

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:14-CV-182-BR

WOODELL MCGOWAN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
MURPHY-BROWN, LLC, d/b/a)	
SMITHFIELD HOG PRODUCTION)	
DIVISION,)	
)	
Defendant.)	
_____)	

This matter is before the court on the parties’ designations of, and objections to, the deposition testimony of Dreama Carter, Georgia Farland, David Carter, Anthony Carlton, Elaine Carlton, Jacqueline Davis, James Davis, Sr., and James Al Davis, Jr. Also before the court are plaintiffs’ objections to the deposition designations and motions to strike the deposition designations of David Carter, (DE # 546), Anthony Carlton, (DE # 547), Elaine Carlton, (DE # 548), and Dreama Carter, (DE # 550), as well as Jacqueline Davis, Al Davis, Sr., Al Davis, Jr., and Georgia Farland, (DE # 556). In addition to specific objections, plaintiffs contend the designations of these plaintiffs are cumulative. Plaintiffs’ motions to strike are DENIED. The court’s rulings on the specific objections are noted in black on the attached (and incorporated) transcripts, with “O” meaning overruled and “S” meaning sustained. For ease of reference, defendant’s designations are highlighted in yellow, and plaintiffs’ counter-designations are

highlighted in pink.

This 28 February 2019.

A handwritten signature in green ink, appearing to read "W. Earl Britt".

W. Earl Britt
Senior U.S. District Judge

IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 122..125

Page 122

1 Q. What prompted you to stop smoking?
2 A. I wanted to quit.
3 Q. Do you remember when that was or just
4 about 30 years ago?
5 A. No, it ain't been 30 years. 26,
6 something like that.
7 Q. Okay. How much were you smoking when
8 you did smoke?
9 A. I can't remember, but they didn't -- it
10 nothing attribute to that because I had quit long
11 before that time.
12 Q. Were you smoking a pack a day at any
13 point in time?
14 A. No.
15 Q. Pack every other day?
16 A. Yes, something like that.
17 Q. Okay. When did you start smoking?
18 A. Probably when I was about 17, 18. Could
19 have been younger.
20 Q. When you were saying maybe a pack every
21 other day, was it about that much through the
22 point you started --
23 A. Through the process.
24 Q. -- from the point where you started to
25 where you stopped?

Page 123

1 A. Yeah.
2 Q. Any other outdoors activities you like
3 to do? Do you do any hunting or fishing?
4 A. Huh-uh.
5 Q. No? You grew up doing a little hunting
6 and fishing?
7 A. No.
8 Q. I figured if you lived over there by the
9 pond you might have done a little?
10 A. No, no, that ain't my line.
11 Q. And you mentioned doing some walking.
12 A. Yeah.
13 Q. And some cycling.
14 A. Uh-huh.
15 Q. Bicycling?
16 A. Yeah.
17 Q. When was it you were doing your cycling?
18 A. After I had my first hip replacement.
19 Can't -- it's been a minute. It's been a while.
20 Q. Was the cycling better on your hips
21 because it didn't have as much impact?
22 A. No, I really wasn't doing it for that.
23 I was doing it to stay -- I didn't want to get a
24 real big stomach and stuff.
25 Q. Try to stay slim and stuff?

Page 124

1 A. Uh-huh.
2 Q. Would have been sometime after the first
3 hip replacement which is in '97, right?
4 A. Uh-huh.
5 Q. So how long did you continue cycling?
6 A. It was a good while. I did it for a
7 good while.
8 Q. A couple years?
9 A. I can't say exactly how long. It was
10 over a year off and on when the weather permitted,
11 I didn't get out there in the real cold.
12 Q. Uh-huh. And when you would cycle, I
13 think you said you would go down Hallsville Road
14 away from Beulaville towards Highway 50 and then
15 would you turn?
16 A. Turn to right where Hallsville store
17 used to be.
18 Q. Okay.
19 A. Right there at the right. About a
20 mile --
21 Q. And then ride up and back in towards
22 Beulaville?
23 A. Right.
24 Q. What highway is that?
25 A. A country highway.

Page 125

1 Q. It's a what?
2 A. I don't know the name of it.
3 Q. Oh, okay.
4 A. I don't know the name of the road like
5 that.
6 Q. Yeah?
7 A. Yeah.
8 Q. And would you come back down Hallsville
9 Road?
10 A. I would turn around and go back the same
11 way.
12 Q. Okay. So --
13 A. Same way I came.
14 Q. So you didn't have a loop?
15 A. No, no.
16 Q. You would just go and then come back?
17 A. Turn around and come back.
18 Q. Okay. When you were doing your cycling
19 down those routes, did you pass by any other hog
20 farms?
21 A. No.
22 Q. What about turkey and chicken farms?
23 A. No.
24 Q. Do you recall there being any turkey or
25 chicken farms on Hallsville Road since you've been

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402, 403
misreading
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Page 126
1 there?
2 A. Yeah.
3 Q. Where were they?
4 A. I don't know the people's name.
5 Q. About where would it be if we were -- if
6 you and I were going for a drive, where would we
7 go?
8 A. Come out of the yard, go to the left,
9 like going back towards Hallsville. That man over
10 there used to have some turkey houses or something
11 on the left.
12 Q. By --
13 A. About 2-, 300 yards down the road.
14 Q. I think I've heard several other folks
15 we've talked to talk about that and they mentioned
16 a guy named Benny Whaley?
17 A. Yeah, Benny Whaley, I believe it was,
18 yeah.
19 Q. And some other folks have also
20 mentioned, I. G. Sandlin?
21 A. Yeah, okay. That's back -- that's --
22 all I know is Kate -- where Kate used to stay at.
23 I believe there were some.
24 Q. Where was that?
25 A. Right down where we stay.

Page 127
1 Q. Which way?
2 A. Going back the same way.
3 Q. Okay.
4 A. Up before you get there on the right.
5 Q. Yeah. So before you could get to very
6 Benny Whaley's turkey houses were, were those
7 chicken houses?
8 A. Yeah, I believe they were chickens.
9 Q. Okay. And those houses aren't there
10 anymore?
11 A. No.
12 Q. When was it that they took those down,
13 do you remember?
14 A. No, sir. Been a little while all I
15 know.
16 Q. Okay. And what about Turkey Farm Lane
17 if you were to turn and go into Beulaville, do you
18 recall there being turkey houses there?
19 A. Where?
20 Q. Any turkey houses on the way going back
21 into Beulaville?
22 A. No.
23 Q. Okay.
24 A. No, I don't. I'm trying to picture.
25 Q. So when you were -- when you were

Page 128
1 cycling on your bike, would you pass by the Benny
2 Whaley and the I. G. Sandlin turkey farms?
3 A. Yeah.
4 Q. Okay. Did you ever notice any odor
5 associated with those farms?
6 A. No.
7 Q. Were there chickens --
8 A. I don't believe there was nothing there.
9 Q. So they weren't in operation at the
10 time?
11 A. I don't believe they were in operation.
12 Q. Okay. Do you remember a time when
13 either of those operations were still in
14 operation?
15 A. Back in my day, I wasn't thinking about
16 no chicken houses.
17 Q. Why was that?
18 A. I just -- you know, I don't know. I was
19 drunk, to tell you the truth.
20 Q. You just wouldn't have noticed?
21 A. I mean, you know, you have to understand
22 my life. Back then I wasn't like I am now. A
23 whole different situation, you know. I mean, so,
24 therefore I can't --
25 Q. So the Anthony before 1991 and Anthony

Page 129
1 Carlton after 1991 --
2 A. Yeah. Different situation, different
3 person.
4 Q. Have you-all got a front porch or back
5 porch?
6 A. Front porch.
7 Q. Front porch. And what's on the front
8 porch.
9 A. A pepper bush and flower.
10 Q. What kind of pepper? Hot pepper?
11 A. Hot pepper.
12 Q. I like spicy -- anything spicy.
13 A. Uh-huh.
14 Q. What kind of hot pepper is it?
15 A. I don't know. That long kind.
16 Q. Yeah. Do you tend them? Your wife.
17 A. My wife.
18 Q. Your wife tends them?
19 Okay. So you got peppers, blueberries,
20 grapes. Anything other thing that you-all grow
21 these days?
22 A. Huh-uh.
23 Q. No?
24 A. Huh-uh, no, sir.
25 Q. Make sure --

Page 166

1 lawyer?
2 A. Yes, sir.
3 Q. Who did you use?
4 A. Jacksonville.
5 Q. Was it the same lawyer that helped with
6 your Workers' Comp?
7 A. No, sir. He was out there on --
8 Q. You just can't --
9 A. I can't remember his name. It's been a
10 long time.
11 Q. Okay. And what was your wife sick with?
12 A. Diagnosed her with lupus.
13 Q. Lupus. That's a hard disease.
14 A. Uh-huh.
15 Q. Is she -- were they able to address it
16 or is she still struggling?
17 A. God healed her.
18 Q. Really?
19 A. Uh-huh.
20 Q. So that's been since 2007?
21 A. Somewhere around there.
22 Q. That's fantastic.
23 A. Might have been earlier than that or
24 later, you know, been some years yes.
25 Q. And you didn't have to testify in any

Page 167

1 way at your -- for your bankruptcy hearing, did
2 you?
3 A. No, sir.
4 Q. We just got a note from our videographer
5 that she has to change the battery, so we'll take
6 a quick break and let her do that.
7 THE VIDEOGRAPHER: We're going off
8 record at 12:22.
9 (A recess was taken from 12:22 to 12:23
10 p.m.)
11 THE VIDEOGRAPHER: We're back on record
12 at 12:23.
13 BY MR. EASLEY:
14 Q. All right. We're back after a quick
15 battery change. Who lives to the right of
16 Cotton's Place? Was that Perry Miller's house?
17 A. Yeah.
18 Q. Okay. Trying to make sure I got it all
19 laid out in my head.
20 A. Uh-huh.
21 Q. What do you remember about sort of what
22 was going on in the area on that land around you
23 guys when you moved to the property in the 1980s?
24 A. What do you mean?
25 Q. I mean, how was the land around where

Page 168

1 you lived used?
2 A. Woods.
3 Q. Woods?
4 A. Uh-huh.
5 Q. You mentioned the Benny Whaley chicken
6 farm, was that in operation when you moved to the
7 property?
8 A. I don't really know Benny Whaley. All I
9 know is the chicken houses, you understand what
10 I'm saying? I don't know people like that, I
11 don't know them.
12 Q. You don't know whether there were
13 chickens --
14 A. I don't know if they were Benny Whaley's
15 chickens, I would be lying. All I know there was
16 some chicken houses down there, but I ain't never
17 conversate with these people.
18 Q. Sure. You don't know whether there were
19 any chicken houses or not?
20 A. I pay no attention. I know they be out
21 there.
22 Q. Was there any other animals being raised
23 in the area when you moved to the property other
24 than maybe the chicken houses behind Benny Whaley
25 but you're not sure?

Page 169

1 A. Not that I can really directly say me
2 myself.
3 Q. Were the I. G. Sandlin chicken houses
4 still up when you moved to the property?
5 A. Yeah.
6 Q. Do you know one way or another whether
7 there were chickens in those chicken houses when
8 you moved onto the property?
9 A. Might have been.
10 Q. You don't know one way or another?
11 A. No, I can't remember that, you know, go
12 way back there.
13 Q. Sure.
14 A. But it's been a while.
15 Q. So other than those two potential
16 chicken houses, what else was going on in the area
17 when you moved in? Just give me kind of a flavor
18 for what it was like in those days, what was
19 around?
20 A. When I first moved out there.
21 Q. Yes, sir.
22 A. Okay. We didn't have nothing. Mandy
23 didn't have nothing. Just nice, quiet place.
24 Q. Do you remember Perry Miller raising
25 hogs?



IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 170..173

402, 403
misleading
foundation
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Page 170

1 A. Perry -- yeah, Perry -- he had two or
2 three or something. I don't know. I ain't never
3 go over there.
4 Q. You remember him raising hogs?
5 A. I remember he had the hog killings and
6 stuff like that there, so must have had some.
7 Q. What's a hog killing?
8 A. It's killing a hog and get the meat.
9 Q. What is that? Is that a tradition?
10 A. It's to have food for the winter. You
11 raise and kill the hogs, take the ham and stuff
12 and have them for the winter.
13 Q. Do they put them in like a smokehouse?
14 A. Yeah, something like that can. I don't
15 really know anything about it. I never had that.
16 Q. You never had what?
17 A. Hog killing. Ain't never done that.
18 Q. But you remember about Perry Miller's
19 hog killings?
20 A. Yeah, he was going to kill a hog.
21 Q. So is it a celebration?
22 A. It's what they did when they did it.
23 You know, for me myself, I've never been involved
24 with one.
25 Q. So do you remember Cotton Williams

Page 171

1 raising hogs?
2 A. No, I don't.
3 Q. Do you remember the Carters raising
4 hogs?
5 A. I don't.
6 Q. Anybody else other than Perry Miller
7 that you remember that might have raised hogs in
8 the area?
9 A. No, because when I first moved, I didn't
10 visit people. Like I told you, that wasn't me,
11 you know, if I could get back to Warsaw, that's
12 what I did.
13 Q. So at any point in time other than Perry
14 Miller, you can't think of anybody else that
15 raised hogs?
16 A. I can't say -- sit here and tell you
17 that I know that I know. No, I wouldn't tell you
18 that.
19 Q. Anybody you think you might remember
20 raising hogs in the area?
21 A. Might have been somebody else had hogs.
22 Q. Who else?
23 A. James might have had some.
24 Q. Who's Jane?
25 A. James.

Page 172

1 Q. Is that one of your backdoor neighbors?
2 A. Yeah, there was some.
3 Q. James Kirk?
4 A. Yeah. Newkirk.
5 Q. Newkirk. How many hogs do you think he
6 had?
7 A. I don't know. I ain't visit him. Back
8 then, when I first went out there, I didn't know
9 them and they didn't know me, so, you know, down
10 through the years we got to know each other.
11 Q. You-all got closer as the years went on?
12 A. Yeah.
13 Q. Tell me what you recall about the Joey
14 Carter hog farms and their construction.
15 A. Well, I remember when they brought the
16 petition around.
17 Q. Who brought the petition around?
18 A. Mr. Linnill.
19 Q. Mr. Farland?
20 A. Yeah.
21 Q. And who else?
22 A. Him the only one I can remember. And
23 they told us what it was about and everything.
24 Q. Okay.
25 A. Then as far as the construction and

Page 173

1 building of the things, I don't know because you
2 didn't go on other people's lands, you know what
3 I'm saying?
4 Q. Right.
5 A. Seeing what they were doing, you didn't
6 bother them, so all we did was sign the petition
7 and I guess they did what they did.
8 Q. What was done with the petition, do you
9 know?
10 A. I don't know, sir.
11 Q. At some point in time, did you come to
12 understand the hog farm -- what I've been calling
13 Joey Carter Number 2 was going to be built?
14 A. Yeah, I know they were being built, but
15 just for me going back to where it's at and stuff,
16 no.
17 Q. And who is it that you believe built
18 those farms?
19 A. I don't know. You mean the
20 construction?
21 Q. Well, I mean, who was the farmer you
22 believe set forth to farm that land --
23 MR. WALLACE: Objection.
24 BY MR. EASLEY:
25 Q. -- for hogs?

IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 178..181

Page 178	Page 180
<p>1 Q. And what were your concerns about it at 2 that point in time? 3 A. More stench, more stinking, more trucks 4 and more drama along the road and stuff. The same 5 concerns that we had about Number 2 we had about 6 Number 1. 7 Q. And so did you do anything to voice 8 those concerns? 9 A. No, just like this here, they didn't do 10 nothing about the first petition we signed so what 11 make you think they'll do something about the 12 second one. I mean, same thing. 13 Q. Do you know if the first petition was 14 ever given to anybody or -- 15 A. No. We didn't sign the petition just to 16 be doing something, you know. When you're dealing 17 with certain people, people get what they want. 18 Q. And did you try to talk to anybody at 19 the city or the county to try to stop Joey Carter 20 Number 1 from being built? 21 A. Wasn't no use, I feel like they -- you 22 know -- 23 Q. What do you think would have happened if 24 you had said something to someone? 25 A. Would have went up anyway.</p>	<p>1 A. It was given to him. 2 Q. Where did he put it for you-all? 3 A. In front yard. 4 Q. What did you do with it? 5 A. Put it in the front yard. 6 Q. Just spread it? 7 A. Uh-huh. 8 Q. Why did he do that for you? 9 A. Because I asked him. 10 Q. You asked him if he could provide a load 11 of dirt? 12 A. No. 13 Q. What -- tell me -- just tell the 14 correspondence. 15 A. I just asked, Would you give me a load, 16 what it would cost? And he said, I'll just give 17 it to you. 18 Q. So you offered to buy a load of dirt 19 from Joey. 20 A. Uh-huh. 21 Q. Make sure you're saying yes or no? 22 A. Yes, sir. 23 Q. You offered to buy a load of dirt from 24 Joey Carter -- 25 A. Yes, sir.</p>
Page 179	Page 181
<p>1 Q. What's that? 2 A. They still build it? 3 Q. Why's that? 4 A. Just so. 5 Q. Pardon? 6 A. Just so. 7 Q. Just so? 8 A. Uh-huh. 9 Q. Okay. Have you ever had any 10 conversations with Joey Carter about anything? 11 A. Yeah. 12 Q. Tell me about that. 13 A. He just asked me whether Ms. Mandy still 14 living. 15 Q. When was that? 16 A. It was a few years ago after she had 17 moved out of her house with her son. 18 Q. When was that? 19 A. A few years ago. He brought me loaded 20 dirt to the house. 21 Q. He brought loaded dirt? 22 A. He pushed it down. 23 Q. Did you buy that load of dirt? 24 A. Huh-uh. 25 Q. Did he just give it to you?</p>	<p>1 Q. And he just he'd give it to you? 2 A. Yes, sir. 3 Q. And when was that? 4 A. A couple years ago, maybe a year. Yeah. 5 Q. And any other occasions where you and 6 Joey have had dealings? 7 A. I don't know if he was with the police 8 that come out to the house or not. I can't 9 remember, but my knowing, that's it. 10 Q. So you don't know if you may have 11 interacted with him in your official -- in his 12 official capacity? 13 A. Uh-huh. 14 Q. Okay. Have you had a good relationship 15 with Joey Carter over the years? 16 A. I really haven't had any kind with him. 17 He was his way, that's it. 18 Q. Has he always treated you with respect 19 when you-all would interact? 20 A. We talk -- we talk just like you and me 21 talking right now, so I guess -- 22 Q. You've never had a bad exchange with him 23 or anything? 24 A. No. 25 Q. And he's never been disrespectful to you</p>

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Page 182

1 personally?
2 A. Not to me personally.
3 Q. Okay. When you-all have had a
4 conversations over the years, either if he was
5 checking on your wife's mother-in-law or if he was
6 providing you with a load or dirt that you wanted
7 or conversations like that, did you mention
8 anything to him about any complaints you had about
9 his hog farm?
10 A. No, sir.
11 Q. Why not?
12 A. They up. They up and running. What he
13 going to do? Tear them down?
14 Q. And you had petitioned to the county --
15 the county you think?
16 A. Yes, sir.
17 Q. And that petition to stop the building
18 of the first hog farm was denied --
19 A. Uh-huh.
20 Q. -- is that right?
21 A. I don't know if it was denied.
22 Q. Okay. Why was it that you didn't file a
23 lawsuit at that point in time?
24 MR. WALLACE: Objection.
25 A. Say that again now?

Page 183

1 BY MR. EASLEY:
2 Q. Well, once -- you made a petition to try
3 to stop the installation of the first hog farm and
4 that was unsuccessful in some way, right?
5 A. Uh-huh.
6 Q. I mean, the petition didn't stop the
7 installation of the first hog farm, did it, right?
8 A. Right.
9 Q. Well, why is it that you didn't file a
10 lawsuit at that point in time?
11 MR. WALLACE: Objection.
12 A. I didn't file one.
13 BY MR. EASLEY:
14 Q. But why is that? Why didn't you?
15 A. Why didn't I file a lawsuit on Joey
16 Carter?
17 Q. Yes, sir.
18 MR. WALLACE: Objection.
19 A. I don't quite -- why didn't I file a
20 lawsuit against Joey Carter for building the
21 second hog house?
22 BY MR. EASLEY:
23 Q. Yes, sir.
24 MR. WALLACE: Objection.
25 A. Well, you filed the first one.

Page 184

1 BY MR. EASLEY:
2 Q. What's that?
3 A. I'm talking to myself.
4 Q. That's okay.
5 A. I'm talking to myself out loud. I
6 didn't file a lawsuit. I don't know. The first
7 time they went to court they didn't accomplish
8 anything. I mean, from the first petition and
9 stuff, it didn't accomplish anything, so why would
10 you file one against the second hog house? Why
11 would you do something against the second one? I
12 don't know.
13 Q. So after the petition was denied on the
14 first hog house, why is it that you didn't file a
15 lawsuit to get a judge to interfere at that point
16 in time? After the petition was unsuccessful, why
17 didn't you file a lawsuit to see the judge could
18 stop Joey Carter from building the hog house?
19 A. The first hog house?
20 Q. Yes, sir.
21 A. Why didn't we file a petition?
22 Q. Why didn't you file a lawsuit to see if
23 you could get a judge to stop Joey Carter from
24 putting up the hog house?
25 A. Why didn't we file a lawsuit against

Page 185

1 Joey Carter to try to stop the first hog house?
2 Q. Yes, sir.
3 A. We signed the petition. That didn't
4 stop it, so why -- you know, things, you don't
5 know. I mean, you can't do what you don't know.
6 Q. You just didn't think about it at the
7 time?
8 MR. WALLACE: Objection.
9 A. We didn't know. When are we going to
10 eat lunch?
11 BY MR. EASLEY:
12 Q. I think we can probably take a lunch
13 break in just a couple minutes.
14 A. My stomach bothering me now.
15 Q. Is it?
16 A. Yeah.
17 Q. Yeah. I can -- if I can finish a couple
18 more questions, I think we can probably break, and
19 then do -- you know, take maybe a half hour for
20 lunch?
21 A. I thought I could take -- you told me I
22 could take a break.
23 MR. WALLACE: Ready to take lunch?
24 A. I'm ready to take lunch.
25 BY MR. EASLEY:

IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 186..189

Page 186

1 Q. Do you think you can answer a few more
2 questions so I can get through this chapter?
3 A. No, let's get through it when we come
4 back from lunch. I might can think a little bit
5 better.
6 Q. All right. Thanks.
7 THE VIDEOGRAPHER: We're going off
8 record at 12:43.
9 (A recess was taken from 12:43 to 1:34
10 p.m.)
11 THE VIDEOGRAPHER: This is beginning of
12 Media Number 3 in video deposition of Anthony
13 Carlton. We're going back on the record at
14 1:34.
15 BY MR. EASLEY:
16 Q. All right. We're back -- what happened?
17 THE VIDEOGRAPHER: Lost a mic.
18 BY MR. EASLEY:
19 Q. Back on line. Okay. We're back after a
20 lunch break. We spoke some about various
21 interactions you've had with Joey Carter over the
22 course of the years. Have you had any other
23 interactions or conversations with any of his
24 other farm employees or anything like that?
25 A. I wouldn't know them.

Page 187

1 Q. Okay. So not to your knowledge?
2 A. Not to my knowledge.
3 Q. Okay. What about Murphy-Brown, LLC? Do
4 you know anybody who works for Murphy-Brown in
5 Warsaw or anywhere else?
6 A. Yeah, I know a couple people, but we
7 never talked about, you know -- nothing about
8 hogging. We always talk about the Bible.
9 Q. So just friends, church friends or
10 people like that that work for Murphy-Brown?
11 A. Uh-huh.
12 Q. Make sure we're saying yes or no.
13 A. Yes, sir, yes, sir.
14 Q. No, that's okay. And so of the folks
15 who worked for Murphy-Brown, you never complained
16 to them or anything about any odor associated with
17 any hogs, have you?
18 A. No, sir.
19 Q. Okay. Have any Murphy-Brown employees
20 ever visited your house?
21 A. Yes, sir.
22 Q. And that would be for social type
23 things, not for any business dealings?
24 A. No business dealings.
25 Q. Okay. Have they ever talked to you

Page 188

1 about hog farming or given you any materials or
2 anything about hog farming?
3 A. No, sir.
4 Q. Okay. Have you visited any Murphy-Brown
5 facilities or offices or anything like that?
6 A. No, sir.
7 Q. Okay. About how many folks do you know
8 who work for Murphy-Brown?
9 A. Of my knowing, I know that one works for
10 him now, if he still works for him. Been a long
11 time since I talked to him.
12 Q. Do you know what kind of work?
13 A. He drive trucks.
14 Q. Okay. And is -- you don't know if he
15 still drives trucks for Murphy-Brown or not?
16 A. No. I know one of them.
17 Q. Do you know anyone who works for
18 Smithfield Foods?
19 A. Not of my knowing.
20 Q. Okay. Do you know whoever sold grain to
21 Murphy-Brown for feed for the hogs?
22 A. No, not of my knowing.
23 Q. You talked about some of the odor
24 associated with the Joey Carter's farms, do you
25 perceive any benefits for hog farming in Duplin

Page 189

1 County?
2 MR. WALLACE: Objection.
3 A. What are you saying?
4 BY MR. EASLEY:
5 Q. Are you -- do you perceive any benefits
6 to the economy in Duplin County from hog farming
7 going on in the county?
8 MR. WALLACE: Objection.
9 A. What you saying? Explain -- rephrase it
10 another way.
11 BY MR. EASLEY:
12 Q. Yeah, sure. You did talk about some
13 odor associated with the Joey Carter's farms,
14 right?
15 A. Uh-huh.
16 Q. And in your mind, are there any benefits
17 associated with those hog farms?
18 MR. WALLACE: Objection.
19 BY MR. EASLEY:
20 Q. Are there any good things about those
21 hog farms with respect to how they may contribute
22 to the community?
23 MR. WALLACE: Objection.
24 A. No.
25 BY MR. EASLEY:

02, 403
misreading
foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 190..193

Page 190

1 Q. Do they give jobs to people?
2 A. I don't know. I mean, you know, I've
3 never been involved with it. I've been around it,
4 never been on the land, so I can't say that. I
5 don't know nobody that works for them.
6 Q. What about the pork industry in general
7 in Duplin County, don't a lot of people work in
8 the pork industry?
9 A. Yes, sir.
10 Q. Tell me about that.
11 A. I don't know.
12 Q. So what do you mean when you say a lot
13 of people work in the pork industry?
14 A. They work over at Lundy's Packing
15 Company.
16 Q. Where is that?
17 A. Clinton.
18 Q. And what is Lundy's?
19 A. I don't know. I ain't never been in
20 there.
21 Q. Is it like --
22 A. It's a hog killing place where they kill
23 hogs. What I heard. People tell me. I've never
24 been in it.
25 Q. A packing plant for the hogs?

Page 191

1 A. Uh-huh. Say what now? I thought you
2 were telling me.
3 Q. Is that right, is Lundy's a hog packing?
4 A. That's the name of it, Lundy Packing
5 Company.
6 Q. It's a meat packing company?
7 A. That's the name of it.
8 Q. Is that right?
9 A. I don't know. I ain't never been in
10 there.
11 Q. Do you understand Lundy's to be a meat
12 packing facility?
13 A. I've heard it was.
14 Q. Okay. But you wouldn't have any
15 firsthand knowledge?
16 A. Firsthand knowledge, I wouldn't have it.
17 Q. But common sense would tell you if
18 that's what it's called, that's what it is?
19 A. Do I have to answer that?
20 Q. Pardon?
21 A. You asked me a question?
22 Q. Yes, sir.
23 A. Oh, yeah, yes, sir.
24 Q. Is that right?
25 A. Yes, sir.

Page 192

1 Q. Okay. Have you inquired about working
2 for Murphy-Brown?
3 A. No, sir.
4 Q. Does your wife work?
5 A. No, sir.
6 Q. And has she ever worked?
7 A. Yes, sir.
8 Q. Tell me what was -- when was the last
9 job she held?
10 A. Rose Hill Poultry.
11 Q. Rose Hill Poultry. When was the last
12 time she worked for Rose Hill Poultry?
13 A. About 20 years, I believe.
14 Q. Okay.
15 A. I can't give you the exact date and
16 time. She can.
17 Q. Have you ever complained about
18 Murphy-Brown to the State of North Carolina?
19 A. Just that petition.
20 Q. Okay. And you mentioned that when you
21 talk about a petition, you mention that there was
22 a petition you recalling Linnill Farland bringing
23 around when the first hog farm was being built?
24 A. Yes.
25 Q. But you don't know what happened with

Page 193

1 that petition?
2 A. No, sir. I don't.
3 Q. You don't know if it was filed with any
4 government agency or --
5 A. Supposed to have been.
6 Q. Okay. Who was it supposed to have been
7 filed with?
8 A. Up at Kenansville. With the county?
9 Q. Okay.
10 A. Whatever's up there.
11 Q. And you personally have never complained
12 to the county about anything related to the hog
13 farms, have you?
14 A. No, sir.
15 Q. You never complained to the State of
16 North Carolina?
17 A. No, sir.
18 Q. Or the EPA?
19 A. No, sir.
20 Q. Or any federal or other governmental
21 agency?
22 A. No, sir.
23 Q. Okay. Why haven't you ever talked to
24 anybody at any of these government entities about
25 any concerns you may have related to the hog farm?

602, 802,
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402, 403
misleading
foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 218..221

Page 218

1 MR. WALLACE: Objection.
2 BY MR. EASLEY:
3 Q. The headaches and the allergies?
4 MR. WALLACE: Objection.
5 A. No. I mean, not for no medical reason,
6 no.
7 BY MR. EASLEY:
8 Q. Are you claiming any kind of like
9 monetary compensation you're seeking for those
10 symptoms?
11 MR. WALLACE: Objection.
12 A. What symptoms?
13 BY MR. EASLEY:
14 Q. The headaches and the allergies you
15 described.
16 A. No.
17 MR. WALLACE: Objection.
18 BY MR. EASLEY:
19 Q. Okay. Do you understand my question?
20 A. Uh-huh. Not clearly -- I mean, like
21 you're saying the symptoms, okay, you saying am I
22 looking medical -- is that what you're saying?
23 Q. Oh, you're saying you're not making any
24 medical claims?
25 A. Right. You know, no, I'm not making a

Page 219

1 medical claim.
2 Q. Okay.
3 A. No.
4 Q. So are you seeking any kind of monetary
5 compensation for the headaches and the allergies
6 you experience?
7 MR. WALLACE: Objection.
8 A. You calling them medical claims?
9 BY MR. EASLEY:
10 Q. No, sir, not necessarily.
11 A. I don't know what you're saying.
12 Q. In other words, are you seeking any kind
13 of monetary damages for the headaches and the
14 allergies that you're describing?
15 MR. WALLACE: Objection.
16 A. No.
17 BY MR. EASLEY:
18 Q. Okay. Are you claiming at all that the
19 Joey Carter's hog farms have caused you to
20 experience any mental illness?
21 MR. WALLACE: Objection.
22 A. No.
23 BY MR. EASLEY:
24 Q. Or mental stress?
25 MR. WALLACE: Objection.

Page 220

1 A. No.
2 BY MR. EASLEY:
3 Q. Okay. Have you been diagnosed with any
4 kind of mental illness?
5 A. A little bit.
6 Q. Okay. I did notice in your medical
7 record some mention of that, but you're not
8 claiming that Joey Carter's hog farms have caused
9 that, are you?
10 A. Huh-uh.
11 Q. No, sir?
12 A. No, sir. I forgot that.
13 Q. And we don't have to go into any details
14 on that --
15 A. Okay.
16 Q. -- if it's not related,
17 Are you making a claim for any reduction
18 in the value of your property?
19 MR. WALLACE: Objection.
20 A. I don't know.
21 BY MR. EASLEY:
22 Q. You don't have any independent ownership
23 interest in the property, do you?
24 A. Right.
25 Q. Okay. It's in your wife's name along

Page 221

1 with her ex-husband; is that right?
2 A. Yes, sir.
3 Q. Okay. Are you claiming with respect to
4 Joey Carter and his farms that he's doing anything
5 wrong at his farms?
6 A. No, sir.
7 Q. Are you claiming that any of his
8 employees are doing anything wrong?
9 A. No, sir.
10 Q. Do you believe Murphy-Brown has done
11 anything wrong?
12 MR. WALLACE: Objection.
13 A. Yes, sir.
14 BY MR. EASLEY:
15 Q. What is it you think that Murphy-Brown
16 has done wrong?
17 A. He own all the hogs. I mean, they tell
18 him what he can and can't do because it's their
19 hogs and he got to abide by their rules or they
20 shut him down.
21 Q. So is there anything specific that you
22 think Murphy-Brown has done wrong?
23 MR. WALLACE: Objection.
24 A. It's when he brought them hogs out
25 there, they brought stink. Stink up the place.

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402, 403
misreading
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IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 262..265

Page 262

1 July 1.
2 A. Uh-huh.
3 Q. What year is that?
4 A. I don't know. Might have been last
5 year. Won't this year, I know that.
6 Q. Do you have any idea what year this odor
7 calendar relates to?
8 A. No, not straight off. I didn't put no
9 dates on it, so -- and the time, you know, year on
10 it, could have been last year. I think it was.
11 Q. What is it you have written there for
12 July 1?
13 A. "Use bug spray to kill flies. Had to
14 keep windows closed because the smell. Allergies.
15 Hog trucks come -- came by dripping waste."
16 Q. Okay. Let me get that back. Thanks.
17 One of these on July 20 says, "Friends come over
18 and smell odor." Do you know who those friends
19 were?
20 A. Must have been Nita and them when they
21 came home.
22 Q. Okay. And Nita brought some friends
23 home from school in Charlotte?
24 A. Uh-huh, yeah.
25 Q. And then on July 23, there's one that

Page 263

1 says, "Family come over and smell odor." Do you
2 have any idea -- do you think that relates to Nita
3 as well?
4 A. Yeah.
5 Q. I'm going to mark this as Defense
6 Exhibit 1.
7 (Defendant's Exhibit Number 1 was marked
8 for identification.)
9 Q. I'll just hand it to our court reporter.
10 I'll just hand it to our court reporter so she's
11 got a copy of it. Thank you.
12 Did Buddy ever complain to you about the
13 odor?
14 A. I don't know. To me directly, no.
15 Q. Do you remember of him complaining to
16 anybody else about the odor?
17 A. I don't know who all he talked to him.
18 His mama. They were close.
19 Q. What about Mr. Faison? Did he ever
20 complain to you about the odor?
21 A. Who is Mr. Faison?
22 Q. Didn't you mention your friend's last
23 name was Mr. Faison?
24 A. Oh, LB?
25 Q. Yes, sir.

Page 264

1 A. I don't stay where he stay at.
2 Q. Didn't you say that he visited your home
3 before?
4 A. Huh-uh.
5 Q. This is your friend, I think you
6 mentioned --
7 A. No, I didn't say -- I didn't say he
8 visit my home. I remember telling you he was my
9 friend. That's because Buddy stayed with us.
10 Q. Right.
11 A. LB stay in Turkey. His house was in
12 Turkey or Clinton or Faison. We were friends. He
13 worked for Murphy-Brown.
14 Q. But he'd never visited your house?
15 A. He never visited my house.
16 Q. I'm sorry. I think I must have misheard
17 you about that.
18 A. Yeah.
19 Q. I think when Mr. Wallace was asking you
20 questions you said that the odor can be worse when
21 it's hot out; is that right?
22 A. Yes, sir.
23 Q. And did you say it can be worse in the
24 evening times?
25 A. Uh-huh.

Page 265

1 Q. "Yes"?
2 A. Yes, sir.
3 Q. Any other weather-related issues that
4 are related to the odor?
5 A. Rain.
6 Q. I think I do remember you mentioned that
7 to Mr. Wallace.
8 A. Rain.
9 Q. So if it's raining out, is that before
10 it rains, during the rain or after the rain?
11 A. Anywhere around the rain.
12 Q. You feel like the odor can be worse
13 around the rain?
14 A. Yes, sir. Like it agitates it.
15 Q. Okay. Where do you store your trash
16 before it goes to the dump, is it the pickup
17 truck?
18 A. Yes, sir.
19 Q. Is it the S-10?
20 A. Yes, sir.
21 Q. And about how many bags of trash do you
22 generate a week?
23 A. About two bags.
24 Q. And how often does Ms. Carlton take it
25 to the dump?

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402, 403
misleading
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1 A. Every Tuesday.
2 Q. Is the dump only open a certain --
3 A. Couple days, yeah.
4 Q. Tuesdays it's open?
5 A. Uh-huh.
6 Q. Okay. Do you ever burn trash or yard
7 waste?
8 A. No, sir.
9 Q. Have you ever?
10 A. Have.
11 Q. What -- do you use a burn barrel or do
12 you just put it in a pile?
13 A. Put it in a pile and burn it. It's been
14 years since we've done it now.
15 Q. Okay. How far is the dump from your
16 house?
17 A. Approximately four miles.
18 Q. What about your household waste, your
19 toilet waste, where does that go?
20 A. In a septic tank.
21 Q. Okay. Where is your septic tank?
22 A. In the front yard.
23 Q. Okay. And when did you get that
24 installed?
25 A. Had a new one put in a few years ago

1 over by -- I guess over ten years. I don't know
2 exactly. It's been a while since we had it put
3 in.
4 Q. Why did you have a new septic tank put
5 in?
6 A. Because it was time for another one.
7 Q. How did you know it was time for another
8 one? Was the old one backing up?
9 A. Yeah, the old one beginning to back up
10 and drain slow so we know something was wrong with
11 it.
12 Q. And you've been in the septic business
13 before?
14 A. Uh-huh.
15 Q. So that wasn't anything new to you?
16 A. Right. Just couldn't fix it.
17 Q. Did you try?
18 A. No, I didn't try to fix that thing. I
19 know about what the problem was.
20 Q. Right.
21 A. I mean, if I had equipment and somebody
22 was working it, I could fix it.
23 Q. Yeah. Did you replace out the old one
24 and put the new one where the old one is?
25 A. Yes, sir. You could say we put in brand

1 new lines in and everything.
2 Q. That's not cheap.
3 A. Nope.
4 Q. You mentioned earlier you-all got some
5 new doors.
6 A. Uh-huh.
7 Q. When was it you put new doors in the
8 house?
9 A. About three or four years ago.
10 Q. Okay. And was that part of any kind --
11 did you have some government incentives that
12 funded that?
13 A. No, I did that.
14 Q. You did it yourself?
15 A. Yes, sir.
16 Q. Where did you get the doors from?
17 A. Home Depot.
18 Q. Okay. What sorts of crops are grown
19 nearby? I know there's some corn that's grown
20 down on Loop Road.
21 MR. WALLACE: Objection.
22 BY MR. EASLEY:
23 Q. Are you familiar with that?
24 A. I don't go out there.
25 Q. Well, you've been to Mr. Linnill's house

1 to get your hair cut?
2 A. That's right there. That's down back
3 yonder. I don't go right back. I go right there
4 to Mr. Linnill's and turn back.
5 Q. All I'm asking is are you familiar with
6 the corn and the soy beans that are grown back --
7 A. Back there?
8 Q. Yes.
9 A. But I mean, I can't tell you what's back
10 there now. I haven't been back there. But
11 there's crops -- I guess they back there where the
12 hog house is at?
13 Q. So you haven't been to Mr. Linnill's
14 house --
15 A. No.
16 Q. -- since he stopped cutting hair?
17 A. Huh-uh.
18 Q. How long ago did he stop cutting hair?
19 A. About a year or two.
20 Q. So you haven't been to Mr. Linnill's
21 house?
22 A. I talked to him one time.
23 Q. In a year or two?
24 A. Uh-huh. Most the time I talk to him out .
25 to Beulaville at the grocery store.

IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 274..277

Page 274
1 cows, couldn't they? It's not a trick question.
2 I'm just asking you, I mean, they could be
3 different farmer's cows, you don't know?
4 A. I'd say the same cows.
5 Q. You do believe they're the same cows?
6 A. I believe they're the same cows, that's
7 my opinion.
8 Q. Why is it you believe they're the same
9 cows?
10 A. Because they move them.
11 Q. Whose --
12 A. From field to field to farmer. They
13 don't let them stay in the same field. Some --
14 when they eat the grass out of this field, they've
15 move it over to that field.
16 Q. So hogs came --
17 A. And then the cows.
18 Q. And then at some point after that, the
19 cows came?
20 A. Cows came.
21 Q. And before --
22 A. On every hog farm you go to.
23 Q. And before the hogs came, there were
24 chicken houses there, weren't they?
25 A. Where the hog house is at?

Page 275
1 Q. At I. G. Sandlin's land.
2 A. The hogs, chicken houses were there.
3 Q. Yeah. And you mentioned there were some
4 poultry houses behind where Benny Whaley's house
5 is?
6 A. Whoever that is, yeah.
7 Q. And that's down Hallsville Road, isn't
8 it?
9 A. Yeah.
10 Q. And those were there before hog houses
11 were there?
12 A. Yeah.
13 Q. Okay. So there were chicken houses
14 there --
15 A. Uh-huh.
16 Q. -- then there were hog houses?
17 MR. WALLACE: Objection.
18 A. Uh-huh.
19 BY MR. EASLEY:
20 Q. "Yes"?
21 A. Say what now? I was just talking --
22 Q. There were chicken houses there, right?
23 And then there were hog houses; is that right?
24 MR. WALLACE: Objection.
25 A. Chicken houses, I don't know whether

Page 276
1 there were chickens in it. I can't guarantee it,
2 but the houses was there. I might say they were
3 chickens in there, but I can't totally remember.
4 BY MR. EASLEY:
5 Q. And now there's cattle there on
6 Hallsville Road?
7 A. Uh-huh.
8 Q. "Yes"?
9 A. Yes, sir.
10 Q. Okay. Sounds like a long history of
11 livestock in the area; is that right?
12 MR. WALLACE: Objection.
13 A. No.
14 BY MR. EASLEY:
15 Q. Well, at least for the last 30 years or
16 more, there's been livestock being raised in the
17 area, hadn't there?
18 MR. WALLACE: Objection.
19 A. No, not to me, because as I saw -- we
20 didn't start having problems down there until the
21 hog houses came.
22 BY MR. EASLEY:
23 Q. I'm not asking about problems, I'm just
24 asking --
25 A. I understand.

Page 277
1 Q. There's always been livestock raised in
2 the area as long as you can remember, right?
3 MR. WALLACE: Objection.
4 A. But the hog houses bring a problem --
5 that's what we're here about now, right?
6 BY MR. EASLEY:
7 Q. And we can talk a lot about the hog
8 houses. I'm just asking from a general
9 perspective, there's always been livestock raised
10 in the area since you can remember; isn't that
11 right?
12 MR. WALLACE: Objection.
13 A. Well, from what I gather, the chicken
14 houses gone, been gone. I mean, you know, the
15 chicken house has been there, but the chickens
16 been gone. Now, I don't know how long, but it's
17 been a long time that they been gone because --
18 where that other house you say were at? The first
19 one?
20 Q. The I. G. Sandlin chicken houses?
21 A. Yeah. Those chicken houses has been
22 gone a long time, the chickens themselves.
23 BY MR. EASLEY:
24 Q. So there was chicken farming going on in
25 those chicken houses a long time before you ever

402, 403
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IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 306..309

Page 306	Page 308
<p>1 would he do it in the pen? 2 A. He come out of the pen and do it. 3 Q. Where was his spot? 4 A. Behind the pen. 5 Q. Back behind the pen? 6 A. Yeah. 7 Q. In the woods? 8 A. Yeah. Go right to the edge of the woods 9 and we cover it up. 10 Q. And you-all would just cover it up with 11 leaves or something? 12 A. No, you don't do that. You dig a hole. 13 Q. He would dig a hole. 14 A. Yeah. 15 Q. And he'd cover it up? 16 A. I did the hole -- if he did it out in 17 the yard, we get it up because I had cut grass and 18 stuff. 19 THE VIDEOGRAPHER: Mr. Carlton, don't 20 grab your mic. 21 A. Oh, I'm sorry. Yeah. I'd clean it up, 22 go out there and dig a hole and cover it up so he 23 wouldn't play in it. 24 BY MR. EASLEY: 25 Q. Was he bad for playing in it?</p>	<p>1 Q. Sometimes people in the city do that 2 that I see. 3 A. They got a problem. 4 Q. I see them do it every day. Have you 5 ever had pets there at the house other than 6 Speedy? 7 A. Peaches. 8 Q. Who's Peaches? 9 A. A puppy. 10 Q. Okay. When did you have Peaches? 11 A. Peaches, she died. 12 Q. Yeah. 13 A. She died little bitty. 14 Q. When was that? 15 A. Same time we had Speedy. 16 Q. Did you-all bury Peaches, too? 17 A. No, I don't know what happened with 18 Peaches. I don't know. 19 Q. And Peaches died about the same time 20 Speedy did? 21 A. No, way before Speedy died. 22 Q. Okay. Did you attend any meetings where 23 Reach members spoke to you -- 24 A. No. 25 Q. -- or presented to you?</p>
Page 307	Page 309
<p>1 A. No. He's bad for playing with you. 2 Q. Yeah. And so your routine -- if Speedy 3 went back in the woods, you would let him handle 4 it. If he went in the yard, you'd -- 5 A. Clean it up, just keep his pen cleaned 6 out, stuff like that. 7 Q. Where would you take it to shovel it a 8 away? 9 A. Right there at the woods. Right there 10 at the woods, go out there and big a hole and bury 11 it and cover it up. 12 Q. So if Speedy went somewhere and did his 13 business in the yard, you would -- 14 A. Clean it up. 15 Q. What would you use? 16 A. A shovel. 17 Q. A shovel? 18 A. Yeah. 19 Q. And you'd go take it back to the edge of 20 the woods? 21 A. And cover it up. 22 Q. Okay. So you wouldn't do anything like 23 put it in a -- pick it up with a bag with your 24 hand or anything like that? 25 A. No.</p>	<p>1 A. I didn't, no. 2 Q. Did you attend any meetings where 3 anybody else other than your lawyers gave any 4 presentations or anything? 5 A. No, sir. 6 Q. You're not making any claim of water 7 pollution, are you? 8 A. No, sir. 9 Q. Okay. And you're not claiming any 10 ground water contamination? 11 A. No, sir. 12 Q. Or surface water runoff? 13 A. No, sir. 14 Q. Okay. You're not claiming any leaks in 15 any of the hog lagoons, are you? 16 A. No, sir. 17 Q. You were complaining some about flies. 18 You mentioned you use some fly spray. 19 A. Uh-huh. 20 Q. Any other things you use to address your 21 concerns about flies? 22 A. Fly bait. 23 Q. What is fly bait? 24 A. It's a pesticide, but it's in a 25 sugary-like form.</p>

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IN RE: NC SWINE FARM NUISANCE LITIGATION
Anthony Harold Carlton on 07/14/2016

Pages 358..361

Page 358
1 farms, are you?
2 A. No, sir.
3 Q. Do you have any fear of future injuries
4 to your body that you would attribute to the hog
5 farms?
6 MR. WALLACE: Objection.
7 A. No, sir.
8 BY MR. EASLEY:
9 Q. And you're not claiming that you've ever
10 missed any work related to the hog farms, are you?
11 A. No, sir.
12 Q. Okay. What's your current height and
13 weight?
14 A. 6'1, 240 pounds.
15 Q. And what was your height and weight ten
16 years ago if you had to guess? I'm sure you're
17 6'1 --
18 What would have been your weight ten
19 years ago?
20 A. 220.
21 Q. What's the most you've ever weighed?
22 A. 240.
23 Q. And what do you think your weight was in
24 1991?
25 A. 175.

Page 359
1 Q. So most of your weight --
2 A. No, no, no, no, no, no.
3 Q. Okay.
4 A. 19- -- yeah, 1991, I'd say about 154.
5 Q. Okay. Wow. 154?
6 A. Uh-huh.
7 THE COURT REPORTER: I'm sorry?
8 A. I was talking to myself.
9 BY MR. EASLEY:
10 Q. So you put on a lot of muscle mass over
11 the years?
12 A. (Nodded.)
13 Q. "Yes," sir?
14 A. Yes, sir.
15 Q. Do you think it's important to be honest
16 with your doctors?
17 A. Yes, sir.
18 Q. You agree you need to tell the doctor
19 all your symptoms for the doctor to be able to
20 help you?
21 A. Yes, sir.
22 Q. You need to give the doctor complete
23 information to get good advice from your doctors,
24 don't you?
25 A. Yes, sir.

Page 360
1 Q. And you never complained to any doctor
2 about the hog farms, have you?
3 A. No, sir.
4 Q. Have you ever tried to sell your
5 property?
6 A. I ain't got none.
7 Q. Okay. Has your wife ever tried to sell
8 her property?
9 A. No, sir.
10 Q. Has anyone ever tried to buy it from
11 her?
12 A. No, sir.
13 Q. Have you-all ever had any mortgages on
14 the property?
15 A. No, sir.
16 Q. And you're not seeking reimbursement for
17 any medical bills in this case?
18 A. No, sir.
19 Q. Are you claiming anything related to the
20 hog farm has caused you any out-of-pocket
21 financial hardship?
22 A. No, sir.
23 Q. Do you have any collateral sources of
24 income other than your work with Guilford Mills?
25 A. What do you mean? Any other way of

Page 361
1 money coming in?
2 Q. Yes, sir.
3 A. My VA disability.
4 Q. Okay. Anything else?
5 A. No, sir.
6 Q. Okay. Have you received any moneys from
7 your lawyers?
8 MR. WALLACE: Objection.
9 A. No, sir.
10 BY MR. EASLEY:
11 Q. No cash advances of any kind?
12 A. No, sir.
13 MR. WALLACE: Objection.
14 BY MR. EASLEY:
15 Q. Have you received any money associated
16 with this lawsuit at all yet?
17 MR. WALLACE: Objection.
18 A. No, sir.
19 BY MR. EASLEY:
20 Q. What kind of compensation are you
21 seeking in this case?
22 MR. WALLACE: Objection.
23 A. Whatever the court or it goes before a
24 jury, whatever they say. You know, that's their
25 decision to make, and whatever they decide, that's

402, 403
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IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 18..21

Page 18	Page 20
<p>1 Q. Who lived with you there? 2 A. The whole family. 3 Q. Okay. And when you say "whole 4 family --" 5 A. Three brothers and three sisters. 6 Q. And could you give me their names? 7 A. Robert Carter, Kenneth Carter, Michael 8 Carter, Loretta Carter, Doretta Carter, Bertha 9 Carter. 10 Q. Okay. Did your mother live there with 11 you as well? 12 A. Yes. Henrietta Carter and me. 13 Q. And so when you moved there in 1970, how 14 long did you stay there before you left again? 15 A. Got married when I was 21. That lasted 16 one year. Went back home. I stayed until I 17 was -- I got married again, and -- it was 36 years 18 ago. 19 THE COURT REPORTER: I'm sorry. I can't 20 hear you. 21 THE WITNESS: Counting. 22 BY MS. WEBB: 23 Q. And we can back up. We can do it in 24 stages. I heard you say that you got married when 25 you were 21?</p>	<p>1 A. Uh-huh. 2 Q. And then you got married -- 3 A. Uh-huh. 4 Q. -- again? 5 And what was that wife's name? 6 A. Edith Wilson. 7 Q. And you moved away after you got 8 married? 9 A. Uh-huh. 10 Q. Where did you move to? 11 A. Moved to Rose Hill, but also bought a 12 mobile home because I stayed home when I met my 13 wife. 14 Q. Okay. 15 A. I bought the house for us but she didn't 16 want to stay in Beulaville, so there was a 17 conflict. 18 Q. Okay. So when you moved to Rose Hill 19 with -- 20 A. Rose Hill. 21 Q. -- Rose Hill with your second wife, did 22 you buy the property in Rose Hill that you lived 23 on? 24 A. No. 25 Q. Okay.</p>
Page 19	Page 21
<p>1 A. Yes. 2 Q. Okay. So you moved away from the 3 property then; is that correct? 4 A. Yes. A year. 5 Q. Okay. So where did you move to? 6 A. Kenansville. 7 Q. Okay. And what was your first wife's 8 name? 9 A. Kate Henry. Kate Henry. 10 Q. Okay. So you -- after you divorced, did 11 you move back to the property that we're talking 12 about today? 13 A. Uh-huh. 14 Q. Okay. And then how long did you stay 15 that time? 16 A. That's what I'm counting. 17 Q. Okay. 18 A. I stayed until -- stayed until about '75 19 because my wife and I stayed together before a few 20 years before I got married again. 21 Q. All right. 22 A. I stayed with her for 22 years and 23 divorced. 24 Q. Okay. So you -- just so I'm clear, you 25 stayed until 1975?</p>	<p>1 A. No. 2 Q. Did you rent? 3 A. Rented. 4 Q. Okay. And so in Rose Hill, you were 5 there with your wife for how many years? 6 A. 22. 7 Q. Okay. And then you came back to Howards 8 Farm Road around what year? 9 A. '98. 10 Q. Okay. And you've been there ever since? 11 A. Yes. 12 Q. Okay. All right. And so did you buy 13 that land or is the land still in your mother's 14 name or what happened? 15 A. My mother passed and we divided the land 16 up. We had two sections of land. One over in 17 Brownstown Road in one on Hallsville -- or 118 18 Howards Farm Road, and the house in Hallsville -- 19 I had done worked on the house and remodeled it. 20 The house was mine, but my land was in Rose Hill, 21 so we traded my land in -- not Rose Hill, 22 Magnolia -- it's a Magnolia address, but it's 23 Kenansville. We traded land on Brownstown Road 24 with my brother and sister, Mike and Bertha, for 25 the land in Beulaville.</p>

402, 403
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IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 22..25

Page 22

1 Q. Okay.

2 A. So I got a deed for the land in

3 Beulaville.

4 Q. Gotcha. All right. And what year was

5 that?

6 A. The deed cleared in 2003.

7 Q. And so you went back to living there in

8 1998. And then the deed cleared in 2003; is that

9 correct?

10 A. I'm thinking that's when it was.

11 Q. Okay. And so you also owned property in

12 Magnolia?

13 A. My name's on it, but I don't know own

14 it.

15 Q. Explain that.

16 A. My lawyer messed up.

17 Q. Okay.

18 A. My name wasn't supposed to be on it.

19 We're trying to get it straight now.

20 Q. Okay. And so for that property, in

21 Magnolia, did you ever live there?

22 A. No.

23 Q. Okay. And so how did you come to

24 acquire that property? How is your name --

25 A. That was two pieces my mama left.

Page 23

1 Q. Okay. So when she died, you inherited

2 that property?

3 A. Uh-huh.

4 Q. All right. And where did you go to

5 grade school or elementary?

6 A. Went to E.E. Smith Elementary and East

7 Duplin High School.

8 Q. Okay. And did you graduate from East

9 Duplin?

10 A. Like 30 days and quit.

11 Q. And why did you quit?

12 A. Mama said --

13 THE COURT REPORTER: Mama said what?

14 A. Must got hardheaded.

15 BY MS. WEBB:

16 Q. So what did you go and do after you quit

17 school?

18 A. Went to work.

19 Q. Where did you go?

20 A. Jacksonville.

21 Q. What was your job there?

22 A. Went back to Jacksonville, working on

23 garbage truck again.

24 Q. And do you have any certifications or

25 have you ever gone to a tech school?

Page 24

1 A. No.

2 Q. And so when you stopped going to school

3 at East Duplin, you went to Jacksonville and

4 worked for a trash collection --

5 A. The City.

6 Q. The City. In garbage collection?

7 A. Yeah.

8 Q. All right. And how long did you do

9 that?

10 A. That didn't last for about a year.

11 Q. Okay. And so when you stopped doing the

12 garbage collection, what did you do?

13 A. House of Raeford.

14 Q. And what is House of Raeford?

15 A. Chickens.

16 Q. And so in that job, what did you do

17 there?

18 A. I backed trucks in -- I was a truck

19 driver. Yard truck driver.

20 Q. And so how long did you work at House of

21 Raeford?

22 A. About seven years.

23 Q. And were you a truck driver that whole

24 time?

25 A. Uh-huh.

Page 25

1 Q. After you left House of Raeford, where

2 did you go to work?

3 A. Drove trucks about a few years, but it

4 won't a few years -- about a year, then I quit

5 that. And went to logging -- not logging, but

6 doing carpentry work. That's what I struck to.

7 Q. And so I'll back up a little bit, when

8 you were working for the City, why did you stop

9 doing that?

10 A. Too far to go.

11 Q. And for the House of Raeford, why did

12 you have stop working there?

13 A. More money.

14 Q. And then for the log trucks for the

15 year, you stopped that?

16 A. Dirty work.

17 Q. And what do you mean by "dirty work,"

18 explain it?

19 A. Grease. You had to grease the machines,

20 trucks, everything. Had to get greased up before

21 you could do anything. Just greasy all day. I

22 ain't like that.

23 Q. And after that, you went into carpentry.

24 So did you -- was that your own business or did

25 you work for someone?

FDI, 402
403

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 30..33

Page 30

1 Raleigh and that gives you no time. And I got to
2 drop them back off that evening. I quit.
3 Q. Okay. And so was your alcohol and drug
4 use related to the reason why you quit?
5 A. The biggest part of it. I didn't have
6 time for it.
7 Q. Okay. So does that mean your work was
8 taking up a lot of your time and you didn't have
9 time for the other things?
10 A. (Nodded.) Yeah.
11 Q. And so did you and your brothers come to
12 an agreement that you were going to quit or was
13 there any tension there because you quit?
14 A. No tension.
15 Q. And where was that construction or
16 carpentry business located?
17 A. Beulaville.
18 Q. Do you remember the address in
19 Beulaville?
20 A. Robert was staying at 120 Howards Farm
21 Road at the time.
22 Q. And did you run the business --
23 A. Out of the house, yeah.
24 Q. Okay. All right. So once you went to
25 the doctor because you couldn't walk any more

Page 31

1 because of your back pain, what happened after
2 that?
3 A. I had surgery. Fused my bottom bone in
4 my back that I had broke. Crushed four vertebra,
5 and the tailbone, they fused it. Came out, tried
6 to go back to work, but I won't able. Disability.
7 Q. And so why did you wait those four years
8 to go to the doctor?
9 A. Had no insurance.
10 Q. And when you -- after the surgery and
11 you tried to go back to work, where did you try to
12 go back to work?
13 A. I tried with Osmond Duff. I tried back
14 with Kenny and Robert. I tried -- what's the
15 name? Jacksonville -- what is his name? Can't
16 think of his name right off the top of my head,
17 but I worked for him a day or two.
18 Q. And what type of work was that?
19 A. Construction.
20 Q. Okay. And so with the -- did you say
21 Osmond Duff; is that what you said?
22 A. Uh-huh.
23 Q. Was that construction as well?
24 A. Uh-huh, building new houses.
25 Q. How long did you do that?

Page 32

1 A. It won't long because I couldn't put the
2 sheetrock up on top of the house because of my
3 back, so I quit.
4 Q. And then with your brothers, about how
5 long did you try to go back and do that?
6 A. That won't long either. I can't --
7 can't give no specific dates and time, because I
8 can't remember.
9 Q. Was it longer than a month or less than
10 a month?
11 A. It was probably longer than that.
12 Q. Okay. And so were you still using drugs
13 and alcohol during that time?
14 A. Uh-huh.
15 Q. Was the construction job with the guy
16 that you can't remember, was that the last one
17 that you -- last job that you tried to work?
18 A. Yes.
19 Q. Okay.
20 A. Patrick Adno [phonetic] was his name.
21 Q. And what year did you go on disability?
22 A. '10 -- 2010, 2016, '10 -- been on
23 disability about ten years.
24 Q. And you're still on disability now?
25 A. Uh-huh.

Page 33

1 Q. Okay. And is there any work that you've
2 done in the -- in that 10-year or about that
3 10-year span that you've been on disability?
4 A. At the house, trying to keep the house
5 repaired. That's about it.
6 Q. Okay. Do you collect any scrap metal
7 now?
8 A. Uh-huh.
9 Q. And what do you do with that scrap metal
10 that you collect?
11 A. I sell it.
12 Q. How long have you been doing that?
13 A. Since I got to where I couldn't work.
14 Q. Okay. And so that's been pretty much
15 since you've been on disability?
16 A. Yeah.
17 Q. Okay. And do you do that from your
18 home?
19 A. Scrap metal?
20 Q. Yes.
21 A. Yeah, I keep my cans and stuff until
22 they bunch up enough to sell.
23 Q. All right. And do people bring any
24 scrap metal to you?
25 A. No, they don't bring nothing to me.

402, 403
Lack of
Foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 34..37

Page 34

1 That's strictly cans out of our house. I stop
2 somewhere, man got cans sitting there, what you
3 going to do with those cans? You want them? Take
4 them. That's it.

5 Q. Have you ever had any Workers'
6 Compensation claims outside of --
7 A. No.
8 Q. Okay.
9 A. No.
10 Q. Have you ever been involved in any
11 lawsuits with any of your employers?
12 A. Greg Miller. I did set up mobile homes
13 a while.
14 Q. And what happened?
15 A. Overtime pay. That cost me a job.
16 Yeah.
17 Q. And was that construction work as well?
18 A. Setting up mobile homes, it's worse than
19 construction work.
20 Q. And so what was the outcome of that
21 lawsuit?
22 A. About \$78.
23 Q. That was paid to you --
24 A. Yeah.
25 Q. -- for over time?

Page 35

1 And what county was that filed in?
2 A. Duplin.
3 Q. Have there been any other --
4 A. No.
5 Q. -- instances?
6 And in any of the jobs that you've
7 talked about today, did you have any exposure to
8 any chemicals?
9 A. National Spinning -- I worked at
10 National Spinning, but I wasn't exposed to no
11 chemicals, I guess. Just that fiber dust, but
12 that ain't no chemicals.
13 Q. Okay. And so --
14 A. I wouldn't think.
15 Q. So when you were at National Chemicals
16 you were exposed --
17 A. Not National Chemicals.
18 Q. I meant National Spinning.
19 A. National Spinning.
20 Q. -- you were exposed to fiber dust?
21 A. No. Dust.
22 Q. Dust. All right. And how long did you
23 work there?
24 A. It won't long. I was inside. I can't
25 stand it inside.

Page 36

1 Q. Was it less than a year?
2 A. Maybe a year or two.
3 Q. And did you wear any protective gear in
4 that job?
5 A. Mask, ear plugs.
6 Q. And did the fibers ever give you any
7 problems or bother you any?
8 A. No.
9 Q. Have you ever done any type of farm
10 work?
11 A. My mama tried farming after -- after my
12 daddy passed, but they stole our tobacco and it
13 ended that.
14 Q. So I'll back up there. So when did your
15 father pass away?
16 A. I was nine.
17 Q. And what was his name?
18 A. Andrew Carter.
19 Q. And what happened to him?
20 A. Heart attack.
21 Q. And so your mother tried to grow
22 tobacco --
23 A. Uh-huh.
24 Q. -- during that time?
25 Was there anything else that she --

Page 37

1 A. No.
2 Q. Did she have any animals that she
3 raised?
4 A. No.
5 Q. So how many -- about how many years did
6 she crop tobacco?
7 A. One.
8 Q. And what happened? I know you mentioned
9 it.
10 A. Yeah, they stole our tobacco.
11 Q. And who was "they"?
12 A. They all dead now, so it doesn't worry,
13 Billy Woodard and Bill Boston.
14 THE COURT REPORTER: Billy Woodard and
15 Bill --
16 A. Boston.
17 BY MS. WEBB:
18 Q. So when you were growing up and after
19 your father died, what did your mother do for
20 income?
21 A. She worked at Rose Hill Portrait.
22 Q. And when your father was still alive,
23 what did he do --
24 A. He sharecrop.
25 Q. What types of crops did he work on?

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 50..53

Page 50
1 A. And Quammie Lynn Collins, that's
2 Crystal's.
3 Q. Are those all?
4 A. That's it -- no. No. There's more.
5 Give me a minute. Kadejia.
6 Q. And whose child is that?
7 A. Shaun's. And David Carter.
8 Q. Okay.
9 A. That's Shaun's.
10 Q. Okay. And so when did you and Dreama
11 get married?
12 A. Got married in -- give me a minute,
13 October 25, it's been -- this past October made 16
14 years, so it's coming up October -- we've been
15 married 17 years.
16 Q. Okay.
17 A. If you count it up.
18 Q. Has she lived --
19 A. We got married in 2000.
20 Q. Got married in 2000?
21 A. That's what it is.
22 Q. And has she lived with you on the
23 property that whole time?
24 A. Uh-huh.
25 Q. And did she live with you any before you

Page 51
1 got married?
2 A. Yes.
3 Q. How many years?
4 A. Two.
5 Q. Okay. And so did you and your brother
6 Kenny ever raise any hogs?
7 A. No, I didn't.
8 Q. Did Kenny?
9 A. I don't know. I had moved away. He
10 might have had some.
11 Q. And so when you moved back in 1998, were
12 you aware that the Joey Carter's farms were there?
13 A. Yeah.
14 Q. And so what made you decide to move
15 back?
16 A. While my wife was working out in Rose
17 Hill. She found somebody else.
18 Q. Did you ever consider not moving back
19 because of the farms?
20 A. No.
21 MR. WALLACE: Objection.
22 BY MS. WEBB:
23 Q. Did you ever consider buying other
24 property to get away from the farms?
25 A. I had no money.

Page 52
1 Q. And so when did you become aware that
2 the Joey Carter's farms were there?
3 A. I had a trailer there, remember?
4 Whenever I had my trailer there, they were
5 petitioning against that then, but they build then
6 anyway.
7 Q. And you said they were petitioning then.
8 A. Uh-huh.
9 Q. Who was petitioning?
10 A. It was Lemond Kenan's wife who brought
11 them by, the paperwork by.
12 THE COURT REPORTER: I'm sorry, who?
13 A. Lemond Kenan's wife brought the
14 paperwork by. We all signed. What happened to
15 the paperwork, I don't know. They can't seem to
16 find it.
17 Q. And did she tell you where she got the
18 petition from?
19 A. No, she didn't.
20 Q. And you said "we all signed," who all
21 signed?
22 A. Me -- me and Robert, Kenny, Loretta and
23 Doretta was all in the yard that afternoon when
24 she came by.
25 Q. And what conditions were you afraid of

Page 53
1 when you signed that petition work?
2 A. The petition, I don't really know.
3 Q. So what made you decide to sign the
4 petition?
5 A. I don't know. What made me sign the
6 petition? I really didn't want no hogs.
7 Q. And why didn't you want the hogs?
8 A. Because of the smell.
9 Q. Do you know around what year it was you
10 signed that petition?
11 A. It had to be 1970, '75 -- early '70s.
12 We were young. Early '70s.
13 Q. And do you know around what year the
14 first farm was built?
15 A. Not off the top of my head, I don't.
16 Q. Okay. And so are there -- is -- are the
17 Joey Carter's farms the only farms that you have a
18 problem with?
19 MR. WALLACE: Objection.
20 A. They're the ones I smell.
21 BY MS. WEBB:
22 Q. And so, Mr. Carter, tell me about the
23 businesses that are in your area? What businesses
24 are located near you --
25 MR. WALLACE: Objection.

401, 402,
403, 802
1002, 1003

402, 403
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foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 54..57

Page 54	Page 56
<p>1 BY MS. WEBB: 2 Q. -- or located where you live? 3 A. There are none. 4 Q. Did Mr. Farland used to have a 5 barbershop in the area? 6 A. Yeah, but he ain't open no more. 7 Q. About when did that barbershop -- or 8 when did it stop working? 9 A. I don't know exactly when he stopped. 10 Q. Has it been years ago? 11 A. Yeah. 12 Q. Was he doing business at another 13 location before he opened the barbershop? 14 A. Not that I know of. 15 Q. And does Cotton have some type of bar or 16 some type of -- 17 A. I don't know. 18 Q. -- recreational? 19 You don't know whether Cotton has 20 anything there? 21 A. Fuh-uh. 22 Q. Have you ever gone to visit Cotton? 23 A. One time to a private party. 24 Q. And when was that? 25 A. I don't know. It's been years ago.</p>	<p>1 Q. So did you stop drinking alcohol around 2 the same time you stopped the drugs? 3 A. At the same time. 4 Q. And you said that was before you got 5 married to Dreama? 6 A. Yes. 7 Q. Are there any farms nearby where you 8 live other than Joey Carter's farm? 9 A. What you mean "farm"? 10 Q. Are there any crops grown in the area? 11 A. Yeah. 12 Q. And what's grown in the area? 13 A. Corn, beans. 14 Q. Are there other crops that are grown? 15 A. Yeah, Joey grow wheat or rye grass, 16 whatever. I know it stink. 17 Q. And for the corn and the beans that are 18 grown, who grows those? 19 A. The Picketts. 20 Q. Are those fields near your home? 21 A. No, not really. They're farther down 22 the road. 23 Q. About how many acres of corn and beans 24 are grown? 25 A. I don't know acreage.</p>
Page 55	Page 57
<p>1 Q. And was that at Cotton's home or was 2 that at a structure that Cotton had on it? 3 A. At a structure. 4 Q. And so have you been there any time 5 other than that private party? 6 A. No. 7 Q. Does your wife ever go there? 8 A. No. She went with me that night, that's 9 the only time we've ever been there. 10 Q. And isn't that structure a place where 11 people in the community go to to hang out? 12 A. I don't know. 13 Q. Is there any drug dealing in your 14 neighborhood? 15 MR. WALLACE: Objection. 16 A. Not that I know of. 17 BY MS. WEBB: 18 Q. And so do you still use alcohol and 19 drugs? 20 A. No. 21 Q. When did you stop? 22 A. 20 years ago. I ain't going to say 20. 23 Before we got married, we quit drugging. 24 Q. And what about alcohol? 25 A. I don't do alcohol. I am an alcoholic.</p>	<p>1 Q. And how long have the Picketts been 2 growing the corn and beans in that area? 3 A. Long time. 4 Q. Has it been most of your life? 5 A. I would say, yes, because their daddy 6 grow it before they did. Jay and Tim, before they 7 took it, their daddy did it, so I would say, yes. 8 Q. So would you agree that that area is an 9 agricultural area? 10 MR. WALLACE: Objection. 11 A. What you call agricultural? 12 BY MS. WEBB: 13 Q. As far as growing crops and raising 14 livestock? 15 MR. WALLACE: Objection. 16 A. I -- I think there's a difference in 17 growing crops and raising livestock. If I'm 18 wrong, let me know. 19 BY MS. WEBB: 20 Q. And so you think there's a difference 21 there? 22 A. Yes, I do. 23 Q. And so with -- but you would agree there 24 have been crops grown there all your life; is that 25 correct?</p>

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 58..61

402.403
Lack of
Foundation

Page 58

1 MR. WALLACE: Objection.
2 A. Yes.
3 BY MS. WEBB:
4 Q. Okay. Is tobacco grown in the area at
5 all?
6 A. Not no more.
7 Q. But it used to be?
8 A. Yes.
9 Q. Was tobacco grown in the area when you
10 were a child?
11 A. Yes.
12 Q. And so about when did tobacco stop being
13 grown in the area?
14 A. I don't know when. Not in our area.
15 Q. And the Halls, did the Halls grow crops
16 in the area?
17 A. The Halls?
18 Q. The Halls.
19 A. I don't know about the Halls.
20 Q. So you mentioned, I think earlier, who
21 did you buy your property from?
22 A. Lilly Hall.
23 Q. Rights. So that -- with that family of
24 Halls, Raymond and Lilly, did they grow crops in
25 the area?

Page 59

1 A. I don't know.
2 Q. Did they have livestock in the area?
3 A. Not that I know of. It was before I
4 come there. They were old when I got there. I
5 don't know what they did.
6 Q. And so what was on the property that you
7 purchased that your mother purchased, what was
8 there before you purchased it?
9 A. Trees.
10 Q. And what type of livestock was in the
11 area at that time?
12 A. There was none.
13 Q. So no one had -- no one raised pigs or
14 no one raised chickens?
15 MR. WALLACE: Objection.
16 A. Not that I know of.
17 BY MS. WEBB:
18 Q. But your brother Kenny raised hogs
19 before; is that correct?
20 A. Kenny -- I can't say he raised hogs, but
21 I know he killed hogs one time.
22 Q. And those hogs that he killed, where did
23 they come from?
24 A. I guess he raised them, like you said.
25 Q. Okay. And how long did Kenny have those

Page 60

1 hogs?
2 A. I don't know, but I know Joey put in
3 hogs out there and wasn't nobody allowed to have
4 hogs. Cannot grow hogs near a hog farm.
5 THE COURT REPORTER: I'm sorry you can't
6 grow what?
7 A. Can't grow hogs near a hog farm. They
8 won't let you have them.
9 BY MS. WEBB:
10 Q. So who wasn't allowed to have hogs when
11 the hog farm came in?
12 A. Once the hog farms came in, the
13 inspectors, the health inspectors and the
14 veterinarians would not let you grow a hog on the
15 ground.
16 Q. And is that something that Kenny told
17 you?
18 A. It is.
19 Q. Did you have other neighbors that told
20 you that?
21 A. No.
22 Q. So before Joey Carter's hog farm came
23 in, how many years did Kenny have hogs before
24 that?
25 A. I couldn't answer that. I didn't stay

Page 61

1 there all the time.
2 Q. Did Linnill ever have hogs?
3 A. I can't remember him having hogs.
4 Q. And as you were growing up, did any of
5 your other neighbors ever have hogs?
6 A. Not that I can remember.
7 Q. And what about chickens? Did anyone in
8 the area have chickens?
9 A. (Shakes head.) I wasn't much into that.
10 I don't know.
11 Q. Did any of your family members ever
12 raise chickens?
13 A. No.
14 Q. And now are you aware of any chicken
15 operations or turkey operations in the area?
16 MR. WALLACE: Objection.
17 A. Huh-uh, no.
18 BY MS. WEBB:
19 Q. For the poultry manure that's spread by
20 the Picketts, do you know what time of year they
21 do that?
22 MR. WALLACE: Objection.
23 A. I need to use the bathroom.
24 MR. WALLACE: You need to use the
25 bathroom?

101, 402,
403, 602

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 62..65

Page 62	Page 64
<p>1 THE WITNESS: Quick. 2 MR. WALLACE: Take a break. 3 THE VIDEOGRAPHER: The time is 10:46 and 4 we're now off the record. 5 (A recess was taken at 10:46 a.m. to 6 10:53 a.m.) 7 THE VIDEOGRAPHER: This is the beginning 8 of Media Number 2 in the deposition of David 9 Carter. The time is 10:53 and we're back on 10 record. 11 BY MS. WEBB: 12 Q. All right, Mr. Carter, are you aware of 13 any livestock operations in the area other than 14 Joey Carter's farms? 15 A. No. 16 Q. Are you aware of a poultry farm east on 17 Hallsville Road? 18 A. They all shut down. 19 Q. And so what were the poultry farms that 20 used to be there? 21 A. I don't know. 22 Q. Do you know how many there were? 23 A. I can't remember. I rode by on 24 four-wheelers, but I don't know. 25 Q. And so you said you rode by on</p>	<p>1 Q. So other than Perry and your brother, 2 are you aware of anyone else that would kill hogs? 3 A. Huh-uh. 4 Q. The home that you live in now, is that 5 home air conditioned? 6 A. Uh-huh. 7 Q. Have you always had it -- have an air 8 conditioner in it? 9 A. Ever since we moved in it. 10 Q. And is that central air conditioning or 11 is it -- 12 A. Window units. 13 Q. Okay. And do you have any trees on your 14 property? 15 A. Uh-huh. 16 Q. What types of trees do you have there? 17 A. Pecan, pear, apple, apricot, fig, crab 18 apple, fig tree -- not fig tree, but plum trees, 19 fruit trees. 20 Q. And so do you and your family eat the 21 fruit that the trees produce? 22 A. Uh-huh. 23 Q. And about how many of those trees do you 24 have on your property? 25 A. One of each.</p>
Page 63	Page 65
<p>1 four-wheeler, when did you used to ride by on 2 four-wheelers? 3 A. I ain't rode now about two years, so 4 it's been a while. 5 Q. And do you know who owned those poultry 6 farms? 7 A. No. 8 MR. WALLACE: Objection. 9 BY MS. WEBB: 10 Q. Did Perry Miller used to have hogs on 11 the ground? 12 A. He used to have hog killings. 13 Q. And so by "hog killings," what are 14 you -- 15 A. Chase out the hog, make sausage, 16 cracklin, chitlins. 17 Q. Were those his hogs? 18 A. I don't know. 19 Q. Did he keep them on his property? 20 A. I don't know. 21 Q. And what about James Newkirk? Did he 22 have hogs? 23 A. Not that I know of. 24 Q. Did Cotton ever have hogs? 25 A. No. He ain't have no hogs.</p>	<p>1 Q. And do they all produce fruit around the 2 same time of year? 3 A. No. 4 Q. Or is it different times of year? 5 A. No, different times. 6 Q. Okay. And what other types of trees or 7 flowers do you have on your property? 8 A. Now, flowers, there's a bunch of them. 9 I can't even begin to name them. 10 Q. Who takes care of those flowers? 11 A. Me and my wife. 12 Q. Do you have garden on your property? 13 A. No. 14 Q. Have you ever gardened? 15 A. Uh-huh. 16 Q. And so when did you used to garden? 17 A. We haven't had a garden in two years 18 now. 19 Q. And why don't you have a garden now? 20 A. Too much work. 21 Q. And so when you used to garden two years 22 ago, did you do that every year you would garden? 23 A. No, we didn't garden about two years 24 either. 25 Q. Okay. What did you plant in your</p>

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Page 66

1 garden?
2 A. Butter beans and collards, okra, squash,
3 cucumbers.
4 Q. And so you stopped doing that because it
5 was too much work, correct?
6 A. Yes.
7 Q. And so for the years you had that
8 garden -- and I'm tracking the years in my head
9 that you're telling me. Would you say it was
10 2012, 2013 or somewhere around there that you had
11 the garden?
12 A. This is 2016, 2014 -- 2013, them two
13 years, probably.
14 Q. Okay. All right. Did you ever garden
15 any before that?
16 A. No.
17 Q. And who worked in that garden when you
18 had it?
19 A. Me and Kenny and everybody we could get
20 to help.
21 Q. Did Dreama ever help you in the garden?
22 A. Very little.
23 Q. Have you had any contractors do any work
24 on your home or any other property that's on your
25 home?

Page 67

1 A. No.
2 Q. Have you made any improvements on the
3 property or done any work on it?
4 A. Uh-huh.
5 Q. What have you -- what types of work have
6 you done?
7 A. Well, since I've been there, I put
8 sheetrock through it twice, and bathroom floors, I
9 have repaired them twice. As water hit wood, it
10 begins to wear out. You have to replace it. Did
11 that in the last year. The kitchen, hot water
12 heater had to be replaced. I put a new roof on
13 it.
14 Q. And --
15 A. Normal repairs.
16 Q. Okay. And what about for the storage
17 building or the mobile homes, have you done any
18 work --
19 A. We in the process of taking one down.
20 Q. One of the mobile homes?
21 A. Uh-huh.
22 Q. And why are you taking it down?
23 A. Scrap metal. It's old. Cheaper to get
24 rid of it and put a container there than it is to
25 repair it.

Page 68

1 Q. And so when you say "put a container
2 there," what type of container are you --
3 A. Container, like everybody buying now,
4 like them long storage containers.
5 Q. Okay. And is that where you're going to
6 put the stuff that's in there now, in that storage
7 container?
8 A. Uh-huh. That, plus my building.
9 Q. And so do you plan -- do you plan to use
10 your building again for recreational use?
11 A. I'd like to get back in there one more
12 time. I wouldn't call it recreational use, but,
13 yeah, that's -- yes.
14 Q. Okay. So when do you anticipate that
15 the trailer will be down?
16 A. Within two weeks.
17 Q. Okay. And when do you plan to bring in
18 the container?
19 A. Within two more weeks.
20 Q. And so it sounds like you plan to get
21 your storage building back up to recreational use
22 sometime this summer; would that be accurate?
23 A. You're saying recreational use, like --
24 Q. As far as the pool table and TV, using
25 that again, do you plan to do that sometime this

Page 69

1 summer?
2 A. I'm using it now. My TV. I can't get
3 to my pool table without sitting and looking at it
4 --
5 Q. So is that building air conditioned?
6 A. No.
7 Q. So when you're in there, do you -- does
8 it have windows in it?
9 A. Yes.
10 Q. Okay. Do you open the windows when
11 you're in there?
12 A. No, I don't. It's got ceiling with
13 insulation in it, too, that keeps the heat out.
14 Q. Do you ever have the door open when
15 you're in there?
16 A. Yes.
17 Q. And so with your wife Dreama, is she
18 working now?
19 A. Yes.
20 Q. Where does she work?
21 A. Altha Healthcare, I think. I guess
22 that's the name, Altha Home Healthcare.
23 Q. What does she do?
24 A. In-home nursing.
25 Q. How long has she been doing that?

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IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 70..73

Page 70

1 A. 15 or 16 years.
2 Q. Okay. And have you and Dreama ever been
3 legally separated?
4 A. No.
5 Q. So when you or your mother purchased the
6 property, how much did she purchase the property
7 for?
8 A. I don't remember.
9 Q. And then when you put your home there?
10 How much did you purchase your home for?
11 A. I didn't put it there.
12 Q. Okay.
13 A. She put it there.
14 Q. Your mother did?
15 A. Yeah. For so many years, she put two
16 houses there together, but what happened when they
17 divided the property, it ran right between the two
18 houses. I got that house.
19 Q. Okay. Do you know how much she
20 purchased those homes for?
21 A. No, I don't.
22 Q. Have you tried to sell your property to
23 anyone?
24 A. No.
25 Q. Has anyone ever tried to purchase your

Page 71

1 property?
2 A. No.
3 Q. Has the value of your property gone up
4 since it was purchased?
5 MR. WALLACE: Objection.
6 A. I don't know.
7 BY MS. WEBB:
8 Q. Do you know what it's worth now?
9 A. No, I don't.
10 Q. Have you seen any tax assessments on the
11 property at all?
12 A. I look at that tax paper and I say,
13 "Dreama pay that," that's all I remember. I don't
14 know how much it was.
15 Q. Have you ever had any type of mortgage
16 or loan on the property at all?
17 A. No.
18 Q. So other than the repairs that you've
19 mentioned today, have you made any other
20 improvements on the property at all?
21 A. Any other improvements on the property,
22 no.
23 Q. And so once your storage building --
24 once you have everything that's stored in there
25 out, do you plan to make any improvements on that

Page 72

1 building at all?
2 A. I can't see no need to.
3 Q. Okay. Has your property ever been
4 appraised?
5 A. Not that I know of.
6 Q. And have you ever tried to rent any of
7 your properties to anyone?
8 A. No.
9 Q. Have you ever discussed leasing or
10 selling the land to one of the growers?
11 A. No.
12 Q. And since you've moved back to the
13 property, have you ever considered moving?
14 A. Where?
15 Q. I don't know.
16 A. No.
17 Q. Okay. And why haven't you considered
18 moving?
19 A. Can't move. Broke.
20 Q. And so what do you do in your free time
21 since you're not working now?
22 A. I sit on the front porch sometime, under
23 the shelter sometime. I walk to Kenny's house. I
24 walk to Roy's house. I fish. Occasionally, we go
25 hunting.

Page 73

1 Q. And so when you -- how often do you go
2 fishing?
3 A. Right around the first of the month.
4 Q. Every month usually?
5 A. No.
6 Q. So what months do you usually go
7 fishing?
8 A. Whenever I have enough money to go.
9 Q. And what about hunting? How often do
10 you --
11 A. Same thing. Two weeks -- two months of
12 hunting -- really only four months of hunting, but
13 we don't hunt but two of them. Deer hunting and
14 squirrel hunting.
15 Q. And so I know there's a season for deer
16 hunting. Is there a season for squirrel hunting?
17 A. Uh-huh.
18 Q. So what's the season for deer hunting?
19 A. October -- well, it start September to
20 January the 1st.
21 Q. And what about squirrel hunting?
22 A. September to January the 1st -- no, it
23 goes longer than that. It goes long -- I believe
24 it's the 1st of February.
25 Q. Okay. So even though you don't hunt all

401, 402,
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402, 403.
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IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 74..77

Page 74

1 season, do you normally hunt every year?
2 A. I got lifetime license.
3 Q. And is that -- so tell me about that,
4 the lifetime license, what does that mean?
5 Because I don't do either one.
6 A. When you're disabled you can buy a
7 lifetime license for \$100. If you just go buy
8 your license every year, it's \$56 a year.
9 Q. Okay. And so you've got a lifetime
10 license for hunting and fishing?
11 A. Yep.
12 Q. Okay. And when you go hunting, who do
13 you normally go with?
14 A. Kenny.
15 Q. Where do you and Kenny hunt?
16 A. My uncle's land.
17 Q. And where is that?
18 A. Brownstown.
19 Q. You said Brownstown?
20 A. Brownstown Road.
21 Q. Okay. How far away is that from where
22 you live now?
23 A. I think it's eight miles even.
24 Q. And then when you go fishing, who do you
25 normally go fishing with?

Page 75

1 A. Kenny.
2 Q. Where do you and Kenny go?
3 A. We go to Chinquapin. Now we can't go to
4 Hallsville no more.
5 Q. And why can't you go to Hallsville
6 anymore?
7 A. It's been posted.
8 Q. Okay. By "posted," you mean signs?
9 A. Yeah.
10 Q. So when you used to go to Hallsville
11 before the signs, where did you go fishing?
12 A. What? When we went to Hallsville?
13 Q. Yes.
14 A. Just go down and go down the river.
15 Q. What river is that?
16 A. Hallsville River -- well, Northeast Cape
17 Fear River.
18 Q. And the other place you said was
19 Chinquapin; is that correct?
20 A. Yes. Also Northeast Cape Fear River.
21 Q. And do you and Kenny generally go
22 fishing in the warmer months or do you go fishing
23 all year or when do you normally go fishing?
24 A. Deer season end, our fishing season
25 start. So when fishing season end, our deer

Page 76

1 season -- when deer season start, our fishing
2 season ends.
3 Q. And so is that every year?
4 A. Every year.
5 Q. Okay. So when you catch fish, what do
6 you do with them?
7 A. Eat them.
8 Q. Do you clean the fish yourself?
9 A. Yes.
10 Q. Where do you normally clean the fish?
11 A. Where do we clean them? At the house.
12 Q. Okay. At your house?
13 A. Yes.
14 Q. And what do you do with -- I guess, the
15 scales and that stuff after you clean the fish?
16 A. The neighbor's cat usually get them.
17 Q. And when you're deer hunting and kill a
18 deer, what do you normally do with it?
19 A. We carry it back and bury it. You're
20 not allowed to throw it out.
21 Q. So where do you clean the deer?
22 A. At the house.
23 Q. And so you said you bury, I guess,
24 whatever it is on the deer that you don't use?
25 A. Yes.

Page 77

1 Q. Where do you bury it?
2 A. We carry it back and bury it in the
3 woods where we kill the deer at. We have to go
4 back and check the corn and stuff anyway.
5 Q. And so with the fishing and the fish,
6 you normally throw it out and then the neighbor's
7 cats will come and eat it; is that correct?
8 A. Ain't that much left of a fish, and the
9 scales, you don't even see them.
10 Q. Okay. And so -- but you throw that out;
11 is that right?
12 A. That's right.
13 Q. Okay. So other than fishing and
14 hunting, are there other hobbies that you have?
15 A. No.
16 Q. And then I was asking you about earlier,
17 have you ever rented the property, did you rent it
18 at all before you moved back there?
19 A. When I had my trailer there and I was
20 between, between, between, I rented it out to my
21 brother one time.
22 Q. Okay. Which brother was that?
23 A. Mike.
24 Q. And did Mike rent it the whole time that
25 you were kind of back-and-forth?

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IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 94..97

Page 94	Page 96
<p>1 A. No, I ain't seen him lately. 2 Q. Does he stay on your road or Hallsville 3 Road? 4 A. I don't know where he stays. 5 Q. You just see him walking? 6 A. Yeah. 7 Q. Is he an older guy? 8 A. Yeah. 9 Q. Do you ever see anybody riding bikes in 10 the neighborhood? 11 A. No. 12 Q. And do you have any -- any picnic tables 13 at your home? 14 A. Yeah, we set the picnic table under the 15 shelter. 16 Q. So you got a picnic table under your 17 shelter? 18 A. Yeah. 19 Q. How often do you use that picnic table? 20 A. Every day. 21 Q. And who's out there with you? 22 A. My brother Kenny, Roy. 23 Q. Is anyone else out there with you? 24 A. No. 25 Q. And what about swimming pools, do you</p>	<p>1 with it. 2 Q. Did you ever use a pool filter on any of 3 those pools? 4 A. All them big pools you have got to have 5 a filter on them. 6 Q. And so you had the film even with the 7 filter on it? 8 A. Yep. 9 Q. So when did you start using the little 10 pools that you could dump out -- 11 A. Last year. 12 Q. So when you had the larger pools, who 13 would come over -- or who would get in the pool, 14 who would use the pool? 15 A. Dreama, the kids, Dreama's friends. It 16 won't for me. I don't do much water. 17 Q. And so now with the smaller pools, who 18 uses those? 19 A. Nobody but Dreama and the kids. No 20 friends come by no more to swim. Used to go to 21 the river to Hallsville to do that, but can't go 22 down there and get in the water anymore either. 23 Q. Why not? 24 A. Posted. 25 Q. And is that Cape Fear River you used to</p>
Page 95	Page 97
<p>1 have any swimming pools on your property? 2 A. We used to have a big, nice swimming 3 pool. We have had three or four big swimming 4 pools, but you can't keep them clean. 5 Q. Why can't you keep them clean? 6 A. The film where the spray comes over the 7 trees, you can't keep them clean, so I use little 8 pools now. So we can dump -- every day we get 9 through, we can turn the bottom up and leave it 10 there. Fill it back up the next day for the kids. 11 That's the way we do it now. 12 Q. So when you used to have those bigger 13 pools, how many did you have? 14 A. Just one. 15 Q. Just one. And how many years did you 16 have that pool? 17 A. No, it won't just one pool at the time, 18 but I had a pool every year. 19 Q. Every year? 20 A. For about four years. 21 Q. Okay. And so did you have a problem 22 with film every year with those -- 23 A. Every year. 24 Q. -- that you had those pools? 25 A. Just got to where I couldn't keep up</p>	<p>1 go swimming? 2 A. Yeah. 3 Q. And so when you say Dreama and the kids, 4 do you mean the adult kids or the grandkids? 5 A. Grandkids. The big kids, they don't get 6 in no little, bitty pool. 7 Q. Okay. So other than the swimming pool 8 and the picnic table, do you have anything else 9 outdoors that you use? 10 A. The swing, the kids' swing, the kids' 11 playhouse. 12 Q. Where is that swing located? 13 A. Behind the house next to mine. 14 Q. Okay. And how long have you had that 15 swing out there? 16 A. Picnic table and swing at the same time, 17 probably six years. Five, six years. 18 Q. And so how often do the kids use the 19 swing? 20 A. They swing regular. I clean up their 21 play home. 22 Q. All right. So we've talked about the 23 swimming pools and the picnic table and the swing. 24 Do you have anything else that's outdoors? 25 A. Not that I can think of off the top of</p>

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 98..101

Page 98

1 my head.
2 Q. Okay. So you talked about the fruit
3 trees that you have earlier. What are the trees
4 that are growing around you? Do you have like a
5 buffer of trees around your home?
6 MR. WALLACE: Objection.
7 A. There are the plum trees.
8 BY MS. WEBB:
9 Q. Do you have --
10 A. Between me and Linnill, the trees down
11 that line are plum trees.
12 Q. Do you have any pine trees around your
13 home?
14 A. I have three big pines in my yard.
15 Q. And have you planted any of the trees
16 that you talked about in the last five years?
17 A. No.
18 Q. And so for those fruit trees, did you
19 plant those fruit trees years ago or were they
20 already --
21 A. Mama planted them. They're all old
22 trees.
23 Q. Other than the three four-wheelers that
24 you have, do you have any other types of outdoor
25 motorcycles or ATVs or anything like that?

Page 99

1 A. No.
2 Q. Any basketball goals?
3 A. Basketball.
4 Q. So who plays basketball?
5 A. Tez.
6 Q. How often does Tez go play basketball?
7 A. Every time a friend come over. Ain't
8 that often. Most of the time we carry him down
9 the road to the neighbor's.
10 Q. Is there a basketball goal in your yard
11 or --
12 A. It's a portable. Move it around.
13 Q. Okay. And so for your neighbors, I know
14 you mentioned that your brothers have the
15 four-wheelers, do any of your neighbors also have
16 swings or basketball goals?
17 A. Tez go down the road to play basketball.
18 Q. And whose house --
19 A. That's not exactly our neighbor.
20 It's -- I guess you would call it my
21 sister-in-law's -- my brother's wife's sister.
22 She stay about a mile from us, halfway between the
23 house and Beulaville.
24 Q. What's her name?
25 A. Cindy. I don't know her last name.

Page 100

1 Q. You said it's your brother's wife's
2 sister, correct?
3 A. Uh-huh.
4 Q. So does Cindy have a basketball goal or
5 the portable goal?
6 A. I believe her's is portable, too.
7 Q. Do any of your neighbors have patio
8 tables?
9 A. Not that I know of.
10 Q. So I know we talked about you moving
11 back-and-forth onto the property. Where were you
12 living when the first Joey Carter farm was built?
13 A. Hallsville.
14 Q. And who were you living with?
15 A. By myself.
16 Q. How far away is that from where the farm
17 was built?
18 A. It's between my -- my house is there, my
19 trailer was there, and the farm was over the other
20 side there.
21 Q. And so --
22 A. There's only so much you can put on a
23 half acre of land.
24 Q. -- other than signing the petition, did
25 you object in any other way to the farm being

Page 101

1 built?
2 A. To who?
3 Q. Did you ever talk to any of the workers
4 when the farm was being built?
5 A. No.
6 Q. Did you observe any of the construction
7 activities that were going on?
8 A. No. I was working myself.
9 Q. And so when you signed the petition,
10 what were your concerns about the farm being
11 built?
12 MR. WALLACE: Objection.
13 A. I really don't know right now what it
14 was.
15 BY MS. WEBB:
16 Q. Did you ever talk to Joey about the farm
17 being built?
18 A. Not at that time I was drugging. I had
19 nothing to do with Joey at that time in my life.
20 Q. So during that time -- and you said you
21 were drugging, how frequent was your drug use
22 during that time?
23 A. Every day.
24 Q. And during that time, did you ever talk
25 to any Murphy-Brown employees?

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1 A. No.
2 Q. And have you ever talked to any
3 Murphy-Brown employees?
4 A. What you mean have I ever.
5 Q. Have you ever talked to anybody that
6 works for Murphy-Brown?
7 A. About what?
8 Q. I'm asking.
9 A. No, I've never talked to any of them
10 about no -- nothing.
11 Q. Okay. And so since the farms have been
12 built, have you ever talked to Joey about the
13 farms at all?
14 A. No.
15 Q. And why not?
16 A. We don't talk like that. We speak. We
17 got something to say to one another, we say it and
18 we go on our way. When I talked to Joey, it's
19 either about my son, something he had done or he
20 was looking for my son for something he had done.
21 We don't conversate like that.
22 Q. And so when you say there were times
23 Joey was looking for your son --
24 A. There was no love loss between me and
25 Joey, I'll put it like that.

1 Q. Explain that to me.
2 A. He's the law, and I don't deal with the
3 law. At the time, I did not deal with the law, I
4 should say it like that, because I had a habit.
5 Q. Was it generally known in the community
6 that you had a drug habit?
7 A. I didn't try to hide it. The only
8 person I hid it from was somebody I was trying to
9 get a job from.
10 Q. And so did Joey ever write a
11 recommendation letter for you or your son?
12 A. No.
13 Q. Did he ever write anything to the court
14 for you --
15 A. Yeah, he had papers on his desk seven
16 years, and I asked him every week for seven years,
17 "You got any more charges against my son?" It
18 cost me \$2,000 to clear that up after my son come
19 home. They picked him up the day he come home.
20 Know what they did with them charges? They
21 threw them out. He had seven years to do it and
22 didn't do it. No, I don't talk with Joey like
23 that.
24 Q. And so during that time -- you said he
25 held papers for seven years, what was your son

1 charged with during that time?
2 A. Eluding arrest, drugs, that was in the
3 State of Virginia. They were holding papers back
4 here for drug charges.
5 Q. Okay. And so when you said you talked
6 to Joey, is that what you were talking to Joey
7 about?
8 A. What -- did he have any more warrants
9 for my son? And he said no. But the day he come
10 home, he comes picks him up and carries him to
11 jail.
12 Q. And you said the day he come home
13 from --
14 A. Prison.
15 Q. -- prison. Okay. And which son was
16 this?
17 A. Shaun.
18 Q. And what year was that in?
19 A. Little David was six, seven, had to be
20 2009, 2010.
21 Q. Okay. And so when Joey came and
22 arrested your son that day that he came home from
23 prison, how long was your son in jail?
24 A. The next day.
25 Q. He came out the next day?

1 A. Yeah. All the charges were thrown
2 away, but it cost me \$2,000 to get it done.
3 Q. Okay. and so during that incident, did
4 Joey write any letters to the court or submit
5 anything to the court?
6 A. Not on my behalf.
7 Q. And so has Joey ever helped you out in
8 any way or your family out in any way?
9 A. Not that I know of. If letting me ride
10 on his property is helping me, he helped me.
11 Q. Is there anything else that --
12 A. Nothing.
13 Q. Okay. And what do you think that
14 Murphy-Brown has done wrong?
15 MR. WALLACE: Objection.
16 A. I'm going to let my lawyer answer that.
17 BY MS. WEBB:
18 Q. Well, are you suing Murphy-Brown in this
19 lawsuit?
20 A. Yes, I am.
21 Q. Why are you --
22 A. I'll tell you what I think is wrong. I
23 don't know how to answer it because there's --
24 there's no pleasure at home no more. There's no
25 enjoyment there. I got to look at this man come

Page 146

1 the dogs at, it's full, and now I'm building up on
2 the side of it.
3 Q. Okay. And so describe that for me.
4 What -- are the cans in a pile in there or --
5 A. No, they're in bags. I got a few that's
6 scattered. I got a few laying in the bag, but the
7 most of them are in the bags tied up, waiting for
8 me to carry them off.
9 Q. How often do you carry those cans off?
10 A. Twice a year.
11 Q. Is there a particular time of year when
12 you carry them off?
13 A. Just before hunting season and just
14 about Christmas.
15 Q. Are the cans cleaned before they're put
16 out there?
17 A. Yeah, she always wash them out.
18 Q. And how well do your neighbors take care
19 of their trash?
20 A. I don't know.
21 Q. And so other than the dump that you use
22 for your trash, what other dumps are nearby? For
23 example, what other dumps --
24 A. There's one up on 50 Highway, but
25 that's eight miles from the house. At least

Page 147

1 eight. Might be more.
2 Q. And are there any other dumps that are
3 nearby?
4 A. No.
5 Q. And so do you have a septic system at
6 your house?
7 A. Yes, I do.
8 Q. And how long has that system been in
9 place?
10 A. 20 years. There are two septic systems.
11 One we ain't using, and the other one we use.
12 Q. So when was the other one put in place?
13 A. One 20 years ago. The other one
14 probably 30 years ago.
15 Q. And you use the one that was put in 20
16 years ago; is that correct?
17 A. Yeah.
18 Q. Okay. And so why was the second one put
19 in?
20 A. Different mobile home.
21 Q. And was it a situation where you
22 couldn't connect to it or why couldn't you connect
23 to the other system, the older system?
24 A. It was uphill from the house, the other
25 house.

Page 148

1 Q. Okay. We're going to take a break.
2 THE VIDEOGRAPHER: We're going off
3 record at 1:42 p.m.
4 (A recess was taken from 1:42 to
5 1:46 p.m.)
6 THE VIDEOGRAPHER: Going back on record
7 at 1:46.
8 BY MS. WEBB:
9 Q. So, Mr. Carter, for the 20-year old
10 septic system, the one that you use now, is your
11 name on the permit for that system?
12 A. Uh-huh.
13 Q. And what about the 30-year-old system?
14 A. Henrietta's.
15 Q. Your mother's name?
16 A. Uh-huh.
17 Q. Have you ever had to have your septic
18 system serviced at all?
19 A. Huh-uh.
20 Q. When was that?
21 A. Had it serviced six months ago.
22 Q. And why did you have it serviced?
23 A. It was full.
24 Q. And when do you -- how can you tell it's
25 full? When do you know it's full?

Page 149

1 A. You have a backup in the house. A
2 little water beginning to drain down slow in the
3 tub or like that.
4 Q. When that system backs up like that,
5 does it drain outside any?
6 A. No.
7 Q. So it's just you can tell in your house?
8 A. Yeah.
9 Q. Okay. But there are no signs of it
10 outside?
11 A. Huh-uh.
12 Q. And you talked about the trucks earlier,
13 what are your issues with the trucks?
14 A. The weekend, we was sitting outside, me
15 and my wife -- me and my wife and I think one of
16 my daughters was sitting under the shelter. The
17 truck's blowing the horn, brakes applied. What in
18 the world? We had two kids out there riding
19 around the front on their bicycles, but they
20 weren't in the road. I don't know whether he was
21 blowing the horn at the kids or he was trying to
22 scare them or what, but it did upset Dreama. And,
23 like I said, at night, in and out.
24 Q. In that instance that you just
25 described, do you know if the kids ran into the

402, 403
Lack of
foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
David Carter on 07/13/2016

Pages 154..157

Page 154	Page 156
<p>1 A. I won't there. Kenny was there that 2 day. He said it was a woman came, and he ain't 3 never -- he ain't never go into no details. I 4 just said, Well, someone will get back to us with 5 an answer. I reckon it's been three years, Kenny. 6 Q. So with the third time it was tested, 7 was that something -- did you know about it before 8 it was going to happen? 9 A. No. 10 Q. And so when they're testing your water, 11 where are they getting the water from? 12 A. They unhook the water hose from the 13 spigot and they wants the water to run five 14 minutes right out the spigot and they get tubeful. 15 They put the cap on the tube and they carry it 16 with them. They got it right out of the pump 17 head. That's what they said. 18 Q. And when was it that that -- the lady 19 came that Kenny told you about? 20 A. Like I said, right there before deer 21 hunting season. 22 Q. Right before hunting season. And so are 23 there any other times? 24 A. No. 25 Q. Did any of the water testing occur after</p>	<p>1 more than one size. I reckon they just grow. 2 Q. And with the little itty bitty flies, 3 are those gnats or are they -- 4 A. They're not gnats. I know the 5 difference between a gnat and a fly. 6 Q. Do you notice flies indoors as well as 7 outdoors? 8 A. We keep our doors shut. But they still 9 get in. 10 Q. When did you first notice problems with 11 the flies? 12 A. I would have to say it's been a while. 13 I brought two screen mats. Just hang -- see 14 advertised on TV, they hang and cling together, I 15 bought two of them. Flies been there a while. 16 Q. Tell me about -- 17 A. Storm doors -- you wear them out like 18 they ain't nothing. 19 Q. What do you mean by you wear them out? 20 A. I put three storm doors up and I need 21 one now. 22 Q. And so tell me about -- you mentioned 23 some of the things that you bought to take care of 24 the flies. Explain those things to me? I know 25 you mentioned strips and other things, let's go</p>
<p>1 a hurricane or any type of storm? 2 A. Haven't had a hurricane of no 3 significance lately. 4 Q. Okay. Do you have any concerns about 5 your water? 6 A. I think it's good water. It taste 7 better than that mess the government putting out. 8 Q. Okay. You've also mentioned flies 9 today. What types of problems do you have with 10 the flies? 11 A. Ain't none in Wilmington. I noticed 12 that. Go home, they'll beat you to death. 13 Q. Did you ever have any problems with 14 flies before the farm came in? 15 A. Not that I can remember. 16 Q. And describe the flies for me? And by 17 that I mean, the size of the flies other color of 18 the flies? 19 A. They all great, big -- there are little 20 flies and there are big flies. All both of them 21 beat you to death. Landing on you and getting off 22 of you. 23 Q. So there are two different sizes of 24 flies; is that correct? 25 A. And the little bitty flies. There's</p>	<p>1 through those. What do you use to deal with the 2 flies at your home? 3 A. Strips, fly bait, fly swatters, spray. 4 Dreama spray the bathroom after I go to bed. 5 Leave the bathroom on all night so mama can find 6 her way, come down from upstairs and she can see 7 without having to leave the light on in the house. 8 Leave one light on, that's in the bathroom so 9 everybody can see to get to the bathroom. But in 10 the meantime, Dreama won't spray in there until I 11 go to bed, so it kills the flies and the bugs. 12 Q. What type of spray does she use? 13 A. She buy that indoor honey smelling mist. 14 Q. Where does she get that from? 15 A. Hardware store. 16 Q. And so why does -- 17 A. The kind that goes in the dispenser like 18 you see over the doors. 19 Q. Why does she wait until you go to bed? 20 A. Because I don't like to smell -- we 21 don't wear perfume and cologne. I'm allergic to 22 it. 23 Q. And so are you allergic to that spray as 24 well that you're -- 25 A. We don't take no chances.</p>

402,403, 0
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foundation

402, 403
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Page 190

1 back to football this year.
2 Q. So have you ever made any complaints
3 about the farm to any government agencies?
4 A. Not that I know of.
5 Q. Have you ever complained to anyone at
6 Murphy-Brown about the farm?
7 MR. WALLACE: Objection.
8 A. (Witness shakes head negatively.)
9 BY MS. WEBB:
10 Q. What about anyone at Smithfield?
11 MR. WALLACE: Objection.
12 A. No.
13 BY MS. WEBB:
14 Q. Have you ever complained to Joey Carter
15 or any of the farm workers about the farm?
16 A. We don't deal.
17 Q. And do you have any family members that
18 have ever worked for any hog farm operations?
19 A. I do.
20 Q. And who is that?
21 A. My daughter.
22 Q. Which one?
23 A. Carrie.
24 Q. And where does Carrie work?
25 A. Murphy-Brown.

Page 191

1 Q. How long has she been working there?
2 A. Three years, four years.
3 Q. What does Carrie do there?
4 A. She's a farm manager's -- farm -- what
5 you call it she's under somebody taking training,
6 what you call?
7 Q. I'm not sure?
8 A. She's going to school.
9 Q. Okay.
10 A. To be a farm manager. She graduated
11 this year.
12 Q. So she plans to be a farm manager?
13 A. Uh-huh.
14 Q. And have you ever talked to Carrie about
15 your concerns?
16 A. We do not discuss nothing with Carrie
17 about her job.
18 Q. Are you concerned about Carrie working
19 for Murphy-Brown at all?
20 A. No, I'm not. I'm glad she's working.
21 Q. Do you have any other family members who
22 work for any hog operations?
23 A. No.
24 Q. Do you have any family members that work
25 for any poultry operations?

Page 192

1 A. No.
2 Q. Have you ever talked to any hog farmers
3 in the past about your concerns about the hog
4 farms?
5 A. No, I haven't.
6 Q. And so in some of your discovery
7 responses for this case -- and I'll show those to
8 you. Here is your -- could we mark this as
9 Exhibit 2.
10 (Exhibit Number 2 was marked for
11 identification.)
12 Q. Here's interrogatories with your name on
13 it, Mr. Carter, and so in response to Number 11
14 there, you said that "I have also spoken to
15 several" -- or you provided that you also have
16 spoken to several hog growers in the past. Do you
17 see it on there?
18 A. Wait a minute.
19 Q. Do you need this?
20 MR. WALLACE: Yeah.
21 MS. WEBB: It's Number 11.
22 MR. WALLACE: Just so your clear, was
23 your initial question whether he'd ever
24 complained to any growers or spoken to any
25 growers?

Page 193

1 MS. WEBB: I'm not sure which one I'm
2 asking, but I'll clarify that now.
3 MR. WALLACE: Okay. I don't understand.
4 BY MS. WEBB:
5 Q. So there in that statement where it says
6 I have also spoken to several hog growers in the
7 past --
8 A. Well --
9 Q. -- what hog growers have you talked to
10 in the past?
11 A. Are you talking about going in the
12 store?
13 Q. It's your statement.
14 A. So, yeah, that's what I meant. When I
15 go in the store, I speak, How are you doing?
16 Q. What hog growers have you spoken to?
17 A. Ronnie Jarman. His son Calvin, Joey
18 just this past weekend, met him in the IGA Sunday
19 evening going to get my some chitlins. How are
20 you doing, keep walking.
21 Q. Are there any other growers that you've
22 spoken to in the past -- or spoke to in the past?
23 A. You go to mom and pop store you're going
24 to speak to a hog grower. I go to get hot dog
25 regular. I can't recall them all by name, but,

Page 190

1 Q. What kind of boat is that?
2 A. We have -- well, we had a little boat,
3 and my daughter has a bigger boat, and any boat in
4 the family is family boats. We all ride together.
5 Q. Which daughter has the boat?
6 A. Crystal has a boat.
7 Q. What kind of boat does she have?
8 A. It's a big boat, it's not a little boat.
9 I don't know what kind it is.
10 Q. Is it just her boat or does someone else
11 own it with her?
12 A. No. We own as a family. We do things
13 as a family. If we ever want to use her boat, we
14 ask to use he boat, and she let's us use the boat.
15 Q. And I guess my question is, did you guys
16 go in together to purchase the boat or did she buy
17 that on her own?
18 A. No, that's her boat.
19 Q. And when did she buy that boat?
20 A. I don't know. A few years ago.
21 Q. Okay. Does she -- is it like a sporting
22 boat? Does she like ski on the back of it, or
23 wake board?
24 A. No, it's just a boat.
25 Q. And where do you go riding around on the

Page 191

1 boat?
2 A. We've been out -- let me think. Where
3 did we go out that day? I don't know the
4 landings. I don't know the landings. I'm not
5 even sure which landing we went out on her boat
6 because we go out on Robert Lee's boat, we go out
7 on the little boat. Seemed like I've been down in
8 Hallsville, you know what I'm saying? I've been
9 on -- just too many boats to pinpoint, and I don't
10 even know the names of landings.
11 Q. How many boats -- or sorry, not boats --
12 strike that.
13 How many people can fit on her boat?
14 A. One, two, three, four, five -- I think
15 five went out on -- I don't know. Five or six
16 people.
17 Q. Where does she store that boat?
18 A. At our house.
19 Q. Now, have -- do you have any other sport
20 vehicles like that?
21 A. Yeah, we have four-wheelers. Is that
22 what you're talking about?
23 Q. Sure.
24 A. I mean, I didn't understand the
25 question. I'm sorry.

Page 192

1 Q. That's fine.
2 A. Say the question again.
3 Q. Let's stick with the water. Have you
4 ever had a jet ski?
5 A. No.
6 Q. Has anyone in your family ever had a jet
7 ski?
8 A. No.
9 Q. And other than -- you said you had a
10 little small boat and your daughter and everyone
11 uses that. Are there any other boats?
12 A. Yeah. Then we got -- Robert's got a big
13 boat.
14 Q. Okay.
15 A. So, I mean, just about everybody in the
16 family's got a boat as far as the men folk. Yeah.
17 Pretty much. We love to go outside. We love to
18 be out. We don't like to be stuck in the house.
19 Q. Have you ever ridden horses or done
20 anything like that?
21 A. No, huh-uh.
22 Q. Okay. I think -- do you know the
23 Ellises?
24 A. Who?
25 Q. Oscar Ellis, do you know who that is?

Page 193

1 A. No.
2 Q. Is there someone with some horses on
3 their property near you?
4 A. Yeah.
5 Q. Do you know who that is, though?
6 A. I don't.
7 Q. And you have you ever seen them riding
8 their horses?
9 A. I have seen the horses. I don't believe
10 I've ever seen nobody on the back of the horses.
11 I don't be paying attention to what my neighbors
12 be doing, really, honestly. You know what I'm
13 saying? I'll go out, unless they're doing
14 something that catches my attention, I don't be
15 all up in their yards.
16 Q. You mentioned you had four-wheelers,
17 when did you get those?
18 A. Oh, we've had four-wheelers, 10, 13
19 years. 14 years.
20 Q. Did you buy those four-wheelers after
21 you moved into that property?
22 A. Yes.
23 Q. Okay. And where do you ride them
24 yourself?
25 A. Anywhere they'll let us.

402, 403
lack of
foundation



Page 198

1 messing with nobody's stuff, we were just riding.
2 Q. When's the last time you've been out
3 riding?
4 A. It's been some multiple years for me.
5 My grandson, he still goes over and rides on the
6 Pickett land. I'm trying to think if I rode on
7 the Pickett land since I rode on Joey's land. I
8 don't think I have. I don't know that I've rode
9 in years. I don't believe -- I believe it's been
10 several years since I rode.
11 Q. Did you stop riding after you filed the
12 lawsuits?
13 MR. DOBY: Objection. She already
14 answered that.
15 A. No. No. I just stopped riding because
16 I wanted to stop riding. Like I said, my grandson
17 still rides.
18 BY MR. SNUKALS:
19 Q. Why did you stop riding?
20 A. Because I wanted to.
21 Q. Is your husband still able to ride?
22 A. If he wants to, yes, sir.
23 Q. Do you know when the last time he rode
24 is?
25 A. He rode the kids the other day.

Page 199

1 Q. Where did they go?
2 A. They went around the yard, probably down
3 on the Pickett land. I believe he left our
4 property. I believe they left our property, then
5 back home.
6 Q. Now, on the Pickett farmland, have you
7 ever noticed them using any type of fertilizer on
8 that land?
9 MR. DOBY: Objection.
10 A. I don't know what they use on that land.
11 BY MR. SNUKALS:
12 Q. Have you ever ridden on and it and
13 smelled odors on that piece of property?
14 A. It's all around the same spot. It all
15 stink.
16 Q. Did you ever take pictures of Joey's
17 farms when you were riding on his property?
18 A. No, sir, no, sir. It was all about the
19 ride.
20 Q. Have you ever had motorcycles?
21 A. No.
22 Q. Has your husband?
23 A. Yes, sir.
24 Q. When was the last time he rode
25 motorcycles?

Page 200

1 A. I don't know. I couldn't say for sure.
2 Q. Was he still riding when you married
3 him?
4 A. When I married him was he riding -- he's
5 had a motorcycle since I married him.
6 Q. He has?
7 A. He's rode a motorcycle since I married
8 him. I don't think he's actually rode one out on
9 the road. I don't know he actually got it listed
10 and licensed because I don't think he chooses to
11 ride. I don't -- I think he wants to make me
12 happy, and I'm scared of motorcycles.
13 Q. Do you know what kind of motorcycle it
14 is?
15 A. That he had? I don't.
16 Q. Was it like a dirt bike? Do you know --
17 A. No, no.
18 Q. -- what it looks like?
19 A. I was a road bike.
20 Q. It was. Was it loud like a
21 Harley-Davidson --
22 A. No, no.
23 Q. Have you ever heard those?
24 A. No. No. Yeah, I've road Harleys.
25 Q. Okay. Does anyone in your area ride

Page 201

1 motorcycles?
2 A. Not that lives in our area that I know
3 of.
4 Q. Now, have you husband's doctors
5 encouraged him to get some exercise outside?
6 A. I'm sure. I'm not sure what his doctors
7 encourage him to do. I don't go to his doctors'
8 appointments with him.
9 Q. Does your husband walk outside for
10 exercise sometimes?
11 A. He needs to.
12 Q. But has -- does he?
13 A. Yeah, he does. He needs to. He can't
14 walk but so far because of his breathing, but,
15 yes.
16 Q. Okay. As far as other people, does he
17 usually walk on Howards Farm if he's going to walk
18 somewhere?
19 A. If he's able, yeah.
20 Q. Have you ever seen anyone else
21 walking --
22 A. I have.
23 Q. -- on that road?
24 A. I have.
25 Q. Do you know who it is?

Page 206

1 clean and maintained. But over there it was too
2 hard.
3 Q. Okay. Did you have a filtration system
4 or was it --
5 A. Just a filter. What are you saying?
6 Q. What -- did you have a filtration system
7 or did you just fill it with water from the hose?
8 A. Yeah, just filled it with water from the
9 hose and it had a filter system on the -- on the
10 pool.
11 Q. It did? Okay.
12 A. And still couldn't keep it clean.
13 Q. And using this map, can you just draw
14 where your pool was? And I'm talking about
15 Exhibit 3. Can you tell me where your pool was on
16 your property?
17 A. Okay. My property has changed for seven
18 years. It's changed. My property's not the same.
19 I've been there 17 years.
20 Q. Okay.
21 A. Okay. I've had a pool here, I've had a
22 pool here, I've had a pool over here. For three
23 years my husband tried to maintain a pool to make
24 me happy, it was impossible. I've always had a
25 pool, and it couldn't be maintained there. We'd

Page 207

1 get up and there'd be a film over the top of our
2 water. We could not buy enough chemicals to keep
3 in it to keep it clean, so I gave up working my
4 husband to death, and I got a wee little pool that
5 we can flip the water out of it every day, and if
6 I decide to go get in the pool, I get in the pool.
7 If my grandkids decide to get in the pool, they
8 get in the pool, but we clean it every day. We
9 change the water every day now.
10 Q. And I just want to go ahead and mark --
11 so you said there's a pool behind the house? Is
12 it in like in this location?
13 A. Well, kind of like where the building is
14 sitting and the trailer's sitting. That pool was
15 big enough. It took up that whole area.
16 Q. Okay.
17 A. And then I had a big one over here, and
18 then I think I had one right about there one time.
19 Q. Okay. I'm just going to mark -- just
20 write pool, just indicate that the pool was --
21 I'll just put a little box around that, just in
22 case -- to indicate there was a pool behind your
23 house. It was much larger in scale than what I
24 just described, but that's just to indicate that's
25 the location of that pool.

Page 208

1 And then there's another pool --
2 A. No, no. That's over there by the -- in
3 front of my house, and that's -- okay. See, we're
4 totally -- yeah, you got my house turned upside
5 down. Okay. Let me see. Where did you just put
6 that first pool?
7 Q. Behind your house, behind -- on the
8 other side of the ramp.
9 A. Just a minute. No, there was no pool
10 there. You had my house turned around.
11 Q. Okay.
12 A. I drew my house this way, so -- forget
13 about it.
14 It was here in between the trailer and
15 the building. The pool. There's the pool. And
16 then the house at the back. Pool, and probably
17 one right about here. I think I've had three.
18 And like I said, it was -- it was too hard to
19 maintain.
20 Q. I'm going to label this pool. Okay. Of
21 the three that you described, which one is the
22 largest?
23 A. This one here, the first one.
24 Q. That would be the one on the left?
25 A. Yeah, the first one.

Page 209

1 Q. Okay. Have you ever had a hot tub?
2 A. No.
3 Q. Any picnic tables outside?
4 A. I have a picnic table.
5 Q. When was that purchased?
6 A. It wasn't purchased.
7 Q. It was there on the property when you
8 moved on?
9 A. No.
10 Q. It was given to you?
11 A. It wasn't purchased.
12 Q. Who did you get the picnic table from?
13 A. I got it from a friend.
14 Q. When did you get that?
15 A. I don't know. 10 years or more. It was
16 over ten years ago.
17 Q. Do you have a little swing set or jungle
18 gym for the kids?
19 A. Swing set. I believe it was the same
20 person that gave me the picnic table gave me the
21 swing.
22 Q. And when your grandkids come over when
23 your kids were living there, did you have a
24 basketball hoop set up there?
25 A. I still have a basketball hoop. I have

Page 210

1 a trampoline.
2 Q. And where is the trampoline located?
3 Again, using this map?
4 A. Behind the house. It's to the side
5 behind the house. You got me back over here.
6 Hold on. Right here about where this pool is, it
7 became from -- went from a pool place to a
8 trampoline place.
9 Q. I'm going to draw a circle. Is this --
10 A. Yeah, that's find.
11 Q. -- a good indication?
12 A. That's fine. That's fine.
13 Q. And I'm going write T. So trampoline.
14 A. We are definitely outdoors people. We
15 love it outdoors.
16 Q. Okay.
17 A. I --
18 Q. I'm sorry, go ahead.
19 A. I believe children kept in the house all
20 the time, they have obesity problems, and I don't
21 want my grandchildren to be obese, and I don't
22 want my children to be obese, so I made and I buy
23 things that are on the outside that will keep them
24 from being obese.
25 Q. And where is the basketball hoop?

Page 211

1 A. It's portable.
2 Q. I gotcha.
3 A. So it's been different places. It has
4 been everywhere.
5 Q. Any other sports equipment you got on
6 the property?
7 A. Not that I can recall at this second.
8 But like a while ago when I was naming the fruit,
9 I left off the grapevines and the pear tree, just
10 because there's so many and so much, that it's
11 hard to remember everything when you're asked
12 right then.
13 Q. Okay. Do you want to go ahead and mark
14 where the grape and the pear tree?
15 A. There's not enough paper. It's not. I
16 got the trailer and the clothesline here and the
17 grapevine is over here, and the pear tree is like
18 over in here somewhere.
19 Q. Okay.
20 A. Yeah, so I'm off the paper.
21 Q. You're off the paper at that point.
22 Okay.
23 A. It's a little piece of property, but I
24 can do something with my little piece.
25 Q. Were your children athletes growing up

Page 212

1 when they were living there?
2 A. No, no. My grandson is.
3 Q. Quantez?
4 A. Yes.
5 Q. What sports does he like to play?
6 A. He likes to play football and he likes
7 to play basketball and he likes to play baseball.
8 Q. Does he have some friends in the
9 neighborhood he can play with?
10 A. He doesn't bring anybody home.
11 Q. Okay. Are there kids -- does he go over
12 anyone's house?
13 A. Sometimes.
14 Q. Where does he go to play?
15 A. He goes to his friend's, his mom takes
16 him.
17 Q. Where do they live?
18 A. In Beulaville.
19 Q. Does he have any friends on Hallsville
20 Road?
21 A. Yeah, he has one friend on Hallsville
22 Road. They're actually cousins.
23 Q. Who is that?
24 A. Up the road. It's Cindy's, my
25 sister-in-law -- my sister-in-law's sister.

Page 213

1 Q. And what's her name?
2 A. Her name is Cindy.
3 Q. Last name?
4 A. I don't know Cindy's last name. The
5 kids are Milo and Darius, but like I said, I don't
6 know their last names.
7 Q. Which direction on Hallsville Road?
8 A. Towards Beulaville.
9 Q. So they live in the direction where
10 Crystal lives?
11 A. Yeah, in between my house and Crystal's
12 house.
13 Q. Okay. Do they live on Hallsville Road
14 or back behind that?
15 A. On Hallsville. On Hallsville Road.
16 Q. Okay. Is Cindy married?
17 A. No.
18 Q. Has she been married?
19 A. I don't know.
20 Q. Have you ever brought your grandson over
21 to Cindy's house?
22 A. I have dropped him out on the way out.
23 And those boys do come to the house sometimes.
24 Q. Now, Cindy, is she part of this lawsuit?
25 A. No.

Objection.
no objection.

Page 258

1 A. That's fine.
2 Q. The photo that you took that we were
3 provided right before your deposition started was
4 of some fly paper --
5 A. Uh-huh.
6 Q. -- is that correct?
7 A. Fly strips.
8 Q. When was that photo taken?
9 A. It was taken on June the 2nd or
10 something. I can look at my phone and tell for
11 sure.
12 Q. Sure.
13 A. It was June the something. Wait a
14 minute. It was on --
15 Up, there you go. Here you go.
16 June 21st --
17 Q. Okay. And do you mind --
18 A. -- and June 22.
19 Q. Do you mind --
20 A. No, that's mama. June 21st, both of
21 them.
22 Q. Do you mind just holding that camera up
23 and turning it to face the videographer showing
24 those photos?
25 A. Want me to pull them up?

Page 259

1 THE VIDEOGRAPHER: Okay.
2 BY MR. SNUKALS:
3 Q. And what was that a picture of?
4 A. It was fly straps (sic).
5 Q. When did you start buying the fly traps?
6 A. I've been buying them for years and
7 years and years and years.
8 Q. Okay. And are the insects that are
9 attached to that fly paper, are those the flies
10 that you're complaining of?
11 A. Those are flies.
12 MR. DOBY: Objection.
13 A. Those are some of them.
14 BY MR. SNUKALS:
15 Q. Okay. Are those the ones that bother
16 you the most, the ones that are attached to that
17 piece of paper?
18 MR. DOBY: Objection.
19 A. No. If those were the ones, they would
20 be gone, and I won't have a problem no more.
21 They're still out there.
22 BY MR. SNUKALS:
23 Q. Okay. So -- but do those flies bother
24 you?
25 A. They did. They don't no more.

Page 260

1 Q. Not those specific flies, those types of
2 flies?
3 A. Yeah, fly flies. How many types of
4 flies are there?
5 Q. What do you and your husband do with
6 your trash? So you eat dinner, you throw the
7 scraps away, what do you do with that?
8 A. I put them in the trashcan.
9 Q. Where is the trashcan?
10 A. In my kitchen.
11 Q. And when that trashcan fills up, what do
12 you do?
13 A. My husband takes it out.
14 Q. Where does he take it?
15 A. He puts it in the building.
16 Q. His man cave?
17 A. His man cave.
18 Q. How long does the trash stay in the man
19 cave?
20 A. Not over a day or two, and then he takes
21 it to the dumpster thing.
22 Q. Where is the dumpster?
23 A. There's two of them. There's one like
24 on the way to Jacksonville, and there's one on the
25 way to Kenansville.

Page 261

1 Q. What's the closest one to your house?
2 A. I don't think -- they're both about the
3 same amount of place and time. I don't know.
4 Q. How long does it take to get to one?
5 A. Actually, I don't know. I don't go. I
6 just know where they're at. I pass them going to
7 work. Different places.
8 Q. We'll ask your husband.
9 A. Yeah, that's a good idea.
10 Q. Now, do you ever burn trash outside?
11 A. Say again.
12 Q. Do you ever burn trash outside?
13 A. No. We burn like limbs and stuff like
14 that.
15 Q. You've never burned --
16 A. Debris.
17 Q. Your husband's never burned any trash
18 outside?
19 MR. DOBY: Objection.
20 A. Not that I know of, and I've never
21 burned leaves and stems outside either. I don't
22 burn anything.
23 BY MR. SNUKALS:
24 Q. Okay. Does he burn trash, leaves or
25 limbs, whatever he's burning?

402, 403
lack of
foundation



Page 262

1 A. I've never known him to burn trash, but
2 I've known him to set our leaves and stuff on
3 fire.
4 Q. Okay. Do any of your neighbors burn
5 trash?
6 A. I don't know what my neighbors do.
7 Q. Okay.
8 A. Not to my knowledge, but I don't know
9 what my neighbors do.
10 Q. All right. Are there a lot of cans or
11 bottles lying around your neighbors' property?
12 A. What did you say?
13 Q. Are there a lot of cans or bottles lying
14 around your neighbors' property?
15 A. There's not no bottles and I don't know
16 what is in my neighbor's yard, but we recycle.
17 Q. Okay. And do you have a recycling bin?
18 A. We have a can pile. We live in the
19 country. We have a can pile.
20 Q. Okay. And where is that pile?
21 A. It's right there beside the storage
22 trailer.
23 Q. And where do you take the cans?
24 A. We take them to the recycle place. The
25 J&E Salvage, the salvage place.

Page 263

1 Q. And how often do you take cans to the
2 salvage place?
3 A. I don't take them at all. My husband
4 does.
5 Q. Your husband does that still?
6 A. Say again?
7 Q. Your husband does that still?
8 A. Yes.
9 Q. And the cans, do you -- do you clean
10 them out?
11 A. We rinse them out.
12 Q. You do?
13 A. Yes, we do.
14 Q. Okay. And you-all -- are you connected
15 to a sewer system?
16 A. What is -- we got a septic tank.
17 Q. Septic tank?
18 A. I didn't know if we -- we don't have an
19 outhouse.
20 Q. When was the septic tank installed, if
21 you know?
22 A. I have no ideal.
23 Q. Was it before you moved on Howards Farm?
24 A. Before my time.
25 Q. Okay. Have -- when is the last time

Page 264

1 you-all had that cleaned out?
2 A. I don't know for sure. Seven, eight,
3 nine months ago. It's -- we get it done. I'm not
4 sure. My husband takes care of all of that.
5 Q. Okay. Before seven or so months ago,
6 before you had it cleaned out, do you know when
7 the last time it was cleaned out before that?
8 A. Probably less than a year, about a year.
9 It's something we do once a year.
10 Q. Okay. Do you know what company you use
11 to pump it out?
12 A. It's not a company. It's a man with a
13 truck.
14 Q. Do you know the man?
15 A. No, I don't. My husband takes care of
16 that.
17 Q. Your husband would know the name of that
18 man?
19 MR. DOBY: Objection.
20 A. I'm sure he would.
21 BY MR. SNUKALS:
22 Q. Okay. Have -- since you've been living
23 there, have there ever been any issues with the
24 septic tank backing up to the house?
25 A. No.

Page 265

1 Q. Go ahead.
2 A. We try to take care of problems before
3 problems arise.
4 Q. Now, we talked about flies and rodents
5 and talked about odor. Are there anything -- is
6 there anything else that you're suing about --
7 MR. DOBY: Objection.
8 BY MR. SNUKALS:
9 Q. -- about Joey Carter's farms?
10 MR. DOBY: Objection.
11 A. I'm not sure. We talked about so much.
12 I'm not sure if I mentioned something.
13 BY MR. SNUKALS:
14 Q. Just think about it. You know, again,
15 this is my only time to speak with you, so take
16 your time.
17 A. I can't truthfully, honestly
18 understand -- answer that. I'm not sure. I mean,
19 that's like a while ago I took a break and come
20 back and remembered we had grapevines, and I
21 didn't remember we had grapevines. My husband had
22 to remind me we had grapevines and a pear tree,
23 but I've ate off both of them trees, so I'm not
24 sure.
25 Q. Well, you told me about the grapevines

402, 403
lack of
foundation
①

Page 274

1 asked you questions or --
2 A. -- about the water --
3 Q. -- spoken to you about the water and
4 whether it had been --
5 A. -- contaminated?
6 Q. -- contaminated?
7 MR. DOBY: Objection.
8 A. I've heard it mentioned before. Same
9 thing. It's like, blah, blah, blah, blah, blah.
10 I don't want to hear that. I don't have the extra
11 money to get that pump -- that thing from the
12 county hooked up to pay that extra \$50 a month
13 right now. Unless we go to dropping dead like
14 flies, then I probably won't have my water tested.
15 That's just like I got a dryer. But unless
16 something seriously -- I see -- I can put them on
17 that line, I'm going have to put them on the line
18 because I don't have no other choice. I don't
19 have the money to pay the extra in those bills.
20 BY MR. SNUKALS:
21 Q. Okay. Is it fair to say that you've
22 never heard about that topic being discussed
23 before -- until you got involved in these
24 lawsuits?
25 MR. DOBY: Objection.

Page 275

1 A. What are you talking about?
2 BY MR. SNUKALS:
3 Q. Water contamination.
4 MR. DOBY: Objection.
5 A. Water contamination. No, I've heard of
6 water contamination before.
7 BY MR. SNUKALS:
8 Q. Well, water contamination related to
9 Joey Carter's farms?
10 A. No, never nothing, and I don't even know
11 I've heard anything about it pertaining to Joey's
12 farm.
13 Q. Okay. So if you hadn't heard about it
14 pertaining to Joey's farm, is it safe to say it's
15 not one of your complaints?
16 A. I'm hoping my water's fine.
17 Q. Okay. Well, is it fair to say, though,
18 that your lawsuit is not about that if you don't
19 know and you've never heard of it --
20 A. Not that I know of.
21 MR. DOBY: Objection.
22 A. My lawsuit's not on my water because
23 I've not had my water tested.
24 BY MR. SNUKALS:
25 Q. Thank you. Now, do you believe living

Page 276

1 near Joey Carter's farms is a health hazard?
2 MR. DOBY: Objection.
3 A. I believe it is, but I'm not a doctor.
4 It's enough to worry me to death anyway. Since I
5 heard about all this extra stuff, I worry about my
6 husband and I worry about my children, and I worry
7 about his COPD getting worse. But those are my
8 worries.
9 BY MR. SNUKALS:
10 Q. And you said since you started hearing
11 about --
12 A. Because of all this stuff, I worry even
13 more so.
14 Q. Does that mean your involvement with the
15 lawsuits?
16 MR. DOBY: Objection.
17 A. Me learning what they have over there,
18 that there could be a possibility -- I don't
19 know -- just take the insects, the bugs and the
20 flies for one. I don't know what's coming in on
21 those trucks. I don't know from what -- where
22 they're coming from. I have no idea. I mean,
23 there are Zika fly 'squeeters now. How do I know
24 they're not going to come in on the back of one of
25 those trucks and -- you know what I'm saying?

Page 277

1 From different places. I don't know that. But
2 I'm sit and I'm wondering, thinking about stuff
3 that normal people just wouldn't -- I don't think
4 they'd even wonder about; that I sit and I lay
5 awake and I wonder about and I think about it.
6 BY MR. SNUKALS:
7 Q. Now, when you saw all this stuff,
8 though, I mean, is it fair to say that you had no
9 concerns about your health related to Joey
10 Carter's farms until you got involved in these
11 lawsuits; is that fair to say?
12 MR. DOBY: Objection. Objection.
13 A. I had -- I had concerns about my
14 husband's health before I ever got involved in
15 this here. Once I found out that -- what his
16 not -- or his doing over there could affect our
17 breathing, it could affect -- there's no proving
18 that it does affect, but that don't stop me from
19 worrying about it. There's times when it gets too
20 bad that I ask my husband, Let's go in. Or when
21 it gets real bad out here, If I'm not here, Honey,
22 go in. Don't just stay out here in it. And, I
23 mean, I'm not there all the time, but I still
24 worry myself to death about it.
25 BY MR. SNUKALS:

402, 403
lack of foundation,
10 question
pending

IN RE: NC SWINE FARM NUISANCE LITIGATION
Dreauna Lynn Collins Carter on 07/12/2016

Pages 282..285

Page 282

1 Q. Okay. And if you think there's
2 something that might be causing some adverse
3 medical condition, do you think you should tell
4 them that, too?
5 A. If I felt like something was causing
6 something, yes, I would.
7 Q. And, again, you've never told any doctor
8 that you've ever seen that you think anything
9 that's going on with your body has ever been
10 caused by hog farms?
11 MR. DOBY: Objection.
12 A. No, I've never.
13 BY MR. SNUKALS:
14 Q. Okay. Is that the same for -- and I
15 know you can't speak to every --
16 A. But everything I've ever went to the
17 doctor for, I've left it up to the doctors to tell
18 me what was wrong with me. I've never brought up
19 the hog farms. I never thought they had an effect
20 on me. Still don't. Do they have an effect on
21 me?
22 Q. Well --
23 A. I mean, I worry about my husband because
24 he's COPD, but there's nothing wrong with me.
25 There shouldn't be no reason that it should affect

Page 283

1 me.
2 Q. Okay. I know you haven't been to all of
3 your doctor's -- your husband's doctor's
4 appointments.
5 A. No.
6 Q. And I'm not going to ask you about what
7 he may have told them during those appointments
8 because you wouldn't know what he said?
9 A. No.
10 Q. The ones that you have attended, has he
11 ever told any of his physicians that any of his
12 health conditions may be caused by hog farms?
13 A. We come from a hog farm community, no,
14 we're not talking about the hog farms. The doctor
15 liable to write David a prescription to take him
16 out. Same thing with me. We don't mess with the
17 hog farms. This became a nuisance in our own
18 backyard.
19 Q. Do you have any medical conditions you
20 are claiming are caused by the hog farms?
21 A. No.
22 Q. Is that the same for your husband or do
23 you know?
24 A. No, not that I know of.
25 Q. Okay. Do you have any complaints,

Page 284

1 medical, physical complaints you're bringing that
2 are a part of this lawsuit that you think are a
3 part -- or related to the hog farms?
4 MR. DOBY: Objection.
5 A. No other than worriation and a mental
6 state.
7 BY MR. SNUKALS:
8 Q. Okay. And, again, this is my only
9 chance to talk to you before trial.
10 A. That's fine.
11 Q. So other than worrying about -- are you
12 worrying about the farms or your health, what is
13 it that you're worried about?
14 MR. DOBY: Objection.
15 A. I worry about my family, I worry about
16 my children and I worry about my husband.
17 Q. Okay. And you say your mental state can
18 you describe that for me?
19 A. It's enough to drive you crazy worrying
20 about your family.
21 Q. Okay.
22 A. I worry about losing my husband quicker
23 than I'm already going to lose him.
24 Q. Do you -- other than worrying, your
25 mental state, are you saying that the hog farm --

Page 285

1 claiming that the hog farm affects you in any
2 other way?
3 A. Say it again?
4 Q. Other than worrying, your mental state
5 and worrying about your husband, are you claiming
6 that the hog farms affect you in any other way?
7 MR. DOBY: Objection. Asked and
8 answered.
9 A. Yeah, I bunch of the ways. I told.
10 BY MR. SNUKALS:
11 Q. How about physically your health?
12 MR. DOBY: Objection.
13 A. Objection. I don't know. I'm not sure,
14 I'm not a doctor. I don't know. I'm not sure
15 what it's done to me. I don't know. I don't go
16 to the doctor enough.
17 BY MR. SNUKALS:
18 Q. Okay. So you're not claiming that the
19 hog farms have caused you any headaches?
20 MR. DOBY: Objection.
21 A. Yes, it's caused headaches before from
22 coughing and gagging.
23 BY MR. SNUKALS:
24 Q. Okay. Other than headaches, has it
25 caused you any other physical problems?

102, 403
ack of
foundation
attorney-
client privilege

IN RE: NC SWINE FARM NUISANCE LITIGATION
Dreama Lynn Collins Carter on 07/12/2016

Pages 302..305

Page 302

1 Q. Have you ever heard anyone flying those
2 remote control drones around your area before?
3 A. Not until last week.
4 Q. You saw one last week?
5 A. Yes, it was at our house.
6 Q. Whose was it?
7 A. It was ours, it was our nephew's.
8 Q. Okay. And what's your nephew's name,
9 which nephew is that?
10 A. His name is Mike.
11 Q. Mike. What's his last name?
12 A. Carter.
13 Q. Mike Carter, was he taking video with
14 that drone? Does it have a video camera on it?
15 A. I'm sure he did take our picture. It
16 was a family thing. It was. To my knowledge, he
17 did not go over Joey's farm and to my knowledge he
18 did not take a picture of Joey's land. It was at
19 our house and it was flown above our house.
20 That's the only time I've ever seen a drone and it
21 was last week.
22 Q. Okay. Has anyone been on your property
23 or let anyone on your property to take pictures of
24 Joey Carter's farm?
25 A. No.

Page 303

1 Q. Okay. I know you mentioned you think
2 your husband may have signed some sort of petition
3 before the farm on your side of Hallsville Road
4 was built; is that --
5 A. That's what I heard them talking about.
6 Q. Or one of the barns at least?
7 A. Say again?
8 Q. Or one of the barns at least on that
9 side?
10 A. That's what I heard them talking about.
11 Q. All right. But had you ever complained
12 to Joey Carter about his hog farms?
13 A. No. You don't complain to the police.
14 Q. Have you ever complained to any
15 government agency about the hog farms?
16 A. No. I didn't even know you could
17 complain.
18 Q. Have you ever complained to any
19 environmental group?
20 A. No.
21 Q. Ever complain to Murphy-Brown?
22 A. No.
23 Q. Ever complain to Smithfield?
24 A. No.
25 Q. And I take it you've never complained to

Page 304

1 your daughter who's ever worked for Murphy-Brown?
2 MR. DOBY: Objection.
3 A. No.
4 BY MR. SNUKALS:
5 Q. Are you a member of any church?
6 A. Not no more.
7 Q. Were you a member of a church at one
8 point?
9 A. Yes, I have been a member of a church
10 before. Multiple churches.
11 Q. Which one?
12 A. The last one was AME Zion. I quit
13 paying my membership, and I'm not a member no
14 more.
15 Q. Where is that church?
16 A. It's on 111 or 11, I'm not sure which
17 road it is.
18 Q. Is it close to Beulaville?
19 A. It's out of Kenansville, so it's the big
20 road that comes out of Kenansville.
21 Q. Have you ever taken -- or attended any
22 meetings about this case at that church?
23 A. No.
24 Q. How about the state case?
25 A. Say it again?

Page 305

1 Q. How about the state case?
2 A. No.
3 Q. Did you ever --
4 A. No, I've never been to no meeting at no
5 church.
6 Q. Okay. Are any of the plaintiffs in your
7 lawsuit members of that church?
8 A. Of the AME Zion?
9 Q. Yes, ma'am.
10 A. Yes, sir.
11 Q. Who?
12 A. It's a family church, so the family. To
13 my knowledge, anybody out of the family, no.
14 Robert, Sabena, David. It was me -- I don't know
15 about the other kids, if they're members or they
16 paid their dues or not. I don't know.
17 Q. Are you a member of any environmental
18 organization?
19 A. No.
20 Q. Have you ever attended any Reach
21 meetings?
22 A. I don't know what that is, and I'm not
23 sure.
24 Q. Well, have you ever attended any
25 meetings with any community groups or local

402, 403
argumentative
ack of
foundation

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IN RE: NC SWINE FARM NUISANCE LITIGATION
Elaine K. Carlton on 08/02/2016

Pages 38..41

Page 38

1 A. No, huh-uh. It was -- Buddy wasn't going
2 to school, he wasn't going to school when I started
3 working at National Spinning. I can't remember
4 because it's been so long.
5 Q. Did you have any other jobs between the
6 time that you left school and started with National
7 Spinning?
8 A. No, huh-uh. I -- after I left National
9 Spinning, I went to Rose Hill Poultry.
10 Q. How many years did you work at National
11 Spinning?
12 A. Five, and then I...
13 Q. What kind of work were you doing there?
14 A. Operating machines.
15 Q. What kind of machines?
16 A. I don't know what kind they was.
17 Q. Do you work around dyes or chemicals?
18 A. No.
19 Q. Okay. Did you wear any protective gear
20 when you worked at National Spinning?
21 A. No, huh-uh.
22 Q. Okay. You spent five years there. Were
23 you ever injured on the job?
24 A. No.
25 Q. Okay. Then you went to Rose Hill Poultry.

Page 39

1 How long were you there?
2 A. About 20 years.
3 Q. What kind of work were you doing for them?
4 A. Called cutup line, you cut chickens in
5 different parts.
6 Q. Were you on the cutup line your entire
7 time at Rose Hill Poultry?
8 A. Yes.
9 Q. What year did you stop working for Rose
10 Hill Poultry?
11 A. I can't think.
12 Q. Okay. That's fine. Do you have like a
13 general idea of when you stopped working for them?
14 A. No. I had to adopt my little
15 granddaughter.
16 Q. Okay.
17 A. And, anyway, then I quit then, you know,
18 because she was getting ready to go to school.
19 Q. Okay. How old was she?
20 A. I adopted her when she was a year and a
21 half.
22 Q. So when she was a year and a half, that's
23 when you stopped working at Rose Hill?
24 A. No. I stopped whenever she got ready to
25 go to school.

Page 40

1 Q. Elementary school?
2 A. Uh-huh, like first grade.
3 Q. Okay. So maybe four or five years later?
4 A. Yeah.
5 Q. Okay. How old is she now?
6 A. 25.
7 Q. Okay. Now, the -- the chickens that you
8 were processing at Rose Hill Poultry, where were
9 they coming from?
10 A. They -- it was a great big old line on the
11 front. They cleans them, you know, and when they
12 come down, they already be clean, and they falls in
13 a great big old thing with ice and chilled. So when
14 they get to us, they be already clean.
15 Q. Gotcha.
16 A. Uh-huh.
17 Q. Where were the chickens being raised, or
18 the poultry being raised?
19 A. I don't know.
20 Q. Okay. Now, living in Duplin County, had
21 you seen chicken farms around?
22 A. Have I ever seen?
23 Q. Yes, ma'am.
24 A. Yeah.
25 Q. Okay.

Page 41

1 A. Uh-huh.
2 Q. And that was something some farmers did,
3 they raised chickens for Rose Hill Poultry, right?
4 A. Well, I didn't talk to them, you know.
5 Q. Okay. But people were raising chickens
6 for -- to sell at market and to --
7 A. Right.
8 Q. -- raise them for food, right?
9 A. (Nods head affirmatively.)
10 MR. WALLACE: Objection to form.
11 BY MR. SNUKALS:
12 Q. Is that a --
13 A. Right.
14 Q. Okay. After you stopped working for Rose
15 Hill Poultry, did you have any other jobs after
16 that?
17 A. I worked at Heart to Heart five years.
18 That's like a CNA thing.
19 Q. Did you go back to school for that?
20 A. No, uh-huh. The lady, she said she only
21 allowed to work five years without, you know, a
22 license, so -- over there in New Bern.
23 Q. When you worked for Rose Hill Poultry, did
24 you wear any protective gear?
25 A. Nothing but a steel glove to keep you from

402, 403
mistaking,
lack of
foundation

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Page 158

1 A. I don't know how long -- I don't know how
2 long they keep for the hogs, you know, for them to
3 grow out; but when they -- when they go down there,
4 that's when we hear the noise and stuff.
5 Q. Okay. Well, just sitting here and
6 thinking back, you know, how many times in the past
7 six months have you heard the hog truck go by --
8 MR. WALLACE: Objection to form.
9 BY MR. SNUKALS:
10 Q. -- carrying hogs?
11 A. I can't say.
12 Q. Okay. Is it once a week?
13 MR. WALLACE: Objection to form.
14 THE WITNESS: No. I can't say.
15 BY MR. SNUKALS:
16 Q. Is it less than once a week or more than
17 once a week?
18 MR. WALLACE: Objection to form.
19 THE WITNESS: I can't say that,
20 because the hog got to grow for them to go out, so I
21 don't know.
22 BY MR. SNUKALS:
23 Q. Okay.
24 A. I don't know how many weeks.
25 THE VIDEOGRAPHER: Dixon, I've got

Page 159

1 five minutes on this DVD.
2 MR. SNUKALS: Okay. We can just take
3 a break and switch it out. How about that?
4 THE VIDEOGRAPHER: Okay. Sounds good.
5 Going off record. The time is 2:06 p.m. This is
6 the end of DVD Number 2.
7 (Recess 2:03 p.m. to 2:12 p.m.)
8 THE VIDEOGRAPHER: Okay. We're going
9 back on record. The time is 2:12 p.m. This is the
10 beginning of DVD Number 3.
11 BY MR. SNUKALS:
12 Q. Mrs. Carlton, we're back on the record.
13 When you first attended a meeting about these
14 cases, and I guess it would be the State case was
15 the first case that you were involved with, was
16 Anita living with you?
17 A. No.
18 Q. Okay.
19 A. Huh-uh.
20 Q. Okay. Had she already gone off to school?
21 A. Yes.
22 Q. Okay. How many years had she been out of
23 the house when you first attended a meeting?
24 A. About three, about three.
25 Q. And she's 25 now?

Page 160

1 A. Uh-huh.
2 Q. And she started going to school when she
3 was 18?
4 A. Going --
5 Q. She started going to school when she was
6 18?
7 A. In Charlotte?
8 Q. Yes.
9 A. I think so. She was 18, yeah.
10 Q. Okay. Do you have a septic tank still?
11 A. Yeah.
12 Q. Okay. When was the last time it was
13 cleaned out?
14 A. We -- it hadn't been too long, we put a
15 new one down about two or three years, I believe,
16 about two or three.
17 Q. Do you know when you got a new one
18 installed?
19 A. Uh-huh, Jackie Tree, Jackie Tree, the one
20 who put it down. I don't know what year it was.
21 Anita had left. It was a brand new one he had to
22 put down.
23 Q. Okay. Jackie Tree?
24 A. Uh-huh.
25 Q. Why did you need a new septic tank?

Page 161

1 A. The old one had been out there so long
2 that he said it was no good, you know.
3 Q. Who was going -- what was it doing?
4 A. Backing up, it was backing up and stuff.
5 He said it filled up.
6 Q. Was it leaking out into the ground?
7 A. Yeah. It was leaking back, you know, in
8 the septic tank and it was stewing up.
9 Q. Was it coming out of the ground --
10 MR. WALLACE: Objection to form.
11 BY MR. SNUKALS:
12 Q. -- some of the waste?
13 A. Just making inside the house back up.
14 Q. Okay. How long had that been going on
15 before you got it -- got a new one installed?
16 A. About a week.
17 Q. Okay. And how did you pay for the new
18 septic tank?
19 A. I paid cash for it.
20 Q. Okay. Did you take it out of your savings
21 account or checking?
22 A. My husband had paid for it.
23 Q. He did. Okay.
24 A. I wasn't getting no Social Security then.
25 Q. You weren't? Okay.

402, 403
mislading,
lack of
foundation

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designation
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IN RE: NC SWINE FARM NUISANCE LITIGATION
Elaine K. Carlton on 08/02/2016

Pages 186..189

Page 186

1 talked to you about hog farms?
2 A. Huh-uh.
3 Q. Okay. Has any member of the media ever
4 contacted you, the news or newspaper or something
5 like that?
6 A. Huh-uh, no.
7 Q. Okay, okay. And have you ever contacted a
8 newspaper or news office about hog farms?
9 A. No.
10 Q. Okay. Do you have a computer in your
11 house?
12 A. Yeah, but me and my husband don't use it.
13 Q. Okay.
14 A. We need it gone.
15 Q. Do you have the internet?
16 A. No. He had it cut out after she left --
17 Q. Okay.
18 A. -- and went to Charlotte.
19 Q. Gotcha. Okay. Do you have cable?
20 A. No.
21 Q. Okay. And when he's watching his movies,
22 what -- what is he watching them on?
23 A. Satellite dish.
24 Q. Okay. So do you have Direct TV?
25 A. Yeah.

Page 187

1 Q. Okay. How long have you had Direct TV?
2 A. I don't know, because my husband done
3 switched over.
4 Q. Okay.
5 A. He'll switch. I don't know.
6 Q. What did he switch from, do you know?
7 A. No, I sure don't, because he do that, you
8 know, take care of that.
9 Q. When's the last time you guys had someone
10 from Direct TV come out to look at your satellite
11 dish?
12 A. I can't tell you. It's been a minute.
13 Q. Okay. Within the past year has anyone
14 from Direct TV been out to your house?
15 A. No.
16 Q. Okay. Do other people on Hallsville Road,
17 do they also have satellite dishes?
18 A. I don't know.
19 Q. Have you seen any satellite dishes on
20 people's homes?
21 A. I can't say that.
22 Q. Okay. Do you know how many months your
23 husband kept a calendar of odors and flies?
24 A. No, I sure don't.
25 Q. Okay. Has he continued to keep that

Page 188

1 calendar, or has he stopped?
2 A. He's stopped, I guess.
3 Q. When did he stop?
4 A. I don't know.
5 Q. Okay. Has he stopped within the past year
6 or did he stop before that?
7 A. I can't say.
8 Q. Okay. You said that you were involved in
9 that petition to prevent the farm from being built
10 in the first place, right?
11 A. Right.
12 Q. Okay. Since then, have you ever
13 complained to Joey Carter about his farms?
14 A. No.
15 Q. Have you ever asked him if there's
16 anything he could do to -- to -- to change things?
17 A. No.
18 Q. Okay. Have you ever complained to
19 Murphy-Brown?
20 MR. WALLACE: Objection.
21 THE WITNESS: No.
22 BY MR. SNUKALS:
23 Q. Have you ever complained to Smithfield?
24 MR. WALLACE: Objection.
25 THE WITNESS: No.

Page 189

1 BY MR. SNUKALS:
2 Q. When your son was driving for Carroll's,
3 did you ever talk to him about the hog farms?
4 A. No.
5 Q. When your son was working for Carroll's,
6 were the hog farms a problem for you?
7 A. Yes, ever since they built the hog pen, it
8 been a problem.
9 Q. Okay. But did you ever think to ask him
10 about hog farms and what goes on?
11 A. No, huh-uh.
12 Q. Have you ever complained to any government
13 agency about hog farms?
14 A. No.
15 Q. Or any environmental health department,
16 have you ever complained to them?
17 A. No.
18 Q. Or the Department of Environmental
19 Quality, have you ever complained to them?
20 A. No.
21 Q. When the folks came out to put the water
22 line in, did you complain to them about the hog
23 farms?
24 A. No.
25 Q. Do you and your husband get the newspaper

402, 403
misleading,
lack of
foundation,
attorney
client work
product

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IN RE: NC SWINE FARM NUISANCE LITIGATION
Georgia Farland on 07/07/2016

Pages 26..29

Page 26

1 A. Yes.
2 BY MR. ANDERSON:
3 Q. Even when Mr. Carter's changed, for
4 example, the way he puts out the fertilizer on his
5 field, that hasn't been any change from what you
6 see; is that right?
7 MR. DOBY: Objection.
8 A. Repeat?
9 BY MR. ANDERSON:
10 Q. Yeah. Even when Mr. Carter has changed
11 from the spraying to the spreading out behind the
12 tractor that you've observed, you haven't noticed
13 any changes in terms of odor or any other things
14 that you're complaining about; is that right?
15 A. Huh-uh.
16 Q. Hadn't gotten better or worse, as far as
17 you can tell?
18 A. It's bad and some days it okay. But not
19 good. I said okay.
20 Q. As far as you know, has Mr. Carter owned
21 that farm for the entire time?
22 A. No, I don't know.
23 Q. After the time that you signed the
24 petition that was brought around, did you ever
25 complain to anyone about Mr. Carter's farm?

Page 27

1 MR. DOBY: Objection.
2 A. No.
3 BY MR. ANDERSON:
4 Q. Did someone come to your house and ask
5 you if you wanted to get involved in a lawsuit
6 against the hog farms?
7 MR. DOBY: Objection.
8 A. Huh-uh. No.
9 BY MR. ANDERSON:
10 Q. No? When did you first get told about
11 the lawsuit against the hog farms?
12 MR. DOBY: Objection.
13 A. I don't know.
14 BY MR. ANDERSON:
15 Q. You don't know?
16 A. Huh-uh.
17 Q. Did you go to a meeting?
18 MR. DOBY: Objection.
19 A. Yes.
20 BY MR. ANDERSON:
21 Q. Yes?
22 A. One.
23 Q. One meeting? At that meeting, did
24 people tell you that you could get money if you
25 signed up for the lawsuit?

Page 28

1 MR. DOBY: Objection.
2 A. No.
3 BY MR. ANDERSON:
4 Q. Did people tell you that you could get
5 75 to \$100,000 if you signed up for a lawsuit?
6 A. No.
7 MR. DOBY: Objection.
8 BY MR. ANDERSON:
9 Q. Did you go to the meeting at Cotton's
10 Place?
11 MR. DOBY: Objection.
12 A. Yes.
13 BY MR. ANDERSON:
14 Q. Since that time, have people been in
15 your neighborhood knocking on doors, trying to
16 sign people up for this lawsuit?
17 MR. DOBY: Objection.
18 A. I don't know. Not me.
19 BY MR. ANDERSON:
20 Q. Have you asked other people if they
21 would get involved in the lawsuit?
22 MR. DOBY: Objection.
23 A. No.
24 BY MR. ANDERSON:
25 Q. Other than the meeting at Cotton's

Page 29

1 Place, did you go to any other meetings to talk
2 about joining a lawsuit?
3 MR. DOBY: Objection.
4 A. Yeah. One time.
5 BY MR. ANDERSON:
6 Q. Just the one at Cotton's Place?
7 A. Went to another one.
8 Q. Okay. And where was the other one?
9 A. I really don't know.
10 Q. How did you know about the meeting at
11 Cotton's Place?
12 A. He told --
13 THE COURT REPORTER: I'm sorry, I didn't
14 hear you.
15 A. He said. He told.
16 BY MR. ANDERSON:
17 Q. What did he tell you?
18 A. They was having a meeting at his place.
19 That's all I know.
20 Q. Did you know what the meeting was going
21 to be about?
22 A. (Witness shakes head negatively.)
23 Q. Didn't know at all?
24 A. No.
25 Q. Didn't know it was going about --

102, 403
misleading. O
argumentative
ack of
foundation
att-client
privilege

Page 70

1 Q. How many grands do you have?
2 A. Six, ain't it? Six.
3 Q. You-all, from time to time, get
4 everybody out on picnic tables and cookout there?
5 A. No, they comes in the house and eat --
6 cook outside but they come in the house and eat.
7 Q. Okay. How often do you-all use the pig
8 cooker, cook up -- do you cook barbecue on that or
9 what do you do on that?
10 A. Grill chicken like that.
11 Q. Who's the griller?
12 A. The boys.
13 Q. After you moved back to North Carolina,
14 what type of work have you done?
15 A. I worked at a laundromat -- I reckon
16 that's what you call, where they make clothes and
17 press clothes, a sewing plant.
18 Q. So where you're actually making them?
19 A. I was -- I was pressing them.
20 Q. Pressing them after they were made?
21 A. Huh-uh.
22 Q. Was that at National Spinning?
23 A. No, a little -- it's not that now. It
24 was a little plant there in Beulaville.
25 Q. And how long did you do that?

Page 71

1 A. About five years.
2 Q. What did you do after that?
3 A. I think I baby sit for my grandkids.
4 Q. After you stopped working at the
5 little -- the plant in Beulaville where they made
6 clothes, did you do any other work for an outside
7 business?
8 A. Huh-uh.
9 Q. Okay. Once you stopped working at that
10 plant, did you work at home taking care of family
11 and grand kid and things like that?
12 A. I just took care of them.
13 Q. Okay. And where did you take care of
14 them? Did you do that at your house or go
15 somewhere else?
16 A. At my house.
17 Q. Did they live with you at that point?
18 A. In.
19 Q. Did they get dropped off every day to
20 stay with grandma wheelchair parents went out and
21 worked?
22 A. Uh-huh. Eddie go out and works.
23 Q. Probably a pretty good arrangement for
24 everybody. How many years did you -- well, how
25 old are your grandchildren now?

Page 72

1 A. All of them grown.
2 Q. Okay. For how many years did you take
3 care of the grandkids?
4 A. I know until they stopped going to
5 school start going to school, kindergarten.
6 Q. After you and Mr. Farland bought your
7 property when you moved back to North Carolina,
8 you told me about the garden that you had. Did
9 you kind of keep that on every year up until last
10 year?
11 A. Uh-huh. It gets small and smaller every
12 year.
13 Q. And you told me that some period of time
14 you-all raised some pigs; is that right?
15 A. (Nodded.)
16 Q. And?
17 A. Just to eat.
18 Q. Just like for your own eating?
19 A. Uh-huh.
20 Q. Did you ever sell any of those to
21 anyone?
22 A. No.
23 Q. Where did those animals live?
24 A. In a pen back on -- back there on a
25 piece.

Page 73

1 Q. Did you have a pigpen back towards where
2 Joey Carter's farm is now?
3 A. No, not that far back.
4 Q. Which direction -- was it in that
5 direction?
6 A. Uh-huh.
7 Q. Just not as -- not all the way back on
8 the property line where his farm is; is that
9 right?
10 A. Right.
11 Q. Okay. How big was you-all's pig pen?
12 A. Three or four hogs, it didn't have to be
13 the big.
14 Q. Was there any sort of house in there or
15 were they inside a fence?
16 A. House. It was in a house.
17 Q. Okay. What other types of animals did
18 you-all keep over the years?
19 A. Had a few chickens, that's it.
20 Q. Did you-all have a little chicken house?
21 A. Uh-huh.
22 Q. Where was that?
23 A. Back there in the back there.
24 Q. How long did you-all keep up with the
25 chickens or do you still have chickens?

402, 403
misleading
lack of
foundation



IN RE: NC SWINE FARM NUISANCE LITIGATION
Georgia Farland on 07/07/2016

Pages 74..77

Page 74

1 A. When he got big enough to kill.
2 Q. Do you still keep chickens?
3 A. No, indeed.
4 Q. Okay. When did you have stop doing
5 that?
6 A. Years and years and years ago.
7 Q. And when did you-all stop keeping hogs?
8 A. Years and years ago.
9 Q. During those years when you-all were
10 keeping hogs or chickens, were any of your
11 neighbors keeping hogs or chickens?
12 A. I wouldn't know.
13 Q. Sorry?
14 A. I wouldn't know.
15 Q. You wouldn't know? During times since
16 you-all moved back to your land and around that
17 time, do you recall Cartha Williams keeping hogs
18 on that property?
19 A. Huh-uh.
20 Q. Do you recall Lily Bell Hall keeping
21 hogs on that property?
22 A. No.
23 Q. Do you recall James knew Kirk keeping
24 hogs on that property?
25 A. Huh-uh.

Page 75

1 Q. Do you recall Perry Miller keeping hogs
2 on that property?
3 A. On my property?
4 Q. On the property where --
5 A. I don't know.
6 Q. -- they stay?
7 A. I don't know.
8 Q. Did --
9 A. Could have, but I don't know.
10 Q. If any of those people had hogs you just
11 don't remember or --
12 A. I don't know.
13 Q. Okay. How about for the Carters. I
14 might have asked you that before. Do you remember
15 David and Kenneth Carter keeping hogs?
16 MR. DOBY: Objection.
17 A. No, I don't.
18 BY MR. ANDERSON:
19 Q. How about J. D. Carter?
20 A. They were back there.
21 Q. Excuse me?
22 A. That -- I don't know.
23 Q. Was there an active turkey house in the
24 area when you came back and bought your property?
25 MR. DOBY: Objection.

Page 76

1 A. Huh-uh, no.
2 BY MR. ANDERSON:
3 Q. Do you know where Mr. Carter's dad's
4 turkey house used to sit?
5 MR. DOBY: Objection.
6 A. No.
7 BY MR. ANDERSON:
8 Q. If there were chicken houses in the area
9 when you moved back, did they ever bother you?
10 MR. DOBY: Objection.
11 A. There weren't no chicken house that I
12 knows of.
13 BY MR. ANDERSON:
14 Q. Okay. Even though just a couple hogs,
15 when you-all kept your hogs, what did you do with
16 the ma newer?
17 A. Cut it up -- we had a little place right
18 after we kill the hog, they plowed it up.
19 Q. Plowed it up?
20 A. You know, like you get a tractor and cut
21 it up and whatever.
22 Q. Did you ever shovel the hog ma newer out
23 during the years with when the hogs were there?
24 A. Say what?
25 Q. You kept hogs in a pen, right?

Page 77

1 A. In a fence, it was in a fence, too.
2 Q. In a fence. Did you ever do anything
3 with the ma newer that was in there?
4 A. Huh-uh.
5 Q. Just leave it in there?
6 A. (Nodded.)
7 Q. Did you ever take it out to use it for
8 fertilizer or anything?
9 A. Eww, I didn't. I don't know about
10 nobody else. Somebody might have did it. I don't
11 know. I didn't. I'll say I didn't.
12 Q. Did you have anything to do with taking
13 care of the hogs when you had them?
14 A. I took care of my slops, took some slops
15 and carried down there. You do know what that is,
16 don't you?
17 Q. Yes, ma'am. And then did you have any
18 other involvement with them?
19 A. Yeah. Ate it.
20 Q. Ate it. Did you guys slaughter them
21 yourself or did you take them somewhere to get
22 slaughtered and get the meat?
23 A. There wasn't no place there. To have
24 somewhere to slaughter, you had to do it yourself?
25 Q. You grew them, you killed them and ate

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402, 403
misleading
argumentative
ack of
foundation

Page 142

1 Q. Excuse me?
2 A. Whatever.
3 Q. From your experience and living in your
4 communities, do you know any other farmers who
5 raise hogs?
6 A. No.
7 Q. Do you know any other companies who are
8 involved in the hog business?
9 A. No.
10 Q. Do you have any --
11 A. Excuse me.
12 Q. Yes, ma'am. Do you have any information
13 about how large the hog business is in your
14 county?
15 MR. DOBY: Objection.
16 A. I don't know.
17 BY MR. ANDERSON:
18 Q. In your lawsuit, are you claiming that
19 you have lost any money as a result of the
20 operation of Mr. Carter's farm?
21 MR. DOBY: Objection.
22 A. Money?
23 BY MR. ANDERSON:
24 Q. Yes, ma'am.
25 A. Am I?

Page 143

1 Q. Yes, ma'am.
2 A. No. You have to break it down so I know
3 what you're talking about.
4 Q. You claim that as a result of anything
5 about Mr. Carter's farm you've had to pay any
6 money out?
7 A. No.
8 MR. DOBY: Objection.
9 A. Nothing.
10 BY MR. ANDERSON:
11 Q. Excuse me?
12 A. Just can't sit on the porch -- in my
13 yard and walk around and do.
14 Q. Okay. Do you --
15 A. And that's -- that's enough.
16 Q. Okay. Do you claim in your lawsuit that
17 the amount that you could sell your property for
18 is any less than it was before the hog farm?
19 A. It's not for sale.
20 Q. Okay. Not for rent either, so you're
21 not claiming any loss of rent, right?
22 MR. DOBY: Objection.
23 A. Yes.
24 BY MR. ANDERSON:
25 Q. Understanding what you've told me about

Page 144

1 odor, but do you claim that anything about the
2 operation of the farm has actually damaged your
3 property?
4 MR. DOBY: Objection.
5 A. No.
6 BY MR. ANDERSON:
7 Q. To be clear, I think you answered this
8 in response to your own lawyer's questions, but
9 you are not claiming that you have any physical
10 injury or illness that is caused by the operation
11 of the hog farm; is that right?
12 A. I really don't know.
13 Q. You don't know whether you have an
14 illness or not that's caused by any relationship
15 to the farm; is that right?
16 A. I really don't know. I ain't never -- I
17 never told a doctor or nothing about all this.
18 Q. But do you know, as a part of your
19 lawsuit whether you're claiming that any of your
20 health issues are related to the farm?
21 A. Could be. I don't know.
22 Q. Do you understand either from living
23 there or from what you have been told that
24 Murphy-Brown does not own the land of Mr. Carter's
25 farm? Do you know that to be Mr. Carter's land,

Page 145

1 right?
2 A. That's all I have known.
3 Q. Okay. And do you know that Mr. Carter
4 owns those buildings and not Murphy-Brown, right?
5 A. I don't know.
6 Q. Okay. Do you know what, if anything,
7 Murphy-Brown has to do with Mr. Carter's farm?
8 MR. DOBY: Objection.
9 A. I don't know. Can't say.
10 BY MR. ANDERSON:
11 Q. I might know the answer to this, but let
12 me just make sure.
13 A. I know you're going to ask me.
14 Q. Let me make sure.
15 A. I know you're going to do it.
16 Q. Do you intend to say at the time of this
17 case that you think Murphy-Brown has done
18 something wrong that's a cause of problems to you?
19 MR. DOBY: Objection.
20 A. I don't know.
21 BY MR. ANDERSON:
22 Q. And I take it, then, you also don't have
23 anything that you believe Murphy-Brown could do
24 differently that would fix your problem?
25 MR. DOBY: Objection.

402, 403
misleading
argumentation
lack of
foundation
Atty-client
privilege

IN RE: NC SWINE FARM NUISANCE LITIGATION
Jacqueline Newkirk Davis on 07/08/2016

Pages 90..93

Page 90

1 Q. - And I promise I'll give you a chance to
2 talk all about that and what you want to
3 accomplish in this lawsuit and all that. All I'm
4 asking is, you're aware there are a lot of people
5 in Duplin County whose livelihoods depend on the
6 pork industry?
7 A. No, I'm not aware of that.
8 Q. Do you think there's anyone in Duplin
9 County whose livelihood depends on the pork
10 industry?
11 A. There's probably someone, but I don't
12 know the number.
13 Q. You don't think it's many people?
14 A. I don't know that.
15 Q. Okay.
16 A. Like I said, I haven't researched it. I
17 don't know how many people works for
18 Murphy-Brown's -- I don't know -- or the pork
19 industry, I don't know.

20 Q. Okay. You haven't made any complaints
21 to any agencies about Murphy-Brown or the Joey
22 Carter hog farms, have you?
23 A. No.
24 Q. You've never complained to anybody at
25 the State of North Carolina?

Page 91

1 A. No.
2 Q. You never complained to the EPA?
3 A. No.
4 Q. You never complained to anybody at
5 Duplin County about Murphy-Brown or the Joey
6 Carter hog farms?
7 A. Duplin County --
8 Q. You never complained --
9 A. -- business -- what you mean?
10 Q. You never complained to anybody
11 affiliated with Duplin County at all about the
12 Joey Carter hog farms, have you?
13 A. You talking about residencies or are you
14 talking about businesses?
15 Q. Have you complained to any county
16 official?
17 A. Oh, county officials, ch, no.
18 Q. Okay. You've never complained -- so
19 just to be clear, you've never complained to any
20 county official or county agency about anything to
21 do with Murphy-Brown or the Joey Carter hog farms?
22 A. No.
23 Q. Okay. Why not?
24 A. I mean, what are they going to do? I
25 mean, like I said, people need jobs. I understand

Page 92

1 that. But what are they going to do?
2 Q. What do you think would happen if you
3 called the county and complained?
4 A. I'm -- sorry.
5 Q. That's okay.
6 A. I'm just one person.
7 Q. So what do you think would happen if you
8 called the county and complained about --
9 A. Nothing. I think nothing. They may
10 come out or they might not come out. Look around.
11 I don't know.
12 Q. You don't know because you've never
13 tried?
14 A. Correct.
15 Q. And you've never visited either of the
16 Joey Carter hog farms, have you?
17 A. No, I have not been on their property.
18 Q. You never visited any hog farm?
19 A. No, huh-uh.
20 Q. Okay. You mentioned sometimes you might
21 say hello to Joey Carter, if you see him or
22 something like that, but have you ever had any
23 conversation with any other employee of Joey
24 Carter's?
25 A. No.

Page 93

1 Q. Okay. Now, we talked some yesterday
2 with AJ about some photos that were taken, and I
3 mentioned to him -- you know, one -- one of the
4 reasons that we ask about photos is just to make
5 sure that -- because we're in the discovery
6 process -- that we -- any photos that are given to
7 your lawyers, that your lawyers then can get the
8 photos to us. And so I want to say it's okay if
9 anybody took any photos, but I just need to know
10 what photos were taken so that I can make sure
11 that we get copies. Does that make sense?
12 A. Yes.
13 Q. Okay. Have you ever taken any photos of
14 anything related to this lawsuit?
15 A. I may have taken one or two.
16 Q. Okay. Tell me -- tell me about that.
17 A. It would be the -- I think I took a
18 photo -- I used my husband -- like I said, I don't
19 have a smart phone.
20 Q. You are smart, you don't need a smart
21 phone.
22 A. My husband's phone of the dead hogs that
23 he was bringing them from House Number 2 which is
24 behind my house --
25 Q. Yes, ma'am.

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402, 403
Misleading
Foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
Jacqueline Newkirk Davis on 07/08/2016

Pages 150..153

Page 150

1 down, and there's houses on both sides coming up,
2 so you can smell -- it all depends on where the
3 wind shifts.
4 Q. Uh-huh. So but about where would it be
5 that you would start to smell it if you were
6 driving in?
7 A. Now, I'm not --
8 MR. WALLACE: Objection.
9 A. -- I don't do too much as far as numbers
10 with mile, half mile. I can't judge like that, so
11 I'm not for sure.
12 BY MR. EASLEY:
13 Q. Without saying miles, I mean, if you
14 were describing to a friend about where you would
15 start picking up the odor --
16 A. I depends --
17 MR. WALLACE: Objection.
18 A. -- on the shift of the winds, it
19 depends.
20 BY MR. EASLEY:
21 Q. What would be the outer most part --
22 MR. WALLACE: Objection.
23 A. I don't know, I really don't know.
24 BY MR. EASLEY:
25 Q. Well, can you smell the Joey Carter hog

Page 151

1 farms when you're in Beulaville?
2 A. In Beulaville?
3 Q. Yes, ma'am.
4 A. I don't know if his hog houses that you
5 smell in Beulaville.
6 Q. Do you smell hogs when you're in
7 Beulaville?
8 A. Maybe. Maybe not. I don't know. I
9 mean, on 24, there's other stuff on 24 going out
10 of town.
11 Q. What do you mean other stuff?
12 A. There's other -- there's like -- I don't
13 know -- is it a chicken house? Hog house -- yeah,
14 I think there's other things on that road.
15 Q. What do you mean "other things"?
16 A. Other crops or -- what you call them?
17 Q. Other sources of odor?
18 A. Yeah, probably.
19 Q. So there are other sources of odor on 24
20 other than Joey Carter's hog farms?
21 MR. WALLACE: Objection.
22 A. Joey Carter hog farms are not on 24,
23 that I know of. The ones that we're talking about
24 is on Howards Farm Road.
25 BY MR. EASLEY:

Page 152

1 Q. So can you smell hogs when you're in
2 Beulaville?
3 A. I don't know.
4 Q. Well, have you personally ever smelled
5 the odor of hogs when you're in Beulaville?
6 A. Might not be Joey Carter's, I don't
7 know.
8 Q. So you smelled hogs when you're in
9 Beulaville, but it might not be Joey Carter's?
10 A. Depends on how the wind blows, if it's
11 so high enough.
12 Q. So you may smell hogs when you're in the
13 town of Beulaville?
14 A. Maybe. I don't know.
15 Q. So you've smelled hogs when you're in
16 the town of Beulaville or not?
17 A. I might have. I don't know. I mean,
18 it's just the odor.
19 Q. Do you understand what I'm asking is --
20 A. I understand what you're asking.
21 Q. -- have you or have you not smelled
22 hogs --
23 A. I may, may not, I don't know.
24 Q. You can't remember whether you've --
25 A. I don't know.

Page 153

1 Q. Okay. If you can't remember, you can
2 just tell me that you don't remember.
3 A. I just said I don't know.
4 Q. So I want to be clear for the record.
5 A. Okay.
6 Q. Do you recall -- yes or no -- whether
7 you've ever smelled hogs while you're in the town
8 of Beulaville?
9 A. I don't know.
10 Q. You don't recall whether you've ever
11 smelled hogs when you're in Beulaville?
12 A. I don't know. I don't know. What I'm
13 saying is I don't know because, I mean, it may be
14 the hog houses or it may be a chicken house.
15 Q. Okay.
16 A. Or -- you know, it may be a combination
17 of both.
18 Q. Okay.
19 A. It all depend on how high the wind is up
20 and how strong the odor is.
21 Q. So when you're in the town of
22 Beulaville, you believe that you can smell some
23 kind of livestock, but you're not sure whether
24 it's chicken or turkey or hogs or any other kind
25 of thing?

402, 403
misleading
foundation

401, 402,
403, well

IN RE: NC SWINE FARM NUISANCE LITIGATION
Jacqueline Newkirk Davis on 07/08/2016

Pages 194..197

Page 194

1 Q. That's okay. AJ talked about some corn
2 and beans grown down Howards Farm Road yesterday,
3 are you familiar with that?
4 A. Howards Farm Road down our road, up in
5 the loop road?
6 Q. Yes, ma'am.
7 A. Yes, I think it's a farm back there.
8 Q. You ever see any activity going on over
9 on that farm?
10 A. Nor more than just go down there and
11 planted whatever. I mean, I don't know.
12 Q. Ever seen a tractor on that field?
13 A. I can't see that field, really, from my
14 house.
15 Q. Have you ever seen a tractor on that
16 field from anywhere?
17 A. No, huh-uh, I have not seen a tractor.
18 I'm not saying it don't, but I haven't seen one.
19 Q. Okay. Have you ever seen any spraying
20 or fertilizer going on in that field?
21 A. I haven't seen.
22 Q. Okay. You-all do any burning of trash
23 or debris on your property?
24 A. I know when they're doing the yard, the
25 leaves and stuff like that, I know they burn that.

Page 195

1 If there's a paper or two down there, they
2 probably just put it in there.
3 Q. Okay. And you're not claiming any water
4 pollution issues, are you?
5 A. No.
6 Q. Okay. You're not claiming any leaks in
7 any lagoons, are you?
8 A. No.
9 Q. Are fly problems a part of your claim?
10 A. Yes.
11 Q. Talk to me about that.
12 A. What you want to know?
13 Q. What is it you're claiming about flies?
14 A. They're a nuisance. I guess they come
15 in with the odor.
16 Q. What do you mean when you say they come
17 in with the odor?
18 A. They're flies -- I mean, flies be around
19 the -- you can have flies around the deadbox, you
20 can have flies at the hog houses. They probably
21 just come on up with the odor. Flies is flies.
22 Q. But you don't live by the deadbox?
23 A. I don't live by the deadbox, but I live
24 behind that hog house.
25 Q. But not directly behind the hog house?

Page 196

1 A. Not -- not next to the hog house, but my
2 house is -- this house, house, and then, well, you
3 know where it's at, it's on the map.
4 Q. Well, you can't see the hog house from
5 your house, can you?
6 A. No, I can't. I can -- I can't see it
7 from my house visually good, but I think -- if I
8 walk out to the road and look down, I can -- I
9 know where the entrance is or something like that,
10 but --
11 Q. So what is it you're complaining of with
12 respect to flies?
13 A. With the flies?
14 Q. Yes, ma'am.
15 A. Okay. They're annoying, and like I said
16 about the odor, they'll come with the odor if it's
17 high up, low down, whatever, you will have some
18 flies.
19 Q. So you notice -- when the flies -- when
20 the odor is bad, the flies will be bad, too?
21 A. It's a possibility, yes.
22 Q. Okay. Are the flies ever bad when the
23 odor is not bad?
24 A. I can't really say for sure.
25 Q. So you don't know whether the flies can

Page 197

1 be bad when the odor is not bad, but you know when
2 the odor is bad, the flies can be bad?
3 A. That's correct.
4 Q. Okay. I believe AJ talked to us a
5 little bit about the flies and described them as
6 being like a housefly?
7 A. About like him. A fly is a fly to me.
8 I'm not an expert. A fly's a fly.
9 Q. So would you agree with his testimony
10 yesterday -- from yesterday can you tell me --
11 A. Read it back to me.
12 Q. He talked to me a little bit about
13 houseflies.
14 A. Uh-huh.
15 Q. And are you -- are you familiar with a
16 housefly, aren't you?
17 A. A fly is a fly to me.
18 Q. You're familiar with what I'm talking
19 about when I say a housefly?
20 A. Tell me what you're talking about when
21 you say a housefly.
22 Q. A housefly being a housefly that buzzes
23 around the house, he gets in the house and flies
24 around. You know what a housefly is?
25 A. Like I said, a fly a fly to me and we

H02, 403
misreading
foundation

IN RE: NC SWINE FARM NUISANCE LITIGATION
Jacqueline Newkirk Davis on 07/08/2016

Pages 246..249

Page 246

1 Q. What is that?
2 A. It's a sulfa drug.
3 Q. Do you have any history of heart trouble
4 in your family?
5 A. My grandmother, high blood pressure, is
6 what you're saying?
7 Q. Uh-huh, yes, ma'am.
8 A. Yes, sir.
9 Q. Do you have any history of respiratory
10 problems in the family?
11 A. I think my aunt, the one that passed.
12 Q. Some kind of --
13 A. I think she had to use an inhaler.
14 Q. Does she live anywhere near the hog
15 farms?
16 A. No.
17 Q. You never tried to sell your property?
18 A. No.
19 Q. Nobody's ever tried to buy it?
20 A. No.
21 Q. You mentioned that you think the hog
22 farm have some impact on the value of your
23 property, didn't you?
24 A. Yes.
25 Q. Do you believe the value of your

Page 247

1 property has gone up since you've were added to
2 the deed in the property?
3 A. I don't think so. I don't know. I -- I
4 don't think it went up. I think it's decreased
5 because I don't think people would want to buy a
6 house around hog houses. I don't -- it's just
7 speculating. I don't know. But I don't know what
8 the value really is.
9 Q. Well, the tax value of your property has
10 gone up, hasn't it?
11 A. I don't think so. I think we paid about
12 the same.
13 Q. You don't think --
14 A. From year to year.
15 Q. You don't think the tax value of your
16 property has gone up since 1993 when you were
17 added on the deed?
18 A. Oh, from that time?
19 Q. Yes, ma'am.
20 A. Maybe, I think. I thought you were
21 talking about -- because I know what over the past
22 years it's been like about the same, but, yes.
23 Q. So the tax value of your property has
24 gone up since 1993?
25 A. Since 19 when?

Page 248

1 Q. 1993.
2 A. 1993, I think so because I think --
3 didn't they redo a zoning. They went in there and
4 they come do something every so many years or
5 whatever. They did something.
6 Q. So if tax value has gone up, what's your
7 basis for believing that the property value has
8 gone down?
9 MR. WALLACE: Objection.
10 A. Tax value go up, maybe they want us to
11 pay more taxes. I don't know how it works.
12 BY MR. EASLEY:
13 Q. So you don't believe the value of your
14 property has gone up at all since 1993?
15 A. I mean, I believe it had went up. I'm
16 not saying it didn't. We probably paid for taxes,
17 but I'm just saying, the taxes -- I don't know.
18 You'd have to ask someone that deals with land.
19 Q. I'm just asking about the value of your
20 property. Do you believe that the value of your
21 property has gone up or down since 1993?
22 A. I guess it went up. I don't know. I
23 mean, you know, I just paid the taxes, and if they
24 base it on that, then, I guess, because we have to
25 pay more taxes.

Page 249

1 Q. So you would defer to whatever the tax
2 value is?
3 MR. WALLACE: Objection.
4 BY MR. EASLEY:
5 Q. As to what -- as to the value of the
6 property?
7 MR. WALLACE: Objection.
8 A. I don't know how it works.
9 BY MR. EASLEY:
10 Q. So what do you believe your property is
11 worth?
12 A. I don't know.
13 Q. Do you believe the property of your --
14 property value of your property has gone down in
15 the last 30 years?
16 A. I don't know. I just know what taxes
17 have been paid, so I can't answer that question.
18 Q. Have you had any -- do you have a
19 mortgage on the property?
20 A. No.
21 Q. Have you ever had a mortgage on the
22 property?
23 A. On the house and property, go hand in
24 hand together?
25 Q. Yes, ma'am.

402, 403
misleading
foundation

Page 250

1 A. Yes.
2 Q. You have had a mortgage on the house?
3 A. If it go hand in hand together.
4 Q. You understand what I'm asking, right?
5 A. Yes, that's what I'm saying.
6 Q. So do you have a mortgage now?
7 A. No.
8 Q. When did the mortgage get paid off?
9 A. You would have to ask my husband that
10 question.
11 Q. When is the last time you remember
12 having to make a mortgage payment?
13 A. It's been a while. It's been a while.
14 It's been a while.
15 Q. Is that the best answer you can give me?
16 A. Uh-huh, because I really don't know.
17 Q. Okay.
18 A. I just know we don't have a mortgage.
19 Q. How long did you have a mortgage payment
20 you had to make?
21 A. I really don't know.
22 Q. What's your best estimate?
23 A. I really don't know. You'd have to ask
24 my husband that question.
25 Q. Have you ever warned anybody that's come

Page 251

1 to visit your property that their health may be in
2 danger due to its location near the Joey Carter
3 hog farms?
4 A. No.
5 Q. Why not?
6 A. I haven't -- I mean, I don't warn
7 people. I mean, my house should be safe, but, no,
8 I haven't warned anybody about it.
9 Q. Are you worried about the health of
10 people who come and visit you?
11 A. Well, of course you always concerned
12 about the health and well-being of people that
13 come see you, but it's not -- they don't stay
14 there.
15 Q. So you don't believe that visiting your
16 property is harmful to human health?
17 A. I'm not saying that. I'm just saying
18 they don't stay there a period of time.
19 Q. Do you believe that visiting your
20 property is harmful to human health?
21 A. I can't say, because I don't know. I
22 mean, you know, I hope not.
23 Q. Is that something you worry about?
24 A. No, I hope not.
25 Q. Is that something that you worry about?

Page 252

1 A. I'm always worried about things. I'm --
2 oh you know, the -- the atmosphere or whatever
3 around my house, yes, of course I always worried
4 worry.
5 Q. You're always worried. You're always
6 worried when people come visit your house that
7 their health may be in danger?
8 A. It's -- it's not more or less worry
9 some, it's more or less stressing a little.
10 Q. Do you actually think about it at all?
11 A. Sometimes, yeah, because -- I mean, I
12 just don't like people to come up in the smell,
13 you know.
14 Q. But if somebody were to come visit you,
15 do you actually worry that their health may be
16 endangered by coming to visit your house?
17 A. Not so much worry. You know, more or
18 less stress, you know, what people think, talk,
19 you know --
20 Q. So you --
21 A. It stinks around here or something like
22 to.
23 Q. So you don't worry about their health
24 when they come visit your house?
25 A. It's just stressful.

Page 253

1 Q. You stress about the health of people
2 who come by and visit your house?
3 A. It's just stress because I don't want
4 them to feel like, you know, they can't come back
5 to any house because of the smell or something
6 like that.
7 Q. With respect to their health, though --
8 A. I mean, I don't know about their health.
9 Q. Okay. So you don't stress when somebody
10 comes by to visit your house as to whether or not
11 they'll be harmed by the physically by the odor?
12 A. I'm hoping not, but I don't know about
13 their health because some people -- some people
14 may look healthy -- me looking at you right now,
15 you may be healthy as a horse, but I don't know
16 about your physical health, well-being. I don't
17 know.
18 Q. If I came to visit you at your house,
19 would you be worried about my health?
20 A. I'm always worried about anybody that
21 come visit my house. I stress, you know, because
22 I wouldn't want you to feel like, ooh, that smell
23 or anything like that.
24 Q. Would you be worried about the effects
25 of the hog farm on my health?

402, 403
misleading
foundation

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IN RE: NC SWINE FARM NUISANCE LITIGATION
Jacqueline Newkirk Davis on 07/08/2016

Pages 254..257

Page 254

1 A. Probably. You know, because I don't
2 want nothing to happen to you.
3 Q. So when you have guests come visit your
4 house, you're worried about the effects of the hog
5 farm on their health?
6 A. Probably.
7 Q. But you don't warn them about your fears
8 for their health?
9 A. Well, this is education, so everybody
10 knows education. There's going to be hog houses,
11 so --
12 Q. Everybody knows there's a lot of hog
13 houses in Duplin County?
14 A. Uh-huh.
15 Q. "Yes"?
16 A. Yes, I'm quite sure. I'm quite sure
17 they know there's hog houses in Duplin County.
18 Q. You're not making a claim in this
19 lawsuit that anything related to the Joey Carter
20 farms has caused you to miss work, correct?
21 A. Correct.
22 Q. You're not seeking reimbursement for any
23 medical bills?
24 A. Correct.
25 Q. You're not claiming that the hog farms

Page 255

1 caused you any out-of-pocket financial loss, are
2 you?
3 A. No loss, correct.
4 Q. Have you received any moneys from your
5 lawyers?
6 MR. WALLACE: Objection.
7 Objection.
8 A. No.
9 BY MR. EASLEY:
10 Q. Have you received any other loans
11 associated with this lawsuit?
12 MR. WALLACE: Objection.
13 A. No.
14 BY MR. EASLEY:
15 Q. Have you been presented with the
16 opportunity to receive any cash advances or loans
17 associated with this lawsuit?
18 MR. WALLACE: Objection.
19 A. Only thing I know is any money going to
20 come out of it, I don't know. That is for a judge
21 and jury, the court system. Whatever they think
22 that's awarded to us, whatever they think could be
23 awarded to us, whatever they think, it's whatever
24 the judge and the jury, the court system.
25 BY MR. EASLEY:

Page 256

1 Q. So what is it that you expect to gain
2 from this lawsuit?
3 MR. WALLACE: Objection.
4 A. Like I said earlier, to improve the
5 system.
6 BY MR. EASLEY:
7 Q. So --
8 A. To improve that we can go outside and
9 have an enjoyable day or on our property is --
10 people needs their jobs. True. But like I said,
11 this is 2016. They should be able to find some
12 kind of way to improve the system or the
13 production, however you want to call it with the
14 hogs.
15 Q. So what you hope to gain from this
16 lawsuit is that something change on the farm or
17 the way the farm is being conducted?
18 A. That could be a start, yes.
19 Q. Are you aware that's actually not what
20 you're asking for in this lawsuit?
21 A. Tell me what -- I know you're going to
22 read it for me.
23 Q. Are you aware what you're actually
24 seeking in the lawsuit is monetary damages?
25 A. If it happened to be there, if the -- if

Page 257

1 that's what the judge and jury decide then, fine,
2 it's whatever the judge and the jury decides.
3 Q. And in that, what you're asking for in
4 this lawsuit?
5 A. It's whatever -- like I said, it's
6 whatever the judge and the jury, whatever they
7 decide.
8 Q. So whatever money the judge or the jury
9 may decide to give you, you would take?
10 A. It's whatever the judge and the jury
11 decide.
12 Q. But you realize in your lawsuit you're
13 not asking that anything be changed on the farm or
14 anything be improved on the farm?
15 A. Again, it's whatever the judge and the
16 jury decides.
17 Q. What is it you think you're asking for
18 in this lawsuit?
19 MR. WALLACE: Objection.
20 A. I said it's whatever the judge and the
21 jury decides, and if you ask me again, I'm going
22 to say it and then I'm going to say refer to my
23 lawyer. Can we please move on to the next
24 question?
25 BY MR. EASLEY:

02, 403
misleading
foundation
argumentative
attorney-client
privilege

IN RE: NC SWINE FARM NUISANCE LITIGATION
James Al Davis, Jr. on 07/07/2016

Pages 74..77

Page 74

1 A It's up Hallsville Road and then you turn and get
2 on Blizzard Town Road.
3 Q So is that Hallsville Road --
4 A Going towards 50.
5 Q So away from downtown?
6 A Yes, sir.
7 Q So if I pulled up Howards Farm Road and turned
8 left on Hallsville Road I'd be heading towards --
9 A You at the stop sign -- you remember how I say
10 Hallsville faces my house?
11 Q Yes, sir.
12 A The stop sign's right here? You make a left and
13 you go down, I don't know how far, probably go down like a
14 couple of minutes or so. And then you going to go down a
15 hill. When you get to that hill it's going to be a road
16 that take you across a bridge. That's Blizzard Town Road.
17 If you keep going down Hallsville Road you going to go up
18 and over another bridge. She live on Blizzard Town Road.
19 Q Is that the house that your dad grew up in or is
20 that just where your grandmother lives now?
21 A My grandmamma's deceased. My uncle stays
22 there.
23 Q Uncle stays at --
24 A The house.
25 Q Is this the uncle that you worked with when you

Page 75

1 were --
2 A No, no, sir.
3 Q So this is not the uncle that you worked with
4 when --
5 A The uncle I'm talking about is my mother's
6 uncle.
7 Q Make sure we wait until I get my --
8 A I'm sorry.
9 Q Just repeating it for the benefit of the court
10 reporter. So this is not the uncle that you worked with
11 during summers when you were in school, right?
12 A No, sir.
13 Q Are you aware of other -- I think you mentioned
14 that there's turkey farming, chicken farming, crop farming
15 in Duplin County. What other hog farms are in the area of
16 Beulaville?
17 A I mean, depend which way you go. The only two I
18 know, the two near me and then there's other ones
19 elsewhere, but it's kind of hard for me to tell you where
20 it's at because you not from the area.
21 Q Right. So is it safe to say there are any number
22 of hog farms in Duplin County but you can't describe where
23 they are as you sit here today?
24 A I can put you in a car right now I could probably
25 take you by one or take you -- probably take you where some

Page 76

1 are at, but other than that I just can't tell you mouth to
2 mouth like, okay, I think there's one over here. I have to
3 show it to you, like that.
4 Q Right. Same thing for chicken farms or turkey
5 farms?
6 A I can show you where they at, show you.
7 Q What, if any, benefits does livestock farming
8 have for Duplin County?
9 A What you mean? What it brings to Duplin County?
10 Q Yes, sir.
11 A It can bring jobs. I mean, people do need jobs.
12 I mean, it bring jobs, because people work at the chicken
13 plants, people who works at chicken houses. Most people
14 work at chicken houses, they own it. I mean they own the
15 land -- probably own the land and the chicken houses. It's
16 family land or family -- it's a family thing. If you a
17 farmer, any farmer, everything is dealing with the farm is
18 family. And they may hire an outside worker to help,
19 somebody made friends of the family or something like that.
20 Other than that, farming around my county, my county is all
21 family.
22 Q Is there a Smithfield Packing plant in Duplin
23 County?
24 A Talking about, like, the one in, like, Kinston or
25 Clinton?

Page 77

1 Q Yeah. That's not Duplin County, though, is it?
2 A Clinton is Sampson, Kinston is Lenoir.
3 Q You never complained about the Joey Carter farms
4 to any state agency of any kind, have you?
5 A No, sir.
6 Q You never complained to any other governmental
7 entity or county or city or anything else, have you?
8 A No, sir.
9 Q You have never spoken with government officials
10 or anything of that nature about any hog farm, have you?
11 A No, sir.
12 Q Have you ever visited any hog farm?
13 A No, sir.
14 Q Have you taken any photographs or videos of any
15 hog farm?
16 A What you mean?
17 Q Have you taken any photographs or videos of the
18 Joey Carter's hog farms?
19 A What you mean? Like, when he come by my house?
20 Or when --
21 Q Have you taken any videos when Joey Carter comes
22 by your house?
23 A I didn't take a video. I took a picture, I mean.
24 Q Tell me about that.
25 A It's a picture of him toting dead hogs in the

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IN RE: NC SWINE FARM NUISANCE LITIGATION
James Al Davis, Jr. on 07/07/2016

Pages 78..81

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Page 78

1 back of the truck, that's all.
2 Q What did you take the picture on?
3 A Phone.
4 Q On your phone?
5 A Yes.
6 Q And describe for me where you were standing when
7 you took that picture.
8 A Right there -- the shelter that the cars be
9 under, right there.
10 Q And when was it that you took that picture of --
11 was it -- what was it a picture of?
12 A It's him driving that yellow truck and, like, two
13 dead hogs in the back.
14 Q This is Joey Carter?
15 A Who was driving the truck?
16 Q Yes, sir.
17 A I guess that was him because sometime he has
18 another worker. Like I said, probably was his son.
19 Anything dealing with a farm like that, he probably got his
20 son helping him, or he got somebody else helping him. So
21 it's either him or somebody else working there.
22 Q So the instance you took the picture you couldn't
23 tell if it was him or somebody else?
24 A No, sir.
25 Q And you say you can -- the photo will show two

Page 79

1 dead hogs in the back?
2 A I think was one or two dead hogs, yes, sir.
3 Q Is that yellow pickup truck the pickup truck you
4 associate with being Joey Carter's truck that you see him
5 drive sometimes?
6 A That's the only truck he drives -- he has his own
7 personal but he usually go get that truck, that yellow
8 truck, and he use it like a work truck, or he has like a
9 little ATV type, like a Gator ATV type thing, and he drives
10 that. Like, his farm equipment, so, basically.
11 Q How is it that you can see the hogs in the back
12 of the truck in the photo that you took?
13 A How?
14 Q Yes, sir.
15 A The tailgate's down.
16 Q That's what I'm asking. Can you see it because
17 you're looking at it from an angle or is his tailgate
18 down?
19 A His tailgate's always down.
20 Q Did you provide that photo to your attorneys?
21 A Yes.
22 Q When was it that you took that photo?
23 A I don't know. It's been a while ago. I mean, I
24 have to pull it up on my phone or look at the history on my
25 phone. I mean, it's been awhile. Like, couple months ago,

Page 80

1 maybe.
2 Q I'm just asking best guess. You don't have to
3 be --
4 A Couple months ago, something like that.
5 Q In 2016?
6 A Yeah, it was this year.
7 Q That's all I'm asking.
8 A Yeah, this year.
9 Q What prompted you to take the photo of Joey
10 Carter's yellow pickup truck with two hogs in the back?
11 A Come again?
12 Q What prompted you to take the photo?
13 A What made me take it?
14 Q Yes, sir.
15 A I just took it. I mean, just take it to show
16 people, like, this is what I see.
17 Q Okay. In other words, to -- it was related to
18 the case. In other words to illustrate --
19 A This is what I see when I'm growing up here.
20 Q Okay. Any other photos or videos that you have
21 taken of Joey Carter or his hog farm operation?
22 A Might have took a picture of a 18 wheeler driving
23 by the house loaded down with hogs, but I don't know if I
24 still have that picture or not. I mean, or I take it with
25 my dad phone or something like that.

Page 81

1 Q Just to be clear. It's okay if you took photos.
2 You can understand why I have to ask. It's okay.
3 A I took pictures. Like I say, I took pictures.
4 On my phone I took a picture of that and I think I might
5 have took a picture of a 18 wheeler loaded with hogs.
6 Q Okay.
7 A But I don't know if it was my phone or my dad
8 phone.
9 Q Okay.
10 A Then I have taken pictures or my dad took
11 pictures, I was right there with him, I had to help him use
12 the phone, smart phone, of buzzards flying. And then other
13 than that, that's it. I mean, I'm in my yard -- like I
14 said, he have to drive by my house -- you have to drive
15 down Hallsville then drive down Howard Farm Road, so I can
16 see everything right there in my front yard.
17 Q So if I'm making a list of the various things,
18 and I'm sure if you gave them to your attorneys they will
19 give them to us, but I want to make sure I understand. You
20 got -- you think you took a photo of the Joey Carter, his
21 pickup truck with dead hogs.
22 A I know I took that picture.
23 Q Okay. And then, maybe on your phone or your
24 dad's phone the 18 wheeler that had hogs in it?
25 A Yes, sir.

IN RE: NC SWINE FARM NUISANCE LITIGATION
James Al Davis, Jr. on 07/07/2016

Pages 138..141

Page 138

1 Q If y'all call it a building, I will call it
2 building.
3 A Just want to be clear.
4 Q That's right. So where do y'all take it at the
5 building?
6 A Just put it in the building, then probably like
7 end of the week we just take it, load it up in the truck
8 and take it off.
9 Q Y'all have a bin you put it in in the building?
10 A We don't have no bin, because I mean, we don't
11 have a lot of garbage and stuff like that. So just put it
12 back there and by the end of the week we taking it out.
13 Q Okay.
14 A Like Saturday -- Saturday, yes.
15 Q So y'all set it in the building sort of collect
16 it in one place in the bag?
17 A Yes, sir, in bags.
18 Q Then load it in the pickup truck?
19 A And take it to --
20 Q On Saturdays?
21 A Most of the time.
22 Q So you will collect the trash from the week in
23 the building, and then on Saturdays you will take the trash
24 to the dump in the pickup truck, is that right?
25 A Yeah, because it only like two or three trash

Page 139

1 bags. It ain't a whole lot.
2 Q Because it's not but four of y'all living
3 there?
4 A Correct. Yes.
5 Q Y'all ever burn trash or debris?
6 A Leaves.
7 Q Leaves?
8 A Rake up the leaves and burn it and that's about
9 it. Maybe a paper, like if we see some paper in the yard
10 or some paper that we don't want to throw away because it
11 might be confidential, we burn it in the pile and that's
12 it. Other than that everything is yard debris.
13 Q When we had our deposition of Kenny Carter he
14 spoke some about he and his brother doing some burning.
15 Where is the area that they do burning with respect to
16 where y'all's property is?
17 A They move it. I don't know what area they go.
18 Sometimes -- sometimes they burn leaves in the ditch, like
19 they rake it in the ditch, they burn it right there.
20 Q The ditch by the street?
21 A Sometimes.
22 Q Okay.
23 A But most of the time they take it somewhere in
24 the back, I guess. I mean, it's kind of hard to see when
25 you got some grass and, like, bushes like that.

Page 140

1 Q So there's a bit of a natural barrier between
2 y'all's and the Carters?
3 A Yes, sir. It's more on his property though, if
4 I'm not mistaken.
5 Q And --
6 A I mean it ain't no higher than about two or three
7 feet.
8 Q If y'all go walk over to see the Carters, would
9 you go through the woods there or would you go walk down
10 the street and up his driveway?
11 A Go right through the bushes.
12 Q Go through the bushes?
13 A Yeah, nothing wrong with it.
14 Q It's not so thick that you couldn't walk through
15 it?
16 A No, it's not that thick.
17 Q What about y'all's household toilet waste? Y'all
18 have a septic tank?
19 A Yes, sir.
20 Q Where is the septic tank located on y'all's
21 property?
22 A Front of the house.
23 Q When did y'all get that installed?
24 A I can tell -- septic tank always been there.
25 Because like I said, my daddy got the house. We put a new

Page 141

1 septic tank in awhile back. That's how I know it's in
2 front of the house. I always knew there was a septic tank
3 in front of the house but then we got a new one right,
4 like, in front of the house right beside it, like coming
5 out right there.
6 Q Did you replace the old one or did you just add
7 the new one?
8 A He teared down the old one and put a new one
9 in.
10 Q When did that happen?
11 A That's been awhile back, like when I was in high
12 school I think.
13 Q Okay?
14 A I can't put a number on that.
15 Q Why did y'all replace the old septic tank?
16 A I can't remember. That's something you have to
17 ask my daddy. I can't remember.
18 Q Is that typical in y'all's community? Do most
19 people have septic tanks?
20 A Yes, because we don't stay in town.
21 Q There's not an option for city waste disposal
22 that way?
23 A Yes, sir. Once you got out of city limits, you
24 better hope you own a septic tank because there's no
25 sewer.

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IN RE: NC SWINE FARM NUISANCE LITIGATION
James Al Davis, Jr. on 07/07/2016

Pages 150..153

Page 150

1 chicken houses were on there. What else would you pass as
2 you go down there that you would note; crops or livestock
3 or anything?
4 A Chicken houses right that on Jackson Store Road
5 and that's it.
6 Q Are those those long sort of silver --
7 A Long houses are chicken and turkey houses. Short
8 houses are hog houses.
9 Q Okay, okay. So if I look at Jackson Store Road I
10 see --
11 A He got about seven back there.
12 Q Six or seven, and just to the right of that looks
13 like there's two more. Would those be the long houses that
14 you described?
15 A All them are chicken houses.
16 Q All of them?
17 A They did the same family, that's a family farm.
18 Q Who is it, do you know?
19 A Pickett, they Picketts, all I can tell you.
20 Q Okay, okay. How do you know the Picketts?
21 A I went to school with his son. We graduated
22 together.
23 Q He play sports, too?
24 A No, sir, just went to school with him. Graduated
25 together. That's Pickett's.

Page 151

1 Q These and those two right there?
2 A If I'm not mistaken, yes. I'm not for sure. I
3 know for sure this is but I think this might be, too. I'm
4 not for sure.
5 Q I will do a B for the area where we've identified
6 some chicken houses and A is the lot where you said the guy
7 sometimes has cattle out there.
8 A Sometimes they have cattle, sometimes he grows
9 crops. But, like, he may have the cattle here, but then
10 right here sometimes he may do like -- if he wants to do
11 beans or cotton he does that, or if he just wants to do
12 some hay real quick or grow some hay.
13 Q Then the chicken houses on Hallsville Road which
14 you said don't have chickens in them anymore, you can kind
15 of see they look older. I will circle those. Is that
16 about right, right there?
17 A Yes, sir.
18 Q I will put a C right there just so we have got
19 those labeled. What about down in this area? Is that more
20 chicken houses? Are those the long buildings you
21 described?
22 A Like a chicken house.
23 Q What about sort of further up that road I see
24 some shorter houses. What would those be?
25 A I couldn't tell you.

Page 152

1 Q And then let's see. Then over here those are
2 shorter houses and it looks like a lagoon. Would that be a
3 hog farm?
4 A That's the same area we were just talking
5 about.
6 Q Is it? What would that be?
7 A I guess. I don't know. I don't go down Sandlin
8 Road. I don't go down that road a lot. That road right
9 here, I go down Sandlin Road to get to Jackson Store Road.
10 I don't go down that road a lot, so I really couldn't tell
11 you what that is right there.
12 Q What does it look like it would be?
13 A I don't know.
14 Q I'm just thinking with that lagoon looks to me
15 like it may be a hog farm.
16 A I mean, that color, that dirt looks the same
17 around them hog houses. I mean, around them houses if it
18 is a hog house. So I don't know. Like I said, I just said
19 because my church is right there.
20 Q Oh really?
21 A I know what that is.
22 Q Is that B you're pointing to?
23 A I know that's chicken houses because my church is
24 right there off Jackson Store Road.
25 Q Can you ever smell the chicken houses when you're

Page 153

1 down there at the church?
2 A No.
3 Q You never smell those chicken houses?
4 A I go to church first and third Sundays, I never
5 smell it.
6 Q Have you ever smelled those chicken houses when
7 you go down Jackson Store Road?
8 A No, sir.
9 Q Just hold that one up for the sake of the camera,
10 if you would, please. So we have got --
11 A You got it?
12 Q Yup. Thank you. So in the surrounding area
13 there looks to be a lot of crop growing areas, is that
14 right?
15 A Yes, sir.
16 Q The area surrounding your community?
17 A Yes, sir.
18 Q We have identified the -- what did you say the
19 farm on Jackson Store Road is? The Picketts you said?
20 A Yes, sir.
21 Q How long did they farm there?
22 A I can't tell you. Like, I guess forever. I
23 don't know. I mean, ever since I been growing up I have
24 been seeing chicken houses back there. They own a lot of
25 land. They do a lot of farming.

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IN RE: NC SWINE FARM NUISANCE LITIGATION
James Al Davis, Jr. on 07/07/2016

Pages 162..165

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Page 162

1 Q I think we can probably take lunch. I will ask,
2 you're not making any claims associated with water,
3 contamination or anything like that, are you?
4 A No.
5 Q No?
6 A No.
7 Q You're not claiming any leaks in any lagoons or
8 anything like that, are you?
9 A No.
10 Q I think with that we can probably break for
11 lunch. We're moving right along.
12 THE VIDEOGRAPHER: We are going off record at
13 1:03 p.m. This is the conclusion of Media Number 2.
14 (Defendant's Exhibit Numbers 1 and 2
15 marked for identification)
16 THE VIDEOGRAPHER: This is the beginning of
17 Media Number 3 in the videotape deposition of James Al
18 Davis, Junior. We are going back on record at 2:02 p.m..
19 Q Thank you for being back. I put stickers on our
20 two maps that we marked up, just so we have got them. The
21 first one that we did, which was the zoomed in closer one
22 as Defendant's Exhibit 1 and labeled the second one Number
23 2.
24 A Okay.
25 Q So I will give them to the court reporter and she

Page 163

1 can do with them whatever she wishes. When we finished up
2 we were talking about odor and I want to talk more about
3 some of the other things that are part of your claim as
4 well. One of those things that you have talked about I
5 believe was flies, is that right?
6 A Yes, sir.
7 Q Are fly problems part of your lawsuit here
8 today?
9 A Yes, sir.
10 Q What is your problem with flies?
11 A I mean, there's a lot of them. I mean, if you
12 add that lagoon with that spray and the dead box, flies
13 will be attracted to that. As far as I been growing up and
14 seeing if something dead, flies going to be around it. If
15 something stinks, like the lagoon, the flies gonna be
16 around because of the waste of it. I'm not no fly expert
17 on, like, how flies come about, but I know things like that
18 cause a lot of flies to be around.
19 Q What's your problem personally with respect to
20 flies in this lawsuit?
21 A I mean, there's -- how can I put it? Flies --
22 it's, like, say for instance they -- a lot of them get in
23 your house, of course, but there's so many of them. Like
24 there ain't a couple here and there. There's like a lot of
25 them. Say for instance if I want to go outside and cook

Page 164

1 something on the grill, or something, are you going to have
2 flies around that and stuff like that. The thing is, we
3 just -- we have more flies because of where we at because
4 of -- I mean, the lagoon back there and they spraying and
5 dead box. I mean, just being around hog houses. I mean,
6 because you around that stuff.
7 Q So it's your belief that you have more flies
8 around your house because the Joey Carter hog farms are
9 located where they are?
10 A Yes, sir. It's not too far. Hog House Number 2
11 is not too far from my house.
12 Q You mentioned that hogs could be attracted to --
13 you named some things you think flies could be attracted
14 to.
15 A Yes, sir.
16 Q One of those was the dead box and one of those
17 was the lagoon, is that right?
18 A Lagoons, yes, sir.
19 Q And you believe that that contributes to flies on
20 your property?
21 A Yes, sir.
22 Q How?
23 A I mean it's not too far. Like, like I said, I
24 mean the hog farm is not too far from my house. So, I
25 mean, and then think about them spraying the field. So the

Page 165

1 flies could be in the field, they could be at the lagoon.
2 They could be anywhere. The thing is, the flies going to
3 be around that area because of what's around me, like them
4 hog houses.
5 Q Has anybody ever told you that you have more
6 flies at your house because of the hog farms?
7 A No, nobody came up to me and tell me that.
8 Q That's just your opinion?
9 A I mean, think about it. If you got something
10 that stinks back there like a lagoon, basically bunch of
11 crap, you know, stuff from the hogs, when you think flies
12 will get there, too, because the smell is attracting them
13 and everything else. Think about it. Like I said to you
14 before, if you would go past manure, like some type of
15 manure, like, or dead animal; what you see on it; flies.
16 So that can attract flies.
17 I mean, I don't know much about flies. I'm not
18 an expert, but I do know that much just from growing up.
19 Q And so you have never seen flies at the lagoon,
20 have you?
21 A How can I see flies? I don't step foot on that
22 property.
23 Q So my point is it's your opinion that because
24 there's a lagoon there must be flies there?
25 A Yeah.

IN RE: NC SWINE FARM NUISANCE LITIGATION
James Davis, Sr. on 07/12/2016

Pages 50..53

Canter designation

Page 50
1 Q. And how many acres is your property?
2 A. 1.7. I can't remember for sure how many
3 is left, but about an acre and a quarter.
4 Q. And I know you mentioned that you've got a
5 lawnmower under your shed. Do you cut your own
6 grass?
7 A. Yes.
8 Q. How often do you cut the grass?
9 A. Right now at least you got to do it once a
10 week.
11 Q. Is that a riding lawnmower --
12 A. Yes.
13 Q. -- or push? So when you cut your grass
14 once a week, is that the -- all of it, like the acre
15 and quarter of land that you have there?
16 A. Yeah. Just about all of it.
17 Q. Have you had any work done on your house
18 or your storage building?
19 A. Not lately.
20 Q. And so what's the last work that you had
21 done?
22 A. You're going back now. Excuse me. I
23 think along in 2005 or '6. I had a septic tank put
24 in, top replaced with steel.
25 Q. And was that the top of your house?

Page 51
1 A. Yeah. The shingles went bad.
2 Q. So instead of the shingles, you got the
3 steel top?
4 A. Steel top, yeah. They're a much better
5 price.
6 Q. And so with that septic tank, was that put
7 in in 2005 as well?
8 A. Pretty darn near. Somewhere in that
9 range. I can't say for sure.
10 Q. And why -- did you have a septic tank --
11 I'm assuming you had one before that?
12 A. Yeah. Yeah.
13 Q. Why did you get a new one?
14 A. Because the lines went bad on it. After a
15 certain length of time, it's been there for ages,
16 stuff will go bad, so you had to replace it.
17 Q. So was that the original septic tank that
18 was replaced?
19 A. Yeah. The original, yeah.
20 Q. Okay. And did you ever hire a
21 construction company to do any work for you?
22 A. Put the top on, yes.
23 Q. And was that R&W Construction that put the
24 top on for you?
25 A. No.

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Page 52
1 Q. So what was the name of the construction
2 company that put the top on?
3 A. Put the top on? I'm trying to think of
4 the guy now. [Indiscernible.] I think Mr. -- I
5 should have brought his card. I know his son, but I
6 ain't seen him in so long. It's been so long ago.
7 Q. Is he in the area, like a local guy?
8 A. Yeah. Mm-hmm. Yeah, right in the
9 Beulaville area. He's a preacher, too.
10 Q. All right. And are you familiar at all
11 with a company called R&W Construction?
12 A. No.
13 Q. So other than the property that we're
14 talking about, have you owned any other property?
15 A. No, ma'am.
16 Q. And I guess that's a two-part question.
17 Have you ever owned any other property?
18 A. No.
19 Q. And we've talked about your children, and
20 you mentioned that you divorced and remarried.
21 A. Yeah.
22 Q. When was your first marriage?
23 A. Talking about '70, I believe. Back there,
24 '70 -- '70. I think it was '70.
25 Q. Okay. How long were you married the first

Page 53
1 time?
2 A. About 12 years, 10, something like that.
3 Q. And what was your first wife's name?
4 A. Maddy.
5 Q. What was Maddy's maiden name?
6 A. She was a Scarber.
7 Q. And so I know you said that your oldest
8 son was from that marriage, correct?
9 A. Take it back.
10 Q. The three?
11 A. Yeah. Linder, that's the oldest son.
12 Q. Okay. All right.
13 A. And Maddy, she had a daughter.
14 Q. Okay. All right. So I'm clear, let me
15 look back.
16 A. Sorry about that.
17 Q. No. It's fine. That's what we're here
18 for, just so I can get everything clarified. So
19 we've talked about your three sons and your
20 daughter.
21 So you've got four kids, right?
22 A. Yeah.
23 Q. All right. And so the first three, were
24 they with Maddy?
25 A. No.

IN RE: NC SWINE FARM NUISANCE LITIGATION
James Davis, Sr. on 07/12/2016

Pages 54..57

Page 54	Page 56
<p>1 Q. Okay. All right. So which kids did 2 you -- did you have any kids with Maddy? 3 A. One girl, daughter. 4 Q. And was that the daughter that you 5 mentioned earlier? 6 A. Yeah. 7 Q. Okay. All right. And so when -- you said 8 you were married for about 12 years or so? 9 A. Ten really, yeah, something like that. 10 Q. Okay. And so why did you get a divorce 11 from Maddy? 12 A. We just didn't see eye to eye. So, you 13 know, she wanted to go, so we just separated. 14 Q. Do you know where she lives now? 15 A. Yeah. 16 Q. Where does she live? 17 A. Probably -- she moved not too far from my 18 brother. She didn't go far. 19 Q. What -- so she's in Beulaville? 20 A. Yes. 21 Q. Okay. All right. 22 A. It's not funny, but -- 23 Q. I know what you mean. I gotcha. All 24 right. So your marriage to Jackqueline, when did 25 you and Jackqueline get married?</p>	<p>1 A. Yes. 2 Q. Okay. I'm sorry about that. 3 A. You got me in trouble now. 4 Q. All right. So you and Jackqueline started 5 living at the property in 1985 and got married in 6 1991, correct? 7 A. Yeah. 8 Q. Okay. All right. 9 A. She was sick. 10 Q. So was there anyone else that lived at 11 your current home that we haven't discussed today 12 that's ever lived there? 13 A. No. That's it. 14 Q. And so I know your wife and your son, 15 A.J., are involved in this lawsuit. 16 Do you have any other family members who 17 are involved in the lawsuit? 18 A. No. They're not. 19 Q. And so when you purchased your property in 20 1970, how much did you purchase it for? 21 A. I think right around there about \$1200. I 22 didn't give about nine for mine, because the Hall 23 family know me. 24 Q. And so how did you -- I know you said 25 Raymond Hall. How did you know Mr. Hall?</p>
Page 55	Page 57
<p>1 A. '91, '90. Might as well been married 2 before then. We've been together forever, it seems 3 like. 4 Q. All right. And so your youngest son, 5 Sean -- 6 A. Yeah. 7 Q. -- that's you and -- 8 A. Yeah. 9 Q. Okay. All right. So with your current 10 wife. 11 A. Got two. A.J. and Sean. 12 Q. Okay. A.J. and Sean. All right. All 13 right. And so where -- how long -- I know you said 14 you might as well been married before you got 15 married. 16 How long were you all living together 17 before you got married? 18 A. Since about '85. 19 BY MS. WEBB: 20 Q. So has your wife lived with you on that 21 property since '85? 22 A. My wife? No. She's been gone since '82. 23 Q. No. I mean your current wife. 24 A. Oh. I'm sorry. 25 Q. Your current wife.</p>	<p>1 A. I knowed him all my life. 2 Q. You grew up with him? 3 A. I grow up with him, yeah. 4 Q. All right. And is the Hall family -- do 5 they still own property in the area? 6 A. No. They sold it all. 7 Q. And so did the Hall family ever raise any 8 animals on any of the property they used to have? 9 MR. WALLACE: Objection. 10 A. Yeah, I think they did, yeah. 11 BY MS. WEBB: 12 Q. What did they raise? 13 A. They had a few pigs. 14 Q. Okay. 15 A. Basically that. 16 Q. All right. So they had pigs. Did they 17 have anything else? 18 A. Chicken. A lot of folks have chicken to 19 get eggs. 20 Q. Yeah. 21 A. It's routine farming. 22 Q. And so for the farming that they did and 23 the pigs that they had, did they -- do you know if 24 they sold those in Raleigh, or did they primarily -- 25 A. They ate the hogs.</p>

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IN RE: NC SWINE FARM NUISANCE LITIGATION
James Davis, Sr. on 07/12/2016

Pages 78..81

Page 78	Page 80
<p>1 and keeps right on going. 2 Q. And that's when he's out walking? 3 A. Yes. He catch me in the yard. He speak, 4 and I speak to him. 5 Q. And about how long has he been taking 6 those walks? 7 A. Now you got me now. I know it's since 8 2012, because I weren't there to see him. 9 Q. Okay. But it's been a while, it sounds 10 like? 11 A. Yeah. It's been a pretty good while. 12 Q. Do you know if his name is Eddie Humphries 13 or ... 14 A. I can't say that, because I don't know his 15 name. 16 Q. Okay. And do you ever have any outdoor 17 gatherings at all with family or friends? 18 A. Not in a long time. 19 Q. And to the best of your recollection, when 20 was the last time you had an outdoor gathering? 21 A. It's been a while. I can't say for sure. 22 It had to be way back. 23 Q. And was that something you did on a 24 regular basis way back? 25 A. No.</p>	<p>1 Q. And have you taken any recent vacations? 2 A. Well, not much lately. It's been about 3 two years since I took a nice vacation. 4 Q. And where did you go the last time? 5 A. Myrtle Beach. 6 Q. How long did you stay? 7 A. About four days. I used to stay a whole 8 week when I was working. Not at Myrtle Beach, at 9 Topsail. 10 Q. So is Topsail Beach a common vacation -- 11 A. Yeah. It's close. Yeah. When I could 12 come home and take things and run down. 13 Q. And so would you take those vacations once 14 a year usually? 15 A. Yeah. Once a year. 16 Q. Was there anywhere else you used to 17 vacation at on a regular basis? 18 A. No. 19 Q. And, Mr. Davis, do you know when the Joey 20 Carter farm was built? 21 MR. WALLACE: Objection. 22 A. It was along '85. I can't say for sure. 23 I'm pretty sure it was close to '85. 24 BY MS. WEBB: 25 Q. And did you ever object to the farm being</p>
Page 79	Page 81
<p>1 Q. And so the times when you did have outdoor 2 gatherings at your house, was that for special 3 occasions or ... 4 A. Special occasions. [Indiscernible.] 5 Q. What'd you say? 6 A. You're going way back in the early '80s. 7 Q. So you would say back in the early '80s? 8 A. Yeah. 9 Q. But you haven't had anything since then? 10 A. No. 11 Q. And why haven't you had anything since the 12 early '80s? 13 A. Well, I hate to say it, but the hog houses 14 come in. I haven't been out there, but the flies 15 just take you down when you got outside. If food 16 got outside, they would take you down. 17 Q. All right. And back when you used to have 18 these -- I know you said it was a long time ago back 19 in the '80s -- how often did you have gatherings, do 20 you know? 21 A. Probably about once a year. It wasn't no 22 whole lot big thing. 23 Q. And so who would come to your gatherings, 24 generally? Was it family? 25 A. A few friends.</p>	<p>1 constructed? 2 MR. WALLACE: Objection. 3 A. Yeah, I talked about it, but I didn't 4 know -- yeah, I would [Indiscernible]. 5 BY MS. WEBB: 6 Q. I'm sorry? 7 A. We talked about it, but we didn't -- I 8 ain't never -- we ain't never do anything. 9 BY MS. WEBB: 10 Q. And so when you say "we talked about it," 11 who talked about it? 12 A. Linnel McFarland. We talked pretty much 13 together. 14 Q. And so how often did you and Linnel talk 15 about the farm being built? 16 A. Just one time. He probably don't 17 remember, it was so long ago. We used to go down 18 and see him and check on him once a week. 19 Q. And so when the farm was being built back 20 in '85, did you observe any of the construction that 21 was taking place? 22 A. Not much. 23 Q. So what did you observe? 24 A. Them cement trucks made a mess coming by 25 regular. A lot of cement to build a hog house.</p>

Counter designation. objection: 401, 402, 403, incompetent

IN RE: NC SWINE FARM NUISANCE LITIGATION
James Davis, Sr. on 07/12/2016

Pages 82..85

Page 82

1 Q. So during that time, how did you know it
2 was a hog house that was being built?
3 A. When they were building the cement,
4 because you had a cement floor.
5 Q. Okay. So you could tell by the way it was
6 being constructed?
7 A. Yeah. Yeah.
8 Q. And so what -- what were your concerns
9 about the farm being built?
10 A. Well, I just now figured that, you know, I
11 hadn't been around, so I knew there would be a
12 problem behind it with the odors. Because Murphy
13 got another farm over there on 50 outside of
14 Kenansville.
15 Q. Do you know the name of that farm?
16 A. Not right offhand, no.
17 Q. And so had you heard anything about that
18 farm?
19 A. No.
20 Q. At the time that the Joey Carter farm was
21 being constructed, did you contact any public
22 officials or any news media?
23 A. No.
24 Q. Did you have any contact with any of the
25 construction people at that time?

Page 83

1 A. No.
2 Q. Have you ever talked to any of the workers
3 at the Joey Carter farm?
4 A. No.
5 Q. Have you ever talked to anyone at
6 Murphy-Brown?
7 A. No.
8 Q. And do you know Joey Carter?
9 A. Yeah.
10 Q. How do you know him?
11 A. I know his daddy. As a matter of fact,
12 his daddy put my bathroom in, because his daddy used
13 to do house construction.
14 Q. So Joey Carter's father put your bathroom
15 in your current house?
16 A. Yeah. He worked with the company that did
17 it.
18 Q. And do you remember was he Joey Carter,
19 too, or did he have a different name?
20 A. Who?
21 Q. His father. What was his father's name?
22 A. J.D. Carter.
23 Q. J.D. Carter. And so J.D. Carter helped
24 put your bathroom in.
25 Did you have communication with him on a

Page 84

1 regular basis, or was it occasionally? When did
2 you --
3 A. Occasionally.
4 Q. Okay. And on the times when you
5 communicated with J.D. Carter, where was that at
6 usually?
7 A. I didn't communicate with him that much.
8 The last time I seen him before he died, he was in
9 McDonald's downtown. I went in McDonald's, and we
10 talked a while after I eat breakfast.
11 Q. And so what types of things would you talk
12 about with J.D. Carter?
13 A. Routine. Just talked.
14 Q. Did you ever talk to him about his son's
15 farm?
16 A. No.
17 Q. And so with Joey, what -- how often have
18 you talked to Joey, or how often do you talk to
19 Joey?
20 A. I speak to him when he come by and
21 something like that. That's about it. Most of the
22 time, he's on a tractor or a truck.
23 Q. And so when he's on the tractor, where is
24 he at?
25 A. On the tractor, he's either going to the

Page 85

1 hog house or coming back.
2 Q. And you all speak to each other?
3 A. Yeah.
4 Q. And so is that -- do you have any other
5 communication with Joey?
6 A. I did talk with him a little while ago
7 about an accident down the road one day or this
8 year.
9 Q. So that was this year, you said?
10 A. Yeah.
11 Q. So what did you talk to him about?
12 A. Nothing much. I asked if the lady got
13 hurt, something like that, because it was a bad
14 wreck right down the street, and he was down there
15 trying to direct traffic.
16 Q. So you talked about the accident at that
17 time?
18 A. Yeah.
19 Q. And was that -- you said earlier this
20 year. Was that in the winter or was it --
21 A. Fall. August. Somewhere in August, I
22 believe it was. Not for sure.
23 Q. Of last year?
24 A. This year.
25 Q. This year. So in the spring of this year

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IN RE: NC SWINE FARM NUISANCE LITIGATION
James Davis, Sr. on 07/12/2016

Pages 110..113

Page 110	Page 112
<p>1 A. Yeah.</p> <p>2 Q. So when you wrote "turkey" on there, what</p> <p>3 were you referring to?</p> <p>4 A. I wrote the little turkey buzzards, too.</p> <p>5 Q. Okay.</p> <p>6 A. They would call some of them, the</p> <p>7 buzzards, turkeys. That's the big one.</p> <p>8 Q. Okay.</p> <p>9 A. Yeah. The regular buzzard is small.</p> <p>10 Q. All right. Do you have any pets on your</p> <p>11 property?</p> <p>12 A. Not now.</p> <p>13 Q. What pets did you keep in the past?</p> <p>14 A. Way back, I had a couple of dogs.</p> <p>15 Q. And so when you say "way back," around</p> <p>16 what time, time frame that you had the dogs?</p> <p>17 A. [Indiscernible.] That was back in the</p> <p>18 '70s.</p> <p>19 Q. Have you had any in the past ten years?</p> <p>20 A. No. Dogs got bad and nationwide got</p> <p>21 tougher. You're not allowed to have no Pit Bull</p> <p>22 dogs on your property.</p> <p>23 Q. Is that what you had?</p> <p>24 A. Well, I had a Pit Bull.</p> <p>25 Q. Right.</p>	<p>1 A. Yes.</p> <p>2 Q. Do you keep it under the shed or inside?</p> <p>3 A. Inside. The stray dogs -- if you don't</p> <p>4 put it inside, you have to pick it up the next day.</p> <p>5 Q. About how many bags of trash do you and</p> <p>6 your family produce a week?</p> <p>7 A. Anywhere from one to two. All of us,</p> <p>8 three.</p> <p>9 Q. And so when the bags get full, is that</p> <p>10 when you take them out to the --</p> <p>11 A. Not necessarily. No. I just got certain</p> <p>12 days I do it. The landfill don't be open every day.</p> <p>13 It's closed on Fridays.</p> <p>14 Q. So you're -- when you take the garbage,</p> <p>15 you take it to a landfill; is that correct?</p> <p>16 A. Yeah.</p> <p>17 Q. Does the landfill have a name?</p> <p>18 A. I don't think so. They got certain areas</p> <p>19 they got.</p> <p>20 Q. Okay. How far away is that landfill from</p> <p>21 your home?</p> <p>22 A. They got one going toward Lyman. It's</p> <p>23 right off from Jackson, Jackson Road. It's right</p> <p>24 across there. The one on 24, it's down -- what's</p> <p>25 the name of that going back to Lyman. Going back to</p>
<p>1 A. I had a great big sheep dog, full-blood.</p> <p>2 He weighed about 140 pounds.</p> <p>3 Q. Gracious. And do any of your neighbors</p> <p>4 have any pets that you know of?</p> <p>5 A. I think David Carter used to have a couple</p> <p>6 of dogs.</p> <p>7 Q. Do you know if he still has those dogs?</p> <p>8 A. No. He always told me he had a</p> <p>9 Rottweiler. I said -- I told him if they come in my</p> <p>10 yard back, that they'd be in trouble. Nationwide do</p> <p>11 not play.</p> <p>12 Q. Does anywhere who lives near you keep any</p> <p>13 livestock on their property?</p> <p>14 A. Nobody has livestock now.</p> <p>15 Q. And where do you keep your trash, your</p> <p>16 household trash?</p> <p>17 A. In the building after I carry it out. I</p> <p>18 carry it to the trash pile once a week.</p> <p>19 Q. So do you keep it in that storage building</p> <p>20 until you take it out?</p> <p>21 A. Yeah, unless it smells real bad. It's</p> <p>22 going somewhere out of there.</p> <p>23 Q. And so if it smells real bad, you put it</p> <p>24 out in the storage building until you carry it off;</p> <p>25 is that correct?</p>	<p>1 see the fort. That's where it's at. I'm trying to</p> <p>2 think what's the name of the crossroad. You go back</p> <p>3 to the left, you go to Teddy Carter's old farm down</p> <p>4 that way. That's all I can tell you.</p> <p>5 Q. So you take your trash to the two</p> <p>6 landfills that you mentioned?</p> <p>7 A. One or the other.</p> <p>8 Q. One or the other?</p> <p>9 A. If I got good on time, I go down there.</p> <p>10 If I got business downtown, headed to town, then go,</p> <p>11 then I can just come back up to the store and get</p> <p>12 whatever at the supermarket.</p> <p>13 Q. So when you're driving to the landfills,</p> <p>14 the one that's on Jackson Road, I think you said,</p> <p>15 about how long does it take you to get there from</p> <p>16 your house?</p> <p>17 A. Five minutes. It ain't that far.</p> <p>18 Q. And then the one that's over by 24?</p> <p>19 A. It's not that far.</p> <p>20 Q. How long does it take you when you're</p> <p>21 driving?</p> <p>22 A. About five -- about five minutes. It's</p> <p>23 about two miles, three miles out of town going</p> <p>24 toward Richlands right over the main road.</p> <p>25 Q. And so are those large landfills?</p>

402,403
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IN RE: NC SWINE FARM NUISANCE LITIGATION
James Davis, Sr. on 07/12/2016

Pages 166..169

Page 166	Page 168
<p>1 A. No.</p> <p>2 BY MS. WEBB:</p> <p>3 Q. Have you ever prepared any reports related</p> <p>4 to Joey Carter Farm?</p> <p>5 A. Like what kind of report?</p> <p>6 Q. Have you prepared anything other than the</p> <p>7 odor calendars that we've seen?</p> <p>8 A. No.</p> <p>9 Q. Has the odor from the farm ever caused you</p> <p>10 to miss any work?</p> <p>11 A. No, not really.</p> <p>12 Q. And have you had any medical bills as a</p> <p>13 result of any medical problems that you claim?</p> <p>14 A. I can't say that. I don't know for sure.</p> <p>15 Just regular medical bills.</p> <p>16 Q. And do you think that Joey Carter Farms</p> <p>17 have caused you any financial hardship?</p> <p>18 MR. WALLACE: Objection.</p> <p>19 A. I can't say that, no.</p> <p>20 BY MS. WEBB:</p> <p>21 Q. So are you receiving retirement now?</p> <p>22 A. A little bit, yeah.</p> <p>23 Q. Do you have any other sources of income?</p> <p>24 A. No.</p> <p>25 Q. And is your wife still working?</p>	<p>1 William, Anthony Carcan, Linnel McFarland, David</p> <p>2 Carter, Kenny Carter, and Barbara -- stay across the</p> <p>3 road.</p> <p>4 BY MS. WEBB:</p> <p>5 Q. What's Barbara's last name, do you know?</p> <p>6 A. That's a good question. She was -- I</p> <p>7 can't say her last name, because she got married</p> <p>8 again. It used to be Dobertson, but she remarried.</p> <p>9 She got a bad last name. That's all I can I tell</p> <p>10 you.</p> <p>11 Q. All right. Who are your other neighbors?</p> <p>12 A. Oh, Elvis. That's about it.</p> <p>13 Q. And are all of these neighbors plaintiffs</p> <p>14 in the lawsuit?</p> <p>15 A. They are, yes.</p> <p>16 Q. Do you have any neighbors who are not</p> <p>17 plaintiffs?</p> <p>18 A. Yeah.</p> <p>19 Q. And who are they?</p> <p>20 A. Next-door neighbor over there, Oscar. I</p> <p>21 can't say his last name right now. That is his last</p> <p>22 name.</p> <p>23 Q. His last name is Oscar?</p> <p>24 A. Yeah. He's next-door.</p> <p>25 Q. Do you know his first name?</p>
Page 167	Page 169
<p>1 A. Oh, yeah.</p> <p>2 Q. I think we'll take a break, Mr. Davis.</p> <p>3 A. All right.</p> <p>4 THE VIDEOGRAPHER: We're going off</p> <p>5 record. Time is 2:19. Conclusion of Media</p> <p>6 No. 2.</p> <p>7 (Off the record.)</p> <p>8 THE VIDEOGRAPHER: This is the beginning</p> <p>9 of Media No. 3 in the videotaped deposition of</p> <p>10 James Davis, Sr. We're going back on record at</p> <p>11 2:38 p.m.</p> <p>12 BY MS. WEBB:</p> <p>13 Q. Mr. Davis, other than your lawyers, who</p> <p>14 have you talked to about the lawsuit?</p> <p>15 A. Not anyone.</p> <p>16 Q. Did you ever talk to anyone at the Reach</p> <p>17 meetings about the lawsuit?</p> <p>18 A. No.</p> <p>19 Q. Have you ever talked to anyone at the</p> <p>20 church about the lawsuit?</p> <p>21 A. No.</p> <p>22 Q. And who are your neighbors within a</p> <p>23 two-mile radius of your home?</p> <p>24 MR. WALLACE: Objection.</p> <p>25 A. Woodell McGowan. Let's see. Cotton</p>	<p>1 A. That's all I call him. Sorry about that.</p> <p>2 Q. That's okay. Are there any other</p> <p>3 neighbors who are not plaintiffs?</p> <p>4 A. That, I do not know.</p> <p>5 Q. And have you ever talked to Oscar about</p> <p>6 the odors or the flies?</p> <p>7 A. Yes. Every once in a while we'd mention</p> <p>8 it, yeah.</p> <p>9 Q. And so do you know why Oscar is not a part</p> <p>10 of the lawsuit?</p> <p>11 MR. WALLACE: Objection.</p> <p>12 A. No. He's down from New York, so I don't</p> <p>13 know.</p> <p>14 BY MS. WEBB:</p> <p>15 Q. How long has he been living there?</p> <p>16 A. He bought the farm from Chester in '90, I</p> <p>17 believe. In the '90s. I can say that, yeah.</p> <p>18 Probably the mid '90s to late '90s. I can't say for</p> <p>19 sure.</p> <p>20 Q. And you said he moved down from New York?</p> <p>21 A. Yeah.</p> <p>22 Q. And are there any businesses that are</p> <p>23 within a two-mile radius of your home?</p> <p>24 MR. WALLACE: Objection.</p> <p>25 A. Two miles, you'd be in town, just about</p>

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