposed in re estate
8 of Pearl Rose and Rose Cavanaugh?

9 A. Yes. I forgot that one.

10 Q. So, your earlier answer was
11 incorrect?

12 A. Correct.

13 Q. What years did you serve on the
14 board for SCDC, Mr. Cavanaugh?

15 A. As I said earlier, I think it
16 was between 2008, around there, to
17 2017.

18 Q. And during that timeframe, were
19 you the treasurer the entire time or
20 just part of the time?

21 A. Part of the time, towards the
22 end.

23 Q. Towards the end.

24 What year did you become
25 treasurer?

1 A. I couldn't tell you.

2 Q. Was it more than a year?

3 A. Oh, yeah. About half of it.

4 Q. Oh, half of it. Okay.

5 And other than the two cases
6 that we talked about earlier where you
7 had two depositions, have you ever
8 been involved in any other civil
9 lawsuits in the state of Pennsylvania?

10 A. I believe my mother's estate.
11 It was a civil lawsuit.

12 Q. Yes.
13 Anything else?

14 A. That's all I can recall.

15 Q. Do you have any type of
16 criminal record?

17 A. Absolutely not.

18 Q. And you did mention --- what
19 year did you move to the lake?

20 A. I lived at the lake full time
21 from 1973 to 1978.

22 Q. And I know that this was asked
23 earlier. But during the annual
24 meeting for the election of the board,
25 you would have been at the meetings

1 from 2008 to 2017.

2 Is that correct?

3 A. That's about right.

4 Q. Did you ever go to any meetings
5 before 2008, annual meetings?

6 A. No. Not --- not to my
7 recollection.

8 Q. And you weren't present for the
9 deposition of Harry Neal.

10 Correct?

11 A. I was not.

12 Q. Is it possible that the board
13 was elected --- actually, strike that.

14 Do you recall at any point with
15 the board being elected by a hand
16 raising vote at the annual meeting?

17 A. I don't recall. It could have
18 happened.

19 Q. Now, you said something earlier
20 that was very interesting. You had
21 testified that you had a lot of
22 concern about the manipulation of
23 shares in the election of the board.

24 Correct?

25 A. That is correct.

1 Q. Okay.

2 And you actually testified that
3 you said you were, in essence, against
4 the shares voting system because of
5 that potential for manipulation.

6 Correct?

7 A. No, I did not say that.

8 Q. Oh, you did not? Okay.

9 I apologize. Let me step back.

10 How were shares being
11 manipulated before you filed this
12 lawsuit? I know that you mentioned
13 Mr. Jenkins.

14 A. Yes.

15 Q. So, can you explain how those
16 shares were being manipulated?

17 A. Yeah. Mr. Jenkins was told if
18 he wanted to get on the board, he
19 should buy shares. So, he started to
20 buy shares. He was shut off again,
21 not in accordance with the bylaws, and
22 now refused to sell any more. I
23 believe then Harry also tried to buy
24 some and was also shut off.

25 Then, the shares started being

1 manipulated because they were afraid
2 that these people were going to try
3 and take over the lake, is what I
4 understand, which couldn't be further
5 from the truth, based on my knowledge,
6 because what we were trying to do is
7 prevent the people who had already
8 taken over the lake from continuing to
9 do that.

10 Q. So, would you agree that that
11 system using the shares for votes
12 could easily be manipulated?

13 A. Absolutely. It was being
14 manipulated.

15 Q. Okay.

16 And you also testified that the
17 one lot, one vote makes perfect sense.

18 Correct?

19 A. If there is no manipulation,
20 yes.

21 Q. And in fact, doesn't that
22 alleviate the potential for
23 manipulation?

24 A. Not in the situation we're
25 talking about. Absolutely not.

1 Q. It does not?

2 A. It did not.

3 Q. It did not.

4 The one lot --- the one lot,
5 one vote did not prevent that?

6 A. No.

7 Q. Okay.

8 How did it --- so, how was the
9 one lot, one vote manipulated?

10 A. The board wanted to stay in
11 power. It shut off sale of shares so
12 that Mike couldn't buy more, and Harry
13 couldn't buy more. That was
14 manipulation of shares right there, to
15 prevent people from getting shares to
16 get on the board. Then, because of
17 Mr. Mossler who owned the most shares,
18 I know it was 1,400, they were
19 manipulating him. And they finally
20 got what they wanted when they offered
21 to buy his shares out, which is when
22 he decided not to contest what they
23 were trying to do. So, all of that
24 manipulation is going on behind the
25 scenes.

1 But the --- in my opinion, the
2 objection was to keep the board in
3 place, not have to answer to the
4 things we found at the last meeting.

5 Q. Okay.

6 So, everything that you just
7 stated was manipulation as far as
8 share voting.

9 Correct?

10 A. Correct.

11 Q. Okay.

12 What manipulation has happened
13 with the one lot, one vote system that
14 was put in place in 2017 --- excuse
15 me, 2019?

16 A. Since or then?

17 Q. Since.

18 Since one lot, one vote was
19 approved on May --- I want to say '19
20 --- 2019?

21 A. It accomplished their goal for
22 the following annual meeting. Since
23 then, there has been no manipulation.

24 Q. So, it actually, in essence,
25 did --- it accomplished getting rid of

1 the manipulation.

2 Correct?

3 A. No. The manipulation caused
4 the shares to go away. After they had
5 gone, yes. That's a very distinct
6 difference from what you said.

7 Q. What --- what's the distinct
8 difference? Can you explain?

9 A. They were manipulating shares
10 to make sure they stayed in power.

11 Q. Okay.

12 There was an election in 2020.

13 Correct?

14 A. There's an election every year.

15 Q. And in that election, was there
16 any manipulation of the board being
17 elected?

18 A. Not to my knowledge.

19 Q. Okay.

20 As we sit here today, Mr.
21 Cavanaugh, are you continuing to
22 contest the one lot, one vote or are
23 you now approving of that system?

24 A. I'm fine with that system.

25 Q. Mr. Jenkins had his deposition

1 earlier.

2 Were you present for that?

3 A. Yes, I was, except when I left
4 for the bathroom.

5 Q. Okay.

6 And during Mr. Jenkins'
7 deposition, did you hear how his plan
8 was to buy enough shares to place
9 himself on the board and also another
10 person he found to be appropriate?

11 Did you hear him testify to
12 that?

13 A. I certainly did.

14 Q. Do you agree that that would be
15 a prime example of manipulation of
16 share voting?

17 A. No.

18 Q. Explain why not.

19 A. Why not? Because the shares,
20 as I said before ad infinitum, were
21 being manipulated to keep the current
22 board in power.

23 Q. Okay.

24 A. Mike's goal was to get a board
25 that would serve the community and not

1 be doing things that weren't in
2 accordance with the bylaws. He had no
3 desire to buy the lake as they accused
4 him of. He was just trying to get on
5 the board and get other people on the
6 board who wouldn't do things like
7 that.

8 Q. Okay.

9 So --- so, the difference in
10 your definition of manipulating
11 shares, it's okay to buy shares and
12 have one person have so many shares
13 that they can place themselves and
14 other members. That's fine. That's
15 not manipulation.

16 But it is manipulation if the
17 same thing is done by the current
18 board?

19 A. It's manipulation either way.
20 That's the goal of the manipulation I
21 contest.

22 Q. So, it is manipulation either
23 way.

24 A. Yes.

25 Q. Okay.

1 You testified earlier that the
2 board had improperly authorized the
3 purchase of a boat motor.

4 Is that correct?

5 A. That's my understanding. I
6 wasn't on the board at the time.

7 Q. Was Mr. Dively on the board at
8 that time?

9 A. I believe so.

10 Q. Okay.

11 And do we know how much that
12 boat motor was?

13 A. I've heard the number
14 \$17,000.00 tossed about. But I don't
15 know if that's right or not.

16 Q. Okay.

17 And was that vote --- what was
18 the boat motor for?

19 A. Safety patrol boat.

20 Q. Would you agree that that motor
21 may have been purchased for community
22 safety reasons?

23 A. The boat at the time, as I
24 understood, needed a new motor on the
25 patrol boat. I have no --- I have no

1 issue with that. It's how it was
2 purchased.

3 Q. Was there a bidding requirement
4 for that boat motor?

5 A. My understanding was no, there
6 was not, which is my issue.

7 Q. Was there anything in the
8 bylaws or the rules and regs that you
9 were aware of that would require that
10 boat motor to be bid?

11 A. As I said earlier, when I was
12 on the board, you needed to get bids
13 for anything over \$500.00.

14 Q. \$500.00? Okay.

15 Who --- who was the boat motor
16 purchased from?

17 A. I understand it was purchased
18 from Tow's Auto Repair.

19 Q. Okay.

20 So, they would have records of
21 that boat motor being purchased.

22 Correct?

23 A. I would hope so.

24 Q. Where are they located?

25 A. They're located on the road

1 between Cornerstone and Jensen.

2 Q. I want to talk next about self-
3 dealing. Okay?

4 So, you had mentioned that Mr.
5 Dively was involved in self-dealing
6 around the board.

7 Is that correct?

8 A. That is correct.

9 Q. And the specific instance of
10 that, you had mentioned the scenario
11 where there was some type of work done
12 by Mr. Dively and it was approved by
13 Mr. Bannister.

14 Is that correct?

15 A. That is correct.

16 Q. Can you expand on that? First
17 of all, what was the work that was
18 done?

19 A. I understand it was dredging.

20 Q. And you had mentioned that Mr.
21 Dively was working on a property and
22 already had equipment on site.

23 Is that correct?

24 A. That was my understanding.

25 Q. And Mr. Bannister talked with

1 him and unilaterally approved it
2 without a board vote.

3 Correct?

4 A. That's my understanding.

5 Q. Did any other board members
6 know about this approval before the
7 work done?

8 A. I don't know.

9 Q. Okay.

10 And was --- do we know what the
11 fair market value of that work was?

12 A. I have no clue.

13 Q. Do we have any evidence that
14 suggests that that board --- let me
15 reel it back.

16 How much money was paid?

17 A. It's my understanding it was
18 \$4,000.00 or \$4,500.00.

19 Q. Okay.

20 And at that --- and when was
21 that money paid? Do we know?

22 A. 2017.

23 Q. Okay.

24 All right.

25 And I will assert, at this

1 point for transparency purposes, that
2 in discovery there are QuickBooks
3 records that reflect some type of
4 \$4,000.00 payment for a shoreline ---
5 I believe it was a shoreline approval
6 or --- shoreline restoration.

7 Would that have been possibly
8 the payment we're talking about here?

9 A. It is the payment we're talking
10 about here.

11 Q. Okay.

12 So, if I was to tell you that
13 in discovery, there is QuickBooks
14 documentation that reflects an April
15 2017 shoreline restoration for
16 \$4,000.00, that's what we would be
17 talking about.

18 Correct?

19 A. I believe that's the date,
20 yeah.

21 Q. All right.

22 We don't --- strike that.

23 Did Mr. Bannister explain any
24 reason why he approved that to you?

25 A. Yeah. We talked at length.

1 Q. What did he say? What was his
2 reasons?

3 A. I'm not sure what his reasons
4 were but he was sorry he did it when
5 he talked to me.

6 Q. Okay.

7 Isn't it true that Mr.
8 Bannister approved that because it was
9 far below fair market value for the
10 job?

11 A. I have no idea.

12 Q. Okay.

13 A. It's not relevant.

14 Q. Okay.

15 What if Mr. Dively had done
16 that work and not charged SVDC? Would
17 that have still been self-dealing?

18 A. You are not to dredge ---

19 ATTORNEY MUST:

20 Objection to form to the
21 extent that it calls for a
22 hypothetical. You can answer
23 if you know.

24 THE WITNESS:

25 You are not to dredge a

1 lake without a permit. You're
2 not even supposed to do
3 shoreline restoration without a
4 permit.

5 BY ATTORNEY LEAKE:

6 Q. Was the self-dealing a lack of
7 a permit?

8 A. No.

9 Q. Was it that it was not approved
10 by the board?

11 A. Absolutely.

12 Q. Okay.

13 A. Or did.

14 Q. And you mentioned the value
15 isn't relevant.

16 Correct?

17 A. The process was inappropriate.

18 Q. Okay.

19 So, the rub here or the
20 violation here was a failure to follow
21 procedure.

22 Would that be fair to say?

23 A. Absolutely.

24 Q. Now, Mr. Cavanaugh, how long
25 have you been a CPA?

1 A. I believe I passed the exam in
2 1983.

3 Q. And you were a CPA while you
4 were a board member from 2008 to 2017.
5 Is that correct?

6 A. Yes.

7 Q. Okay.

8 And during that timeframe, did
9 you own a business doing accounting
10 work?

11 A. Yes.

12 Q. Okay.

13 And what was that --- what's
14 that business called?

15 A. It was called Cavanaugh and
16 Associates Certified Public
17 Accountants. And then, I had
18 partners, and it was Cavanaugh,
19 Michaels Certified Public Accountants.

20 And today's, it's back to Cavanaugh
21 and Associates Certified Public
22 Accountants.

23 Q. And what type --- Cavanaugh and
24 Associates, let's start with that.

25 Was that an LLC, a corporation?

1 Do you recall the formation of that?

2 A. I think it was a sole
3 proprietorship initially. Then, it
4 became part of an LLC.

5 Q. What about today? How is it
6 formed now?

7 A. It's still part of an LLC.

8 Q. Part of an LLC.

9 A. That's correct.

10 Q. What's the parent LLC?

11 A. It's called Healthcare
12 Professional Management Services, LTD.

13 Q. Where is the principal place of
14 business for that corporation?

15 A. Six-o-one (601) East Simpson
16 Street, Mechanicsburg, Pennsylvania
17 17055.

18 Q. Now, did Cavanaugh and
19 Associates --- is that what it's
20 called?

21 And Associates, correct?

22 A. It was called that. It was
23 called Cavanaugh Michaels.

24 Q. Do you recall what year
25 Cavanaugh and Associates became

1 Cavanaugh and Michaels?

2 A. No. I could give you an
3 approximation.

4 Q. Yeah. Approximate.

5 Do we have a good estimation
6 here please?

7 A. I would say around 1990.

8 Q. And just so I'm clear, Mr.
9 Cavanaugh, the second name of the
10 business was Michael Cavanaugh ---

11 A. Cavanaugh Michaels, like a law
12 firm.

13 Q. Oh, I got you. Okay.

14 Cavanaugh. Mine is Leake,
15 Snyder, and Associates, I think, is
16 what we're calling ourselves now.

17 Okay.

18 So, when did Cavanaugh Michaels
19 flip back to Cavanaugh and Associates?

20 A. In 2010.

21 Q. While you were on the SVDC
22 board ---

23 A. Which reminds me. I don't know
24 if it was a civil suit but there was a
25 legal issue with breaking up the

1 business when the Michaels left. So,
2 the answer earlier, I was never
3 deposed in it that I can recall.

4 Q. Was there a lawsuit filed?

5 A. I don't believe so. We had to
6 settle.

7 Q. Okay.

8 A. They had to buy my shares of --
9 -

10 Q. Okay.

11 Now, while you were on the
12 board from 2008 to 2017, the SVDC
13 board, did ---

14 A. 2008 is a guess.

15 Q. Okay.

16 During that timeframe you were
17 on the board, did Cavanaugh Michaels
18 ever do accounting work for SVDC?

19 A. No. We never did accounting
20 work, but we did some training.

21 ATTORNEY CASCIO:

22 I'm sorry. I didn't
23 hear what you said.

24 THE WITNESS:

25 We did training.

1 BY ATTORNEY LEAKE:

2 Q. Training.

3 What type of training?

4 A. QuickBooks training.

5 Q. And do you recall what year or
6 year range the QuickBooks training
7 would have been?

8 A. Shortly after I got on the
9 board because Ms. Beemer, who was then
10 the secretary, was using Quick Books
11 really needing a lot of help on
12 getting them right. I had a
13 QuickBooks trainer in my office. So,
14 the board agreed to engage her to help
15 Ms. Beemer.

16 Q. And what's Ms. Beemer's first
17 name?

18 A. I don't remember.

19 Q. She was the secretary at that
20 time?

21 A. That is correct.

22 Q. Okay.

23 And do we recall what year that
24 was?

25 A. It was my first year on the

1 board. If it was 2008, it was 2008.
2 Again, I haven't established that
3 year.

4 Q. Okay.

5 A. We're working with projection
6 range.

7 Q. And during the QuickBooks
8 training, were you the owner of
9 Cavanaugh Michaels or partial owner?

10 A. Partial.

11 Q. Partial. Okay.

12 A. One-third.

13 Q. Okay.

14 Do you recall that first year,
15 I know that we're estimating, but that
16 first year, how much Cavanaugh
17 Michaels would have charged for that
18 training?

19 A. It went on for more than a
20 year.

21 Q. Okay.

22 A. It wasn't invoiced for a while
23 after the work was over.

24 Q. Okay.

25 A. And then, it was finally

1 invoiced at around \$600.00, I believe.

2 Q. \$600.00?

3 A. Yes.

4 Q. And that would have been maybe
5 like a year later?

6 A. It might have been a year and a
7 half before I billed it.

8 Q. Okay.

9 A. After the work was done.

10 Q. All right.

11 Was that QuickBooks training
12 bid out?

13 A. No.

14 Q. You recall the bidding
15 threshold being \$500.00.

16 Correct?

17 A. Correct.

18 Q. And if that was \$600.00, do you
19 agree it would have been beyond the
20 bidding threshold?

21 A. Yes. It was \$600.00 over
22 several years.

23 Q. Okay.

24 A. So, we had no idea what it was
25 going to cost when we started it.

1 That's how much training she needed.

2 Q. Okay.

3 A. And it was board approved.

4 Q. Oh, it was --- it was approved
5 by the board?

6 A. Oh, yes.

7 Q. Got ya.

8 But they didn't bid it.

9 Correct?

10 A. No. It was not bid.

11 Q. All right.

12 Now, other than that \$600.00,
13 was Cavanaugh Michaels ever paid any
14 other fees for services throughout
15 your tenure as a board member?

16 A. No.

17 Q. Okay.

18 What about Cavanaugh and
19 Associates?

20 A. No.

21 Q. Okay.

22 Who did the accounting work for
23 the board while you were treasurer?
24 Who did the tax returns?

25 A. Me.

- 1 Q. Okay.
- 2 So, you personally did them?
- 3 A. Yes.
- 4 Q. And did you volunteer your time
5 for that or were you paid?
- 6 A. I was not paid.
- 7 Q. Okay.
- 8 So, were you ever individually
9 paid by SVDC to do any type of
10 accounting work?
- 11 A. No.
- 12 Q. Are you asking the court to put
13 in place a conflict-of-interest
14 policy?
- 15 A. Yes.
- 16 Q. Can you explain to me what an
17 ideal conflict of interest policy
18 would be for the SVDC board?
- 19 A. I even submitted one to the
20 board a long time ago.
- 21 Q. Okay.
- 22 A. It's a state boilerplate pretty
23 much.
- 24 Q. I believe I read it.
25 But in your own words, what

1 would be the main points that you
2 would think would be the most
3 important?

4 A. To me, a conflict of interest
5 is if you have an interest in
6 something that's doing business with
7 the lake then, you have a conflict of
8 interest.

9 Q. Okay.

10 A. Or if you have an interest in
11 enhancing someone you know through
12 business with the lake, you have a
13 conflict of interest.

14 Q. Okay.

15 A. And a policy should simply say
16 that needs to be disclosed. You need
17 to be recused from voting on anything
18 like that. But you may bid, in my
19 opinion. That's not a problem.

20 Q. Okay.

21 So, you can bid for the job,
22 but everybody needs to know about it.

23 A. Absolutely.

24 Q. Okay.

25 Now, you heard earlier ---

1 A. All conflicts of interest
2 should be disclosed when they occur.

3 Q. How should they be disclosed?

4 A. By the person who has the
5 conflict.

6 Q. Yeah.

7 But who --- who do they
8 disclose the conflict to?

9 A. To the board.

10 Q. The entire board?

11 A. Yes. It should come up at a
12 board meeting, something that should
13 be discussed. That's my opinion.

14 Q. Yes.

15 You heard the testimony of Mr.
16 Jenkins earlier.

17 Correct?

18 A. I did.

19 Q. Did you hear how he disclosed
20 his conflict of interest to the
21 president, and I believe, the
22 secretary? Did you hear that
23 testimony?

24 A. Yes, I did.

25 Q. Do you believe that was

1 appropriate?

2 A. Yes.

3 Q. Okay.

4 So, is it --- so, would your
5 conflict-of-interest policy only
6 include reporting to the secretary and
7 president?

8 A. As long as they told the rest
9 of the board, yes. The whole board
10 needs to know. In that instance, my
11 understanding was Mr. Porcini told the
12 whole board that he had the
13 conversation with Mike, and everybody
14 knew. Nothing was being hidden.

15 Q. Now, Mr. Cavanaugh, Mr. Dively
16 filed an amended answer to his
17 complaint and had a counterclaim for
18 defamation.

19 Are you aware of that?

20 A. Yes, I am.

21 Q. Okay.

22 And I'm going to show you what
23 was appended to Mr. Dively's amended
24 answer and counterclaim, which is
25 Exhibit A.

1 Are you familiar with this
2 Exhibit A?

3 A. If it's the eval that you're
4 talking about then, I am absolutely
5 familiar with it. I wrote it.

6 Q. Okay.

7 And, in fact --- I just wanted
8 to --- if anybody wants to take a look
9 at it.

10 ATTORNEY MUST:

11 I may just verify that
12 that's the email.

13 ATTORNEY LEAKE:

14 I'm not going to enter
15 it as evidence because it's
16 part of the record. I don't
17 think it makes sense. But I
18 just wanted to make sure that
19 you're aware. Okay.

20 BY ATTORNEY LEAKE:

21 Q. So, the email contained in
22 Defendant's Exhibit A to the amended
23 complaint and counterclaim, that's an
24 email that you wrote.

25 Correct?

1 A. Yes.

2 Q. And that was forwarded to a lot
3 of people.

4 Can you explain to me who you
5 forwarded that to?

6 A. As many lot owners as I had
7 email addresses for.

8 Q. Okay.

9 So, the entire community that
10 you have emails for.

11 Correct?

12 A. That's correct.

13 Q. Okay.

14 And appended to that email, I
15 see that there was something that you
16 authored that said, "My history of
17 serving on the board of the Stony
18 Valley Development Corporation."

19 A. Stonycreek Valley, yes.

20 Q. Stonycreek, excuse me.

21 March 13, 2019. So, this
22 lengthy attachment, Mr. Cavanaugh, has
23 your name on the bottom of each page.

24 Did you write this?

25 A. Yes.

1 Q. Okay.

2 And I can point your attention
3 to Page 5. But I'd like to talk about
4 something very specific. You alleged
5 on Page 5 --- and it's actually two
6 paragraphs down, I'm just going to go
7 ahead and read it for you.

8 A. Sure.

9 Q. "After the meeting in the
10 parking lot of the church, I told Dan
11 that he should resign from the board
12 because he had a big conflict of
13 interest."

14 His reply paraphrased here was,
15 "You're God damn right I have a
16 conflict of interest. I am on this
17 board to promote my business and you
18 are the one who should resign.""

19 Did you write that?

20 A. Yes, I did.

21 Q. Okay.

22 Did Mr. Dively say that?

23 A. Absolutely.

24 Q. Okay.

25 Do you recall which meeting

1 that was?

2 A. It was one of the meetings
3 after the dredging incident.

4 Q. Okay.

5 A. It might have been the
6 following meeting.

7 Q. And this was in the parking lot
8 of the church there in Shanksville,
9 right?

10 A. That's correct.

11 Q. What's the church called?

12 A. St. Mark's Lutheran, I believe.

13 Q. All right.

14 And how long after the meeting
15 did this conversation take place?

16 A. Right after the meeting.

17 Q. Were people coming out of the
18 meeting?

19 A. Sure.

20 Q. Did anybody else hear Mr.
21 Dively say this?

22 A. I have no idea.

23 Q. Okay.

24 Do you recall anybody else
25 being within the vicinity ---

1 A. I believe we tried to stay away
2 from everybody else because we got
3 into an argument in the meeting, which
4 I said this does not belong here.
5 Let's go outside and talk after the
6 meeting.

7 Q. Okay.

8 A. So, my intention was not for
9 anyone else to hear it.

10 Q. Okay.

11 A. If they did, they did.

12 Q. Obviously, whenever you
13 appended this to that email, you
14 expected that all of the people that
15 you emailed it to would read it.

16 Correct?

17 A. I was hoping they would.

18 Q. Okay.

19 Absolutely.

20 ATTORNEY LEAKE:

21 If I may have just a
22 moment. I need to consult
23 here.

24 THE WITNESS:

25 I need to go to the

1 bathroom.

2 ATTORNEY LEAKE:

3 Let's go ahead and go
4 off the record.

5 ---

6 (WHEREUPON, A PAUSE IN THE RECORD WAS
7 HELD.)

8 ---

9 ATTORNEY LEAKE:

10 Back on the record.

11 Mr. Cavanaugh, I'm going
12 to go ahead and hand you what
13 I've marked as Cavanaugh
14 Deposition Exhibit A. And for
15 everybody's purposes, this is
16 actually the same exhibit from
17 earlier from Mr. Jenkins. And
18 I believe I've used this
19 exhibit every deposition we've
20 done.

21 ---

22 (Whereupon, Cavanaugh
23 Exhibit A, Dirt
24 Bottom Excavating
25 Invoices, was marked

1 for identification.)

2 ---

3 ATTORNEY CASCIO:

4 I think I can make this
5 presentation.

6 BY ATTORNEY LEAKE:

7 Q. So, Mr. Cavanaugh, what I've
8 placed before you is Exhibit A, which
9 is basically a worksheet that Mr.
10 Dively made of invoices that either he
11 or Dirt Bottom Excavating has in its
12 possession relative to work done for
13 SVDC between April 17, 2017 and
14 October 13, 2020.

15 Do you understand what I'm
16 asserting this is?

17 A. Yes.

18 Q. Now, I will say, and I want to
19 make a clarification to this document,
20 that it was discovered through
21 discovery that there is a QuickBooks
22 entry showing a payment from the SVDC
23 to Dirt Bottom Excavating in the
24 amount of approximately \$4,000.00,
25 which was noted shoreline restoration,

1 which would have been from April of
2 2017.

3 Do you understand that I'm
4 saying that was discovered?

5 A. Yes.

6 Q. Okay.

7 And I believe we talked about
8 that earlier.

9 Correct?

10 A. Yes, we did.

11 Q. Okay.

12 So, if you could take a look at
13 Exhibit A, there are five attachments
14 to it. And Attachment 5 is an invoice
15 for \$2,300.00 that was paid to SVDC.

16 A. I looked at it earlier when
17 Mike had it.

18 Q. Okay.

19 All right.

20 Now, Mr. Dively and Dirt Bottom
21 is asserting that that invoice is the
22 only invoice that was paid during that
23 timeline that's referenced on the
24 front page.

25 Do you have any evidence that

1 suggests that that's untrue?

2 A. No.

3 Q. Okay.

4 There is also reference to some
5 donations.

6 During your tenure as a board
7 member, did Mr. Dively ever donate
8 time or services to SVDC?

9 A. Not to my knowledge.

10 Q. Okay.

11 After your tenure as board
12 member, are you aware of Mr. Dively
13 ever donating time or services to
14 SVDC?

15 A. I've heard he had but I was off
16 the board ---

17 Q. Okay.

18 A. --- when all of this occurred.

19 Q. Now, during your tenure as a
20 board member, did you and Dively serve
21 together on the board?

22 A. For a short time.

23 Q. Okay.

24 And during that short
25 timeframe, do you recall if Mr. Dively

1 bid out any jobs for SVDC?

2 A. Not to my knowledge.

3 Q. Do you know if Dirt Bottom
4 Excavating, Inc., bid out ---

5 A. Not to my knowledge.

6 Q. Okay.

7 Are you aware of any time that
8 Mr. Dively or Dirt Bottom Excavating
9 would have bid a job and Mr. Dively
10 would have voted as a board member?

11 A. No.

12 Q. Now, I'm going to direct your
13 attention to the amended complaint,
14 which has a prayer for relief and that
15 was the amended complaint that you and
16 the co-Plaintiffs filed in this case.

17 And, specifically, if we could look
18 at Page 23. Paragraph 3 reads that --
19 - I believe what's being asked for is
20 that the court sent out an order
21 nullifying May 24, 2019, vote of the
22 board of directors and order a new
23 vote to be taken with the voting rules
24 in effect as of May 24, 2019.

25 Are you familiar with that

1 request?

2 A. Yeah. I see it.

3 Q. Are you continuing, as we sit
4 today, to make that request?

5 A. If it would accomplish the goal
6 we have of replacing people on the
7 board that were not doing things
8 appropriately, I would still love to
9 see that happen, yes.

10 Q. You testified earlier that
11 since that share voting transfer to
12 one lot, one vote, it's alleviated the
13 manipulation of board member election.

14 Correct?

15 A. No. I never said that. I think
16 the board is now being elected because
17 they got elected then. And we didn't
18 get them off for the actions they had
19 done that were inappropriate. So,
20 it's still going on.

21 Q. So, you are still ---

22 A. But the community is in uproar
23 because of the lawsuit. And we still
24 allege --- I still allege, I'll only
25 speak for myself, that they did things

1 badly. And some of these board
2 members should not be serving.

3 Q. So, we're clear then, you are
4 continuing to request the court
5 transfer the vote --- transfer the
6 voting system back to share voting.

7 A. No. I'm suggesting that the
8 court go back and look at what
9 happened and say it was
10 inappropriately done.

11 Q. Understood.

12 But you're not asking for the
13 next logical step to take it back to
14 where it was. You're just asking ---

15 A. --- what I say.

16 Q. So, a declaration from the
17 court that it was done improperly to
18 get it where it is but interestingly
19 enough, the end result was correct.

20 Is that fair to say?

21 A. No.

22 Q. No.

23 A. You're not hearing me.

24 Q. Okay.

25 A. People are still on the board

1 who did things they shouldn't have and
2 shouldn't be on the board. So, the
3 end result is not good.

4 Q. Okay.

5 So, you're asking for the court
6 to remove board members?

7 A. Yeah.

8 Q. Okay.

9 Which board members
10 specifically should be removed?

11 A. Current board members. I'd
12 have to see a list.

13 Q. Okay.

14 A. I don't know who is serving on
15 the board right now.

16 Q. All right.

17 A. I'd be happy to tell you who if
18 you show me a list.

19 Q. That's okay.

20 Paragraph 5 says that the court
21 award Plaintiff's damages in amounts
22 to be determined at trial.

23 Do you see that paragraph?

24 A. Yes.

25 Q. How much money in damages

1 should Daniel Dively have to pay in
2 this case?

3 A. All legal fees incurred by the
4 Plaintiff's should be refunded. Who
5 pays them is up to the board to
6 determine. Who caused them to happen,
7 if the court ever ruled that they
8 should be repaid.

9 Q. So, you'd be asking the court
10 to award fees but the board of
11 directors of SVDC would decide who
12 pays those fees.

13 Is that correct?

14 A. That's what I would do, yes.
15 Somebody has to pay them.

16 Q. Okay.

17 Are you asking ---

18 A. Not the board. The people who
19 were acting inappropriately.

20 Q. Understood.

21 A. They should pay the fees and I
22 don't care how they divide them up.

23 Q. Oh, the people that were acting
24 inappropriately.

25 A. Yes.

1 Q. Okay.

2 What people specifically should
3 be paying these fees?

4 A. Anybody that voted for the
5 motion to change shoreline
6 restoration. Any people that voted to
7 take the 990 away. Any people that
8 are on the emails that talk about we
9 got to keep Mike Jenkins off the
10 board, and they weren't shared with
11 him when he was on the board.

12 Q. So, they should all pay?

13 A. Yeah.

14 Q. Is there a reason you didn't
15 sue any of them?

16 A. We sued the --- sued the
17 corporation. That's them.

18 Q. That's them?

19 A. Yeah.

20 Q. Well, if the corporation is
21 them then why did Dively get sued ---

22 A. He got sued individually for
23 the reasons in the complaint. Self-
24 dealing.

25 Q. Are you asking for damages

1 outside of attorneys' fees?

2 A. No. Me specifically, no.

3 ATTORNEY LEAKE:

4 I don't think I have any
5 further questions.

6 ATTORNEY CASCIO:

7 I just want to
8 understand something.

9

10 REDIRECT EXAMINATION

11

12 BY ATTORNEY CASCIO:

13 Q. It's pretty clear from what
14 I've heard today that it's your
15 opinion that the 2019 board
16 manipulated the bylaw changes that
17 this suit was filed to adjoin.

18 Is that correct?

19 A. That is correct.

20 Q. The court did not adjoin that.

21 The changes were made. And the
22 result was they're voting by lot,
23 which you think is a good thing.

24 A. Except for what it was done for
25 in the first place.

1 Q. Well, we're talking about the
2 result of the --- result not --- I'm
3 just saying you don't object to the
4 change to voting by lot.

5 A. Again, I object to the change
6 of voting by lot because it
7 accomplished the board's goal at the
8 time of keeping people who were doing
9 inappropriate things on the board.

10 Q. Do you know how many people ---

11 A. And it kept Mr. Jenkins off the
12 board.

13 Q. Do you know how many members of
14 the current board were on the board in
15 2019?

16 A. I asked for a list. I would
17 tell you.

18 Q. I don't have a list. My
19 question for you is ---

20 A. Best I can recall.

21 Q. Okay.

22 We all know if the arguing that
23 day, somehow it got entrenched on the
24 board?

25 A. Yes.

1 Q. And the basis of that is ---
2 but you don't have a list. So, it's
3 just your assumption that the board is
4 ---

5 A. It's not an assumption. It is
6 an opinion. There are people on the
7 board who acted inappropriately.

8 Q. In 2019.

9 A. For lots of reasons that I
10 talked about. Keeping themselves on
11 the board being one of them.

12 Q. But you're not sure if they've
13 kept --- if they've kept themselves on
14 the board.

15 A. The ones that wanted to stay
16 on, I believe, are still on with one
17 exception.

18 Q. And who is the exception?

19 A. Mr. Dively runs every year and
20 does not get back on.

21 ATTORNEY CASCIO:

22 I have no further
23 questions. Thank you.

24 ATTORNEY LEAKE:

25 I did have just a few

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follow up questions if we
could?

THE WITNESS:

For me?

ATTORNEY LEAKE:

Actually, I take that
back. No more questions.

ATTORNEY CASCIO:

The rules commit you to
view this and ---

COURT REPORTER:

You already said he's
reading, right?

ATTORNEY MUST:

Right.

* * * * *

DEPOSITION CONCLUDED AT 2:46 P.M.

* * * * *

1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF CAMBRIA)

3 CERTIFICATE

4 I, Michael G. Sargent, a Notary Public
5 in and for the Commonwealth of Pennsylvania, do
6 hereby certify:

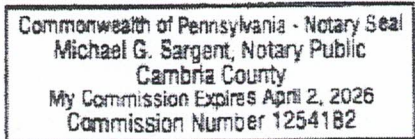
7 That the witness, Lee Cavanaugh, whose
8 testimony appears in the foregoing deposition, was
9 duly sworn by me on November 18, 2022 and that the
10 transcribed deposition of said witness is a true
11 record of the testimony given by said witness;

12 That the proceeding is herein recorded
13 fully and accurately;

14 That I am neither attorney nor counsel
15 for, nor related to any of the parties to the
16 action in which these depositions were taken, and
17 further that I am not a relative of any attorney or
18 counsel employed by the parties hereto, or
19 financially interested in this action.

20 Dated the 9 day of December, 2022

21
22
23
24
25



Michael G. Sargent, CVR

Michael G. Sargent
Certified Verbatim

Reporter

Relevant Time Period: April 17, 2017-October 13, 2020

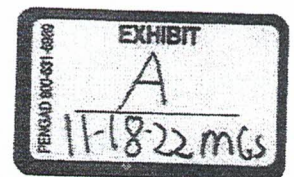
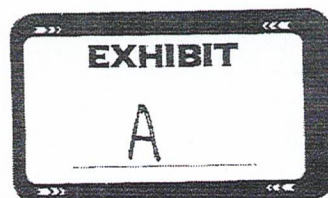
Invoices Submitted by Dively or Dirt Bottom Excavating to SVDC:

1. Attachment 1: Donation of \$1,001.00 of materials and service
2. Attachment 2: Donation of \$2,071.01 of materials and service
3. Attachment 3: Donation of \$100.00 of materials and service
4. Attachment 4: Donation of \$100.00 of materials and service
5. Attachment 5: Amount Paid \$2,300.00

Donations Total in Relevant Time Period: \$3,272.01

One Invoice Paid in Relevant Time Period: \$2,300.00

Cavanaugh Deposition



Invoice

Dirt Bottom Excavating INC.

162 Sunset RD
 Friedens, PA 15541
 (814) 483-6275

dirbottomexcavating@yahoo.com

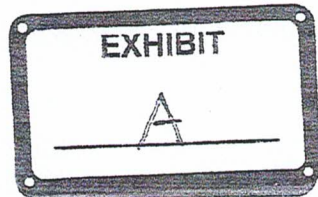


Date	Invoice #
7/30/2018	401

Bill To
Stoneycreek Vally Development Corp. P.O.Box 237 Shanksville,PA.15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
2	Mob & Demob per piece of large equipment. 85 and skid loader	100.00	200.00
2	SK 85 Excavator 18K LB. with Tilt Rotator	120.00	240.00
1	Large Track Skid Loader per. hr.	85.00	85.00
1	Large Track Skid Loader with Roller per. hr.	100.00	100.00
2	Labor per hr.	40.00	80.00
1	Utility Truck per. hr.	70.00	70.00
	repair road and berm as per Musser Engineering dam inspection report.		
	Materials 2RC modified	226.00	226.00
	Donation	-1,001.00	-1,001.00



Make checks payable to Dirt Bottom Excavating INC
 Thank you for your business!

Total \$0.00

Invoice

Dirt Bottom Excavating INC.

162 Sunset RD
Friedens, PA 15541
(814) 483-6275

dirtbottomexcavating@yahoo.com



Date	Invoice #
2/21/2019	480

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville.PA.15560

P.O. No.	Terms	Project

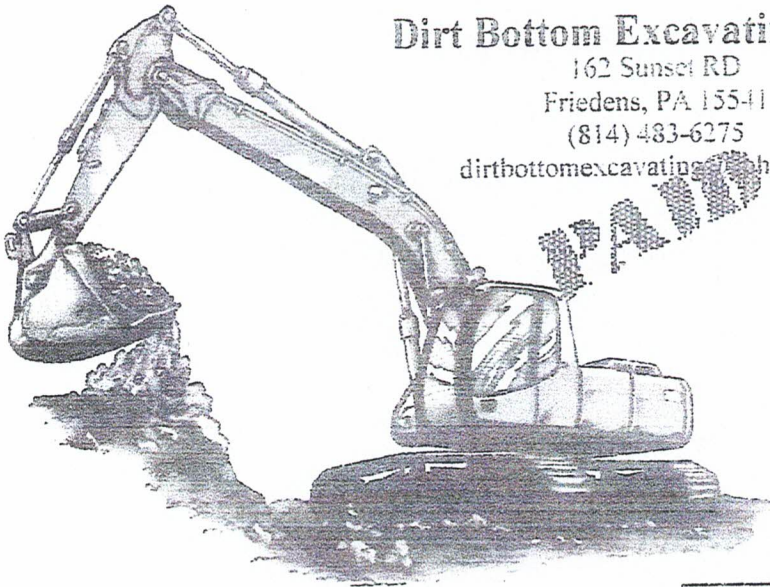
Quantity	Description	Rate	Amount
1	Plowed, salt and anti-skid church parking lot for the February Meeting	100.00	100.00
1	Donation from Dirt Bottom Excavating Inc.	-100.00	-100.00
<div data-bbox="491 1570 802 1754" data-label="Image"> </div>			
<p>Make checks payable to Dirt Bottom Excavating INC Thank you for your business!</p>		Total	\$0.00

Invoice

Dirt Bottom Excavating INC.

162 Sunset RD
Friedens, PA 15541
(814) 483-6275

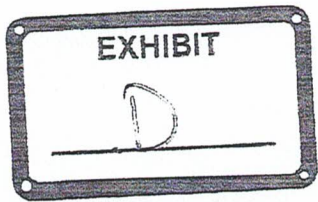
dirbottomexcavating@yahoo.com



Date	Invoice #
12/19/2019	592

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville, PA. 15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Plow, salt, and anti-skid for December 2019 Meeting	100.00	100.00
	Donation from Dirt Bottom Excavating Inc	-100.00	-100.00
			
Make checks payable to Dirt Bottom Excavating INC Thank you for your business!		Total	\$0.00

Invoice

Dirt Bottom Excavating INC.

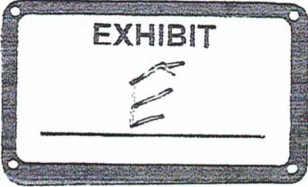
162 Sunset RD
 Friedens, PA 15541
 (814) 483-6275
 dirtbottomexcavating@yahoo.com



Date	Invoice #
4/26/2017	224

Bill To
Stonycreek Vally Development Corp. P.O.Box 237 Shanksville, PA. 15560

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Removal of 3 stumps and 1 telephone pole	2,300.00	2,300.00
			
Make checks payable to Dirt Bottom Excavating INC Thank you for your business!		Total	\$2,300.00