

Transcript of the Testimony of:
STAVROS CHRYSOVERGIS

MANN

vs.

LAS BRISAS PACIFICAS, INC., et al.

February 10, 2026

Volume I



SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO, CENTRAL DIVISION

JILL MANN,

Plaintiff,

vs.

Case No. 24CU015304N

LAS BRISAS PACIFICAS,
INC., et al.,

Defendants.

_____ /

DEPOSITION OF STAVROS CHRYSOVERGIS

Taken at San Diego, California

Tuesday, February 10, 2026

Kelley R. Lawrence, CSR

Certificate No. 13587

1 Pursuant to Notice to Take Deposition, on the
2 10th day of February, 2026, commencing at the hour of
3 10:04 a.m., at 7955 Raytheon Road, Suite A, in the City of
4 San Diego, County of San Diego, State of California,
5 before me, Kelley R. Lawrence, Certified Shorthand
6 Reporter in and for the State of California, personally
7 appeared:

8 STAVROS CHRYSOVERGIS,
9 called by the Defendant, who, being by me first sworn, was
10 thereupon examined as a witness in said cause.

11 A P P E A R A N C E S

12 FOR PLAINTIFF:

13 LS CARLSON, PC
14 BY: VASKO ALEXANDER, ESQ.
15 85 Enterprise, Suite 310
16 Aliso Viejo, California 92656
17 (949) 421-3030
18 Valexander@lscarlsonlaw.com

19 FOR DEFENDANTS:

20 WASSERMAN KORNHEISER COMBS, LLP
21 BY: CRAIG L. COMBS, ESQ.
22 7955 Raytheon Road, Suite A
23 San Diego, California 92111
24 (858) 505-9500
25 Ccombs@wk4law.com

1 (APPEARANCES CONTINUED)

2 ALSO PRESENT:

3 Jill Mann, Plaintiff

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1 SAN DIEGO, CALIFORNIA; FEBRUARY 10, 2026; 10:04 A.M.

2

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STAVROS CHRYSOVERGIS,

4

having been sworn, testified as follows:

5

6

EXAMINATION

7

8

MR. COMBS: Mr. Stavros, I'm going to show you

9

what we'll mark as Exhibit 1. So this is a list of the

10

prior cases on which you've worked; is that correct?

11

THE WITNESS: Right. It's a partial list,

12

actually.

13

(Exhibit 1 was marked.)

14

BY MR. COMBS:

15

Q. A partial list. So you've been designated as

16

an expert many times in California, haven't you?

17

A. Yes.

18

Q. How many times do you think, approximately?

19

A. I don't know, hundreds. I don't know.

20

Q. And you're generally aware of the requirement

21

to produce records at least three days ahead of your

22

deposition, correct?

23

A. Yes.

24

Q. And you're aware that Civil Code 2034.415

25

says -- production of materials called for by deposition

1 notice. "An expert described in subdivision (b) of
2 Section 2034.210 whose deposition is noticed pursuant to
3 Section 2025.220 shall no later than three business days
4 before his or her deposition produce any materials or
5 category of materials, including any electronically
6 stored information called for by the deposition notice."
7 Are you familiar with that law?

8 MR. ALEXANDER: Calls for a legal conclusion.

9 THE WITNESS: Not the way you expressed it
10 legally. I'm familiar in the sense that I need to
11 depose my file three days before the deposition. I'm
12 familiar with that, which I did. I complied with that.
13 There was additional information that I got since that I
14 submitted in my file, like deposition transcripts, for
15 example, that I created a second file and I sent it.
16 Also included in that would have been my opinions, which
17 they were not finalized three days prior to deposition.
18 So the vast majority of the material that I have you've
19 seen it three days before the deposition.

20 BY MR. COMBS:

21 Q. But your opinion yourself was dated the day
22 before -- was dated yesterday, correct?

23 MR. ALEXANDER: His opinions are going to be
24 dated today. You're taking his deposition right now to
25 get his opinions.

1 THE WITNESS: They were finalized yesterday.

2 BY MR. COMBS:

3 Q. Okay. Why was it not finalized until
4 yesterday?

5 A. Because I was still doing the analysis and I
6 had -- for one thing is that to put things together, it
7 takes time. There is -- not necessarily the opinions,
8 but to put them together, that's a different thing. The
9 skeleton of the opinions has been prepared quite some
10 time ago, but dressing it up and put everything together
11 and organize in a way that it's understandable, that
12 takes a little bit more time. And usually, you know, I
13 -- like you said, I have been deposed a hundred times and
14 I have never had any problems submitting my list of
15 opinions the day before.

16 Q. Okay. So how long ago did you start drafting
17 your --

18 A. I would say probably maybe ten days ago.

19 Q. Ten days ago and this is -- this is your
20 opinion, correct?

21 MR. COMBS: I'm going to mark this as
22 Exhibit 2.

23 MR. ALEXANDER: Objection. Vague.

24 (Exhibit 2 was marked.)

25 ///

1 BY MR. COMBS:

2 Q. Is that the written opinion you've provided
3 today?

4 A. Yes.

5 Q. It consists of three pages?

6 A. Yes.

7 Q. So it took you ten days to write three pages;
8 is that correct?

9 MR. ALEXANDER: Argumentative. Harassing the
10 witness.

11 THE WITNESS: No, I did not say that. What I
12 said was that the framework of the opinions was
13 established, like, ten days ago or it was in the process
14 of being established ten days ago. I started ten days
15 ago, but was not completed until yesterday. And this is
16 the way that I like to present my opinions is to not to
17 give drafts, but to give finals because those are the
18 opinions. Those are assessments that I make about the
19 project.

20 BY MR. COMBS:

21 Q. So at the top of this document, which we'll
22 mark as Exhibit 2, it says, "Opinions of Stavros
23 Chrysovergis." Am I pronouncing your last name
24 correctly?

25 A. Very close to it, Chrysovergis.

1 Q. Chrysovergis. Thank you. How come you don't
2 include any of your designations such as Ph.D., M.S.,
3 Professional Engineer? How come you don't include that
4 after your name there?

5 A. Because that's in my CV, so I didn't think that
6 it's necessary to include it here.

7 Q. Okay. Were you provided this deposition
8 notice on January 29th, 2026?

9 A. I don't recall.

10 Q. Okay. But you were provided -- when is your
11 best recollection as to when you were provided with the
12 notice of deposition for today?

13 A. I would say within the last couple of weeks
14 maybe, but the exact day I just don't remember.

15 Q. At the bottom of your opinion, Exhibit 2, it
16 says, "Date: 2/9/2026, 2:07 p.m." Why is that date and
17 timestamp there?

18 A. That's the date and time that this opinion --
19 this document was printed; therefore, it was finalized.

20 Q. So you finalized your opinion here, Exhibit 2,
21 yesterday at 2:07 p.m. Is that fair to say?

22 A. I did not finalize my opinions. I finalized the
23 document. There's a difference.

24 Q. Okay. So do you intend on providing a more
25 in-depth opinion, a written opinion in this matter?

1 A. Not unless I'm asked to.

2 Q. So you admit that this opinion, Exhibit 2, was
3 not served on me within the time frame required by the
4 Code; is that correct?

5 A. That's correct. And I don't know the Code, by
6 the way.

7 Q. So you understand it's three days prior to the
8 deposition, correct?

9 A. You know, I'm not an attorney, as you know. I
10 don't know what the law says, but the standard of
11 practice -- I can tell you that that the standard of
12 practice is that you submit your file three days before,
13 but if there's anything left over or something to be
14 finalized, you submit it later on. That's the standard
15 of practice. That's what we've been doing all these
16 years.

17 MR. ALEXANDER: Counsel, it's your money.
18 Spend it however your want, but he's sitting here in
19 light of --

20 MR. COMBS: I don't need your testimony, Vasko.

21 MR. ALEXANDER: Like I said, it's your money.
22 Go ahead.

23 MR. COMBS: I'm going to mark what's Exhibit 3.
24 Okay. This is a resumé of Fei-Chiu. I'm not sure I'm
25 saying that correctly. We'll call him Dr. Huang and he

1 is with American GeoTek. Are you familiar with
2 Dr. Huang?

3 THE WITNESS: Yes, I am.

4 (Exhibit 3 was marked.)

5 BY MR. COMBS:

6 Q. Did you work with Dr. Huang at American
7 GeoTek?

8 A. No.

9 Q. Did you work at American GeoTek at the same
10 time as Dr. Huang?

11 A. No.

12 Q. And how do you know Dr. Huang?

13 A. Well, from conferences, from cases that we
14 worked, you know, together. Maybe on opposite sides, but
15 we were on it together. That's how I know him.

16 Q. Take a -- take some time and look through his
17 CV, which I provided to you.

18 A. What do I need to look for?

19 Q. Just take a look and I'm going to ask you some
20 questions about it.

21 A. About his CV?

22 Q. Correct.

23 A. I don't think I can answer them correctly.

24 Q. Do you -- is it your opinion that Dr. Huang is
25 qualified to provide an opinion on the slope -- the

1 cause of the slope failure in this matter?

2 MR. ALEXANDER: Objection. Vague and
3 ambiguous.

4 THE WITNESS: Yes, with an explanation.

5 BY MR. COMBS:

6 Q. What is your explanation?

7 A. An explanation is that he is qualified to
8 provide opinions provided that he has viewed all the
9 materials available rather than viewing only partial
10 materials available, which was provided by you, by the
11 way, and neglect everything else that's available. I
12 don't think that's the right way to do it. It's just
13 like having a book if you read a few pages and write a
14 summary and opinions about the whole book. That's not
15 right.

16 Q. Okay. Would you say that would go the same
17 for your opinion? If you were not provided with all the
18 information or you did not review all the information,
19 you would not be able to provide a correct opinion
20 either, would you?

21 A. Well, I did review the information.

22 MR. ALEXANDER: Objection. Incomplete
23 hypothetical.

24 BY MR. COMBS:

25 Q. Mr. Alexander interrupted you. Go ahead.

1 A. I did review the information. Let's say
2 hypothetically if I had not reviewed -- in a case I have
3 reviewed only what my attorney gave me and I have
4 neglected to review the other one, I think that is not
5 going to be a good professional practice to begin with.

6 MR. COMBS: Exhibit 4 is the limited site
7 review and preliminary opinions dated October 7th, 2025.
8 And just comparing these two documents, have you seen
9 this document before, sir?

10 THE WITNESS: Of course.

11 (Exhibit 4 was marked.)

12 BY MR. COMBS:

13 Q. Okay. Now, which opinion would you say is
14 more thorough, Dr. Huang's opinion or your three-page
15 opinion?

16 MR. ALEXANDER: Objection. Vague.
17 Argumentative.

18 THE WITNESS: My three-page opinion.

19 BY MR. COMBS:

20 Q. Is more thorough than Dr. Huang's 50-page
21 opinion?

22 A. Right. There's not much opinions in that
23 report, by the way. There's a lot of background, a lot
24 of photographs. There is -- talks about the
25 precipitation records, which you gave him, talks about

1 the limited site review, but there's no opinions. I
2 mean, look at the opinions here. There's not much.

3 Q. We'll get into that and we'll get into your
4 opinion.

5 A. It has conclusion and discussion, which is one
6 page. Pardon me. Two pages.

7 Q. Okay. First turn to Page 2 of Dr. Huang's
8 opinion.

9 A. Okay.

10 Q. Okay. You see there are the stamps of Dr.
11 Huang and a Gregory Axten?

12 A. Right.

13 Q. Do you know Mr. Axten?

14 A. I know him very well. We're good friends.

15 Q. So those are the stamps of two registered
16 professional geotechnical engineers, correct?

17 A. Uh-huh. Yes.

18 Q. And what does it signify when a registered
19 professional engineer places his or her stamp on a
20 document?

21 A. That he validates the information that he
22 presents, basically.

23 Q. And what does it signify to you when two
24 registered professional engineers place their stamp on a
25 document?

1 A. Same thing. I don't think that Greg has been
2 involved much with it, other than his name being here.
3 Greg is not even in town right now. As you may know, he
4 lives in Nashville.

5 Q. What relevance does it have whether he's in
6 town right now?

7 A. That he has not been involved with the project
8 very much. That's besides the point. Doesn't matter
9 that. The fact that there are two stamps on a report
10 doesn't mean anything to me really. It's the same thing
11 as one stamp. I mean, I could have put five stamps in
12 there, but I didn't.

13 Q. You didn't put any stamps in there.

14 A. Right. Exactly.

15 Q. Why not?

16 A. Because my opinions are what they are. You see,
17 stamp typically from an engineering profession is when
18 you do a design. This is not a design. When you do a
19 design, you put a stamp there to verify that you have
20 thoroughly looked at the information in accordance with
21 the professional standards.

22 Q. So when a stamp is placed on a document by a
23 registered professional engineer, it signifies that the
24 work was prepared by them under their responsible charge
25 or reviewed and approved by them, correct?

1 A. Correct.

2 MR. ALEXANDER: Calls for speculation.

3 BY MR. COMBS:

4 Q. They -- by placing their registered
5 professional engineer stamp on a document, they're
6 taking professional responsibility for the technical
7 content of that document, correct?

8 MR. ALEXANDER: Calls for speculation. He
9 cannot authenticate what they did.

10 THE WITNESS: Yeah, I just cannot speak for
11 themselves.

12 BY MR. COMBS:

13 Q. I'm talking about your experience as a
14 registered professional -- excuse me. Let me finish my
15 question. I'm talking about your experience as a
16 registered professional engineer. Does it not denote
17 that they are taking responsibility for the technical
18 content of the document?

19 MR. ALEXANDER: Calls for speculation.
20 Incomplete hypothetical.

21 THE WITNESS: Can you repeat your question
22 again.

23 MR. COMBS: Can you repeat the question.

24 (Record read by the reporter.)

25 THE WITNESS: They are taking responsibility,

1 yes. That's the purpose of it. Whether that
2 responsibility has been fully satisfied in accordance
3 with the professional practices, that's another thing.

4 BY MR. COMBS:

5 Q. The seal of a registered professional engineer
6 indicates that the work complies with accepted
7 engineering standards of care, does it not?

8 MR. ALEXANDER: Calls for speculation.
9 Incomplete hypothetical.

10 THE WITNESS: It's supposed to, theoretically,
11 and again, the seal and stamp, like we talked about, is
12 for design work.

13 MR. COMBS: Objection. Nonresponsive.

14 THE WITNESS: You interrupted me.

15 MR. COMBS: You're going beyond the scope of my
16 question. You already answered my question.

17 THE WITNESS: You asked me about the stamps,
18 right? I'm trying to answer the question.

19 BY MR. COMBS:

20 Q. Okay. You answered my question, so I'm moving
21 on to the next one.

22 A. Okay. Let's do it.

23 Q. The seal of a registered professional engineer
24 indicates that the document meets applicable codes and
25 regulations to the extent required by the scope of the

1 engagement, does it not?

2 MR. ALEXANDER: Calls for speculation.

3 Argumentative. Incomplete hypothetical. You may answer
4 if you understand it.

5 THE WITNESS: If you can repeat the question,
6 please.

7 MR. COMBS: Can you repeat the question,
8 please.

9 (Record read by the reporter.)

10 THE WITNESS: No, it doesn't. What is in
11 theory and in practice -- let me finish.

12 BY MR. COMBS:

13 Q. No. You've answered the question. I'm not
14 asking another question. Just wait for my next
15 question. Thank you.

16 In your professional experience, what
17 difference in weight should a stamped written opinion be
18 given versus an unstamped opinion if the substance of
19 the opinions are the same?

20 MR. ALEXANDER: Calls for speculation.
21 Incomplete hypothetical. Vague and ambiguous.

22 THE WITNESS: It makes no difference. The fact
23 that there's a stamp or not, the stamp belongs to a
24 name, to a professional. Even if you don't put the
25 stamp, doesn't mean that you're not professional,

1 doesn't mean that you don't have the stamp.

2 BY MR. COMBS:

3 Q. So your testimony here today is that a stamp
4 does not make a difference with respect to a technical
5 document; is that correct?

6 MR. ALEXANDER: Vague and ambiguous.
7 Incomplete hypothetical.

8 THE WITNESS: That's correct. Technical
9 document -- when you're talking about technical
10 document, it's not a design document. Do you consider
11 my opinions as a technical document?

12 BY MR. COMBS:

13 Q. Your opinion?

14 A. Yes.

15 Q. It's not -- it doesn't even bear a signature,
16 so I'm not convinced that it's a technical document.

17 A. That's not what I asked.

18 Q. I'm asking the questions here.

19 MR. ALEXANDER: He's asking for clarification
20 because your questions are vague and ambiguous, which is
21 what I've been pointing out. If you provide him with a
22 complete hypothetical, he could answer your questions.

23 BY MR. COMBS:

24 Q. If you have two opinions, both with
25 essentially the same opinion and one of those opinion

1 bears the stamp of a registered professional engineer
2 and the other does not, which opinion bears more
3 evidentiary weight?

4 MR. ALEXANDER: Incomplete hypothetical. Calls
5 for a legal conclusion. You have not established that
6 these two opinions are the same.

7 MR. COMBS: I'm not talking about these two
8 opinions. I'm talking about in general.

9 THE WITNESS: It doesn't matter. You got to
10 look at the author.

11 BY MR. COMBS:

12 Q. It doesn't matter whether there's a registered
13 engineer --

14 A. Not at all.

15 Q. Okay. Then why do registered professional
16 engineers put their stamps on documents?

17 A. It's a habit. You don't need to. It's a habit
18 so you can show that you are indeed a professional
19 engineer. That's why. You can look me up in the web and
20 see whether I'm a registered engineer or not.

21 Q. Okay. Going back to Exhibit 1, which is your
22 list of cases, those cases in California for the most
23 part, did you or did you not place your stamp as a
24 registered professional engineer on your written
25 opinions provided?

1 MR. ALEXANDER: Incomplete hypothetical.

2 THE WITNESS: I have never placed a stamp on
3 opinions provided, never.

4 Just for clarification, can I ask a question?

5 BY MR. COMBS:

6 Q. Sure.

7 A. I'm not sure as to what you're asking, you know,
8 overall. Are you saying that because there's no stamp
9 there, I'm not an engineer? Is that what you're saying?

10 Q. I'm asking the questions, Mr. Stavros.

11 A. I'm just asking for a clarification, sir.

12 Q. Do you have a stamp?

13 A. I do have a stamp.

14 Q. If you had your stamp here right now, would
15 you put your stamp on this opinion?

16 A. No, I never -- like I said before, I never put a
17 stamp on my opinions. I have never done that.

18 Q. Would it be fair to characterize this opinion
19 of yours as one not in your professional capacity?

20 A. Not in my professional?

21 Q. Capacity.

22 MR. ALEXANDER: Argumentative. Incomplete
23 hypothetical. Calls for a legal conclusion.

24 THE WITNESS: I'm sorry. I didn't hear you.

25 MR. COMBS: Would you please repeat the

1 question.

2 (Record read by the reporter.)

3 THE WITNESS: I don't understand the question
4 really. What do you mean my professional capacity? I
5 mean, are you doubting that I'm an engineer? I don't
6 understand what you're saying.

7 BY MR. COMBS:

8 Q. Did you write this opinion?

9 A. Of course.

10 Q. Who helped you write this opinion?

11 A. Nobody.

12 Q. Do you take professional pride in this
13 opinion?

14 A. Absolutely.

15 Q. Is this opinion typical of the standard
16 opinions you give as a designated expert in terms of
17 quality?

18 MR. ALEXANDER: Argumentative. Incomplete
19 hypothetical. What do you mean by "quality"?

20 BY MR. COMBS:

21 Q. Do you understand my question?

22 A. I'm not quite sure if I understand your
23 question. Your questions are very vague, by the way.

24 MR. COMBS: Can you please read the question
25 back to him.

1 (Record read by the reporter.)

2 THE WITNESS: The quality is always up there,
3 always. Never lacks quality, our product, never.

4 BY MR. COMBS:

5 Q. Have you discussed with the plaintiff or the
6 plaintiff's attorney the lack of a stamp provided on
7 your opinion?

8 A. No, we never did.

9 Q. Okay. So do you have your opinion in front of
10 you? Is this my copy?

11 A. Yes, I have it here.

12 Q. Your opinion, yeah. Okay. At the top of your
13 opinion -- and that is Roman numeral I -- first of all,
14 it says, "Slope failure" and then you write, "The slope
15 failure discovered on April 27th, 2023, is due to the
16 mismanagement of surface water flow and the installation
17 of an improper drainage system by Las Brisas Pacificas'
18 HOA." Is that what it says there?

19 A. Yes.

20 Q. And can you please explain what you mean by
21 that?

22 A. Yeah. So we have a situation where Ms. Mann's
23 house is at the top of a slope, a descending slope and
24 clearly the water -- the runoff water from the slope ends
25 up at the wall -- the retaining wall that is at the limit

1 of her property. So there is a lot of water coming down.
2 As you know, we had an incident before that the water was
3 going over the wall, staining the wall and damaging the
4 wall. Now, what the association did -- they wanted to
5 correct that spilling over the wall, so they hired
6 incompetent contractors to install an improper drainage
7 system, which made it worse.

8 Q. But did that drainage system that they
9 installed prevent the water from overflowing the
10 retaining wall?

11 A. I don't know about that. What it did, it
12 allowed the water to get into the ground and saturate the
13 soils at the top of the slope.

14 Q. Okay. And you've looked at pictures of the
15 installation of the French drain, correct?

16 A. Correct.

17 MR. COMBS: Let's mark this as Exhibit 5. Is
18 that one of the pictures that you reviewed?

19 THE WITNESS: Yes.

20 (Exhibit 5 was marked.)

21 BY MR. COMBS:

22 Q. So how deep would you say that that is,
23 Stavros?

24 A. About three feet. Well, it depends on what
25 location, right, because the wall -- the retaining wall

1 ranges in depth -- in height. Sorry. And where the
2 slope is lower, it would be probably two or three feet.
3 Where it is higher, it would be more like four or five
4 feet.

5 Q. Okay. But it didn't go all the way down to
6 the base of the retaining wall, correct?

7 A. It did not.

8 MR. COMBS: There's one exhibit missing. Hold
9 on here. Let's take a two-minute break.

10 (A recess was taken.)

11 BY MR. COMBS:

12 Q. Okay. If you turn to Page 3 of your opinion
13 and look at Paragraph 3, you write, "The high degree of
14 slope irrigation outside the winter months had left the
15 slope in an already very wet condition at the beginning
16 of the rainy season." Do you see that?

17 A. Right.

18 Q. That's based upon a GeoTek e-mail dated
19 August 27th, 2019?

20 A. Yes.

21 Q. So that's approximately three and a half years
22 before the slope failure?

23 A. Yes.

24 Q. And how is that relevant to the slope failure?

25 A. Well, the practices are practices and if I see a

1 practice that in August, which is the driest season, the
2 driest month, there's water seeping out of the slope --
3 out of the soil, that's not good news. So that soil is
4 completely saturated. So when the storms arrive, they're
5 very, very vulnerable.

6 Q. Okay. So this is back in 2019?

7 A. Correct.

8 Q. Correct?

9 A. Yes.

10 Q. And so you're assuming that that practice
11 continued up through April of 2023; is that correct?

12 A. That's right. And I think that --

13 Q. Thank you. You've answered my question. And
14 if the practice that you contend and assume occurred,
15 the high degree of irrigation outside the winter months
16 continued, how come there was no slope failure prior to
17 April of 2023?

18 A. If you look at the rainfall records, we did not
19 have much rain between those two, that gap of time
20 between 2019 and 2023. So 2021 and 2022, they were dry
21 years, so we did not have much water going to the slope.
22 The second thing is that the slope has deteriorated
23 within that period of time because of activity of gophers
24 that has been a big problem there. I don't know if
25 you're familiar with gophers, what they do, but basically

1 they dig holes into the ground and when the water comes
2 in, it's just like hoses into the ground. All the flow
3 goes into those holes and completely saturates the soil
4 and causes the failure to occur. I mean, this is a very
5 well-known phenomenon.

6 And so when I see the -- and I know about the
7 associations. This is not the first time I work with an
8 association, so I know what the practice are for
9 watering. Typically, the water -- the standards of
10 watering, unless they're told by the City do not water
11 because of shortage of water, but their standards
12 typically, as far as I know, is that they follow the same
13 pattern through the years. So when GeoTek goes there in
14 August, summertime, very dry and sees water seeping out
15 of the soils, that's very, very alarming, very alarming.

16 Q. So why did the slope not fail prior to
17 April 2023 if -- I'm assuming -- let me rephrase this.

18 If back in 2019 GeoTek reported a high degree
19 of irrigation outside the winter months, that must have
20 been going on previously, correct?

21 A. That's right.

22 Q. Like, how many years back previously?

23 A. I don't know. Several years, but I can't tell
24 you how many. Several years I would think.

25 Q. How many do you think?

1 MR. ALEXANDER: Asked and answered.

2 THE WITNESS: I don't know.

3 BY MR. COMBS:

4 Q. You don't know?

5 A. I would be speculating. You want me to
6 speculate?

7 Q. Well, you're speculating that the watering
8 continued from 2019 through 2023 in the same fashion,
9 correct?

10 A. Well, when I look at those graphs, the water
11 graphs -- the water consumption graphs, they're very
12 telling. They're very, very consistent.

13 Q. Okay. So would you estimate -- how far back
14 would you estimate that same watering pattern had been
15 going on?

16 A. I cannot tell you, the reason being is that we
17 had a change in the management of the landscaping within
18 the association. I think it was Kent Berchiolli at the
19 beginning and then came somebody else. I don't know
20 whether they changed the watering or not. I just don't
21 know. I have not found any information on that.

22 Q. So your entire opinion on this is based upon
23 that GeoTek e-mail from August 27th, 2019; is that
24 correct?

25 MR. ALEXANDER: Vague.

1 THE WITNESS: I'm basing my opinion on that?

2 BY MR. COMBS:

3 Q. Yes.

4 A. Well, it's fact, yeah.

5 Q. So again, why was there no slope failure prior
6 to April 27th, 2023, if this high degree of watering
7 outside the winter months had been occurring since 2019?

8 MR. ALEXANDER: Asked and answered twice.

9 THE WITNESS: So we have -- we did not have
10 rain within that period of time, very, very little rain.
11 Definitely below the average by far and we still have
12 the work of the gophers that they dig holes and they
13 deteriorate the slope. The other thing was that,
14 according to what I know based on my readings of the
15 information, there was a broken pipe that the slope
16 failed. Broken irrigation line I might say.

17 BY MR. COMBS:

18 Q. And what evidence do you have of this broken
19 irrigation line?

20 A. That was coming from the deposition transcript
21 of Kent Berchiolli, where he said that I saw some people
22 on the slope they're putting the tarp on, and I said,
23 What are you doing, and they called him to go back there
24 and he went there and they told him that the slope failed
25 because there was a pipe broken.

1 Q. Who told him that?

2 A. Who told him that?

3 Q. Yes.

4 A. The people that were putting the tarp.

5 Q. So we have a broken pipe, we have gophers, we
6 have the toeless slope. All of those are contributing
7 factors to the slope failure in your opinion?

8 A. And more if you read my opinions.

9 Q. Okay. What else?

10 A. Well, the maintenance of the slope. I'm talking
11 here about the gopher activity, which we talked about.
12 There were old cracks on the slope, that they were dated
13 as old as January 2020. And the slope happened to fail
14 on those old cracks. What that means is the slope was
15 moving, had cracked and unfortunately neither the
16 association and the landscaper were able to look at them
17 and see them and repair them if necessary. Definitely
18 there was some creep going on on the slope.

19 Q. How do you know that?

20 A. If you look at copper pipes at 127 or 128 lot
21 number, you will see those pipes are being pulled out
22 because the slope is pulling them. They're not straight
23 anymore, so that's evidence that the slope is creeping.
24 We talk about the high degree of irrigation that has left
25 the slope very, very vulnerable and then the vegetation

1 cover. That's another thing. The vegetation cover used
2 -- the succulent is bad for slopes because it accumulates
3 water. It gets heavier and it uses more driving forces
4 on to the slope itself and is a very well-known fact. In
5 fact, the City of San Clemente had a number of those
6 failures because they're using ice plant for cover. But
7 anyway, that's the other thing and the cover -- the
8 vegetation -- you can see boulders, you can see
9 vegetative areas and this is definitely not a maintenance
10 that -- or how you can call it proper maintenance. Then
11 you have the drainpipes of the homes above and the yards
12 that they drain on to the slope. The association should
13 know that this is not right. What did they do about it?

14 MR. COMBS: Okay. I'm going to now provide you
15 with what we'll mark as Exhibit 6, which is a document
16 that you provided, correct?

17 THE WITNESS: Yes.

18 (Exhibit 6 was marked.)

19 BY MR. COMBS:

20 Q. And it shows rainfall records from 2008
21 through 2024, correct?

22 A. Correct. It's such small print. Okay. So I'm
23 with you.

24 Q. Okay. So let's look at the year 2019 through
25 2020.

1 A. Right.

2 Q. And does that indicate to you that rainfall
3 was higher than average or lower than average for that
4 year?

5 A. That year was higher than average and that's why
6 we had the water going over the wall and that's why the
7 drains were installed.

8 Q. Now, if the soils had already been saturated
9 by higher than -- by high levels of irrigation outside
10 the winter months, how come there was no slope failure
11 in 2019?

12 A. Well, when you look at the rainfall, you have to
13 look at it in a different way. I think the way you look
14 at it and most people do, by the way, is not the right
15 way. You don't look entirely at the -- how many inches
16 of rainfall we got. There are three things you need to
17 consider: Intensity of rainfall, duration of rainfall
18 and frequency, how frequent that duration and intensity
19 occur. There is a -- for design purposes, for example,
20 we don't consider this kind of rainfall. We say a
21 hundred-year storm, 50-year storm, whatever the case
22 might be and those storms are being calculated based on
23 the rainfall. If you consider the rainfall here, it's
24 not an excessive amount. Like, when the slope failed --
25 by the way, it failed, what, two months after -- a month

1 after rainfall. So that was a two-year storm.

2 Q. Okay. So back in 2019, 2020, if you look at
3 April of that month, the rainfall was 6.0.

4 A. Right.

5 Q. Which is more than three times the average
6 rainfall for that month.

7 A. Correct.

8 Q. So does that not indicate an intense amount of
9 rain for that month?

10 A. It is. I mean, the six inches, yes, it is --
11 it's a lot of rain, but you have to look at it also from
12 the point of view of intensity, duration and frequency.
13 That's how you calculate and you design infrastructure
14 based on the rain, not because it was six inches and
15 therefore we got to have this kind of design. That's not
16 it.

17 Q. I'm sorry. I'm not asking about design.

18 A. Excuse me. I'm not finished yet. The other
19 thing you have to consider the slopes are not designed to
20 fail for a two-year storm. They're designed to fail
21 after a hundred-year storm. I'm involved with a case
22 that we had in Encinitas that we had a thousand-year
23 storm and the slope failed, but here is such a minor
24 thing. You'd not expect the slope to fail unless it's
25 damaged, it's injured, it's not maintained properly.

1 Then it will fail.

2 Q. Okay. But you are speculating that the higher
3 amount of irrigation outside the winter months did not
4 occur prior to 2019; isn't that correct?

5 A. I never -- I never said that. I didn't -- I
6 never said that. How did you get that?

7 Q. Well, I asked you and you said --

8 A. I said I don't know.

9 Q. -- you said you don't know.

10 A. Right. How am I speculating if I don't know?

11 Q. So because the slope did not fail in April of
12 2019, does that tell you that there was not higher
13 levels of irrigation outside the winter months in 2019?

14 A. No --

15 MR. ALEXANDER: Wait, wait. Vague and
16 ambiguous. Incomplete hypothetical. Misstates prior
17 testimony.

18 THE WITNESS: Not necessarily, because the
19 slope deteriorates in time. Okay. Keep that in mind.
20 The slope deteriorates in time. So the slope is not the
21 same it was when it was built in '87 in 2019. It has
22 deteriorated because of the improper practices of the
23 association and the weathering effects. So the slope in
24 time deteriorates more and more. Now, you have -- the
25 soil was saturated -- when the rains come, it's already

1 saturated, then the rains come. Then you have a broken
2 sprinkler line and you have a landslide. It makes
3 sense.

4 BY MR. COMBS:

5 Q. If you look at the year 2021 and -- I'm sorry.
6 2020 and 2021, do you see that?

7 A. Yes.

8 Q. Does that indicate to you that that was an
9 average rainfall year?

10 A. I would say it was below average.

11 Q. Below average?

12 A. Yeah.

13 Q. And then looking at 2021 to 2022, would you
14 describe that as an average year, below or above average
15 for rainfall?

16 A. I would say below average, because you have
17 months that it did not rain and yet we expected some
18 rain. You have one month that exceeded the average by a
19 factor of two, but -- I mean, I have not made any
20 calculation in that respect, but I would think it's
21 either average or below the average.

22 MR. COMBS: I'm going to show you what we'll
23 mark as Exhibit 7. Do you recognize this document?

24 THE WITNESS: I do.

25 (Exhibit 7 was marked.)

1 BY MR. COMBS:

2 Q. It says up at the top, "Water consumption,
3 Palomar IRR," correct?

4 A. Yeah.

5 Q. What do you understand this document to be?

6 A. That I understand to be the water consumption to
7 irrigate the slopes at the Las Brisas.

8 Q. And this would include Lot 139, correct?

9 MR. ALEXANDER: Calls for speculation.
10 Incomplete hypothetical.

11 THE WITNESS: I'm not sure, but apparently 139
12 belongs to that particular water meter, but I don't know
13 for sure myself. That's what I gathered from reading.
14 I think that was in Huang's report I think it was. But
15 anyway...

16 BY MR. COMBS:

17 Q. But you provided this document as part of your
18 records in response to the deposition notice, correct?

19 A. No. It was not in response to the deposition.
20 It was just for my personal knowledge.

21 Q. Okay. So what relevance does this have to
22 your opinion then?

23 A. I want to see the pattern of watering.
24 Unfortunately, we have only from July 22nd to
25 December 23rd. That's what you provided. I wish you

1 would have provided more than that. But what we have
2 here is -- in San Marcos is that in July '22, for
3 example, we have 14,000 gallons a day of irrigation.

4 Q. How many gallons per day?

5 A. 14,000 gallons.

6 Q. I look at that graph and it only goes to less
7 than 12,000, so how are you getting 14,000?

8 A. In July '22?

9 Q. Yeah.

10 A. Look at the bar in July '22.

11 Q. I am. 12,000 is the very top number, correct?

12 A. Can I see your graph? Well, this is -- this is
13 Palomar Airport.

14 Q. Which one did I hand to you?

15 A. San Marcos.

16 Q. Okay. So go ahead.

17 A. So that's a lot of water. That's my point. So
18 you irrigate so much. I mean, GeoTek showed they're
19 bleeding out of water. That was in 2019, but when I look
20 at '22, that's a ton of water, too. So the practices
21 have remained the same.

22 Q. Okay. But does not the water -- the
23 irrigation taper off in December, January, February,
24 March and April?

25 A. It does.

1 Q. And what's the lowest month of watering on the
2 chart you have?

3 A. February '23.

4 Q. And March and April are also very low of '23?

5 A. They are, yes. But let's not forget that we had
6 rain during that period of time as well, so the soil
7 doesn't get a chance to dry at all. It's wet from summer
8 to winter to summer to winter.

9 Q. I'm not forgetting about the rain, Stavros.
10 Believe me.

11 MR. COMBS: And then that one was San Marcos,
12 so let's mark -- let's include this as Exhibit 7, which
13 is Palomar irrigation.

14 BY MR. COMBS:

15 Q. Do you know between those two which is
16 applicable to Lot 139?

17 A. Based on what I read is San Marcos. And I think
18 that comes from American Geotechnical report and also was
19 in some depositions as well. I can't remember whether it
20 was in Huang's deposition or somebody else's deposition,
21 but I have not verified that myself.

22 Q. Going back to the rainfall chart, let's look
23 at 2022-2023.

24 A. The rainfall chart. Sorry. Okay. '22-'23.
25 Yeah.

1 Q. Okay. So it looks like up through December of
2 2022, October, November, December rainfall was -- it's
3 about average, correct?

4 A. Yes.

5 Q. Then in January of 2023 -- the rainfall was
6 eight and a half inches in January, which is over four
7 times the average rainfall for January, correct?

8 A. Right. Interesting enough, we had 2,000 gallons
9 per day at the time despite the heavy rainfall.

10 MR. COMBS: Objection. Nonresponsive.

11 BY MR. COMBS:

12 Q. It's over four times the average rainfall in
13 January of 2023, correct?

14 A. Yes.

15 Q. And then if we look at February, it looks like
16 3.9 inches, which is almost twice the average rainfall,
17 correct?

18 A. Yes.

19 Q. And then in March of 2023, there's 7.2 inches
20 of rain, which is over three and a half times the amount
21 of average -- excuse me. It's over three times the
22 average rainfall for March, correct?

23 A. Over twice the average, two and a half times.

24 Q. What is the average amount of rainfall in
25 March?

1 A. Two inches.

2 Q. So what was the rainfall?

3 A. 7.2.

4 Q. So it's over three times the average, correct?

5 A. Yes. I'm sorry. Yes, yes.

6 Q. Okay. So after three months of heavy, far
7 above average rainfall, that's when the slope failure
8 occurred, correct?

9 MR. ALEXANDER: Vague as to "far above."

10 THE WITNESS: A month later.

11 BY MR. COMBS:

12 Q. Right. A month later?

13 A. Yeah.

14 Q. Now, your opinion, how come you don't address
15 rainfall as a possible cause of the slope failure?

16 A. Because I think the statistical analysis with
17 respect to the recurrence period was too low. It was
18 only two years, so a two-year storm cannot induce a slope
19 failure unless that slope is totally injured and totally
20 weakened by the maintenance. That's the only way it can
21 produce that failure.

22 Q. Why didn't you put that in your opinion?

23 A. Because I'm here to give you my opinions, too.
24 That's why I'm being deposed.

25 Q. You didn't mention rain one time in your

1 opinion, did you?

2 A. Because I don't think that rain is the cause of
3 failure. That's why.

4 Q. Why did you not feel it necessary to address
5 Dr. Huang's opinion that it was rainfall which caused
6 the slope to fail?

7 MR. ALEXANDER: Argumentative.

8 THE WITNESS: He gave his opinions. I'm giving
9 mine and I did not give you an opinion about rain
10 because for me it's not important, did not do any harm,
11 the rain. The slope failure happened because of other
12 things, not the rain and that's why I don't mention it
13 here. But I did the analysis, though. I plot the
14 graphs. I did the recurrence period and I did all I
15 could do to evaluate the rainfall and found out it was
16 not enough to cause a slope failure.

17 BY MR. COMBS:

18 Q. Okay. So do you deny that rain was a factor
19 in the slope failure?

20 A. Yes. Let me explain here. I don't deny that
21 rain contributed to the water for the slope to fail, but
22 was not the cause of failure.

23 Q. Okay. So if rain was not the cause of
24 failure, but it contributed to the failure, is that what
25 you're telling me?

1 A. Well, no. The soils already had water inside,
2 so when they get more wet because of the irrigation leak
3 or of the rain that goes inside the holes, the gopher
4 holes and saturates the soil in depth and the seepage
5 forces drag down the slope, then yeah, I mean, the
6 rain -- but again, it was an injured slope, heavily
7 injured slope. And like I said before, there are cracks
8 on the slope that were visible in 2020 aerial photographs
9 and those cracks unfortunately were not evaluated by the
10 association or their contractor.

11 MR. COMBS: I'm sorry. Could you read back the
12 last thing he said.

13 (Record read by the reporter.)

14 BY MR. COMBS:

15 Q. Do you admit that the failure of your opinion
16 to address rain as a possible contributing factor to the
17 slope failure renders your opinion incomplete?

18 A. Absolutely not.

19 MR. ALEXANDER: Argumentative.

20 THE WITNESS: In fact, you can see the analysis
21 that I've done of the rainfall. It's not that I did not
22 look at it. I just found that it had no effect.

23 MR. COMBS: We'll mark this as Exhibit 8. This
24 document is titled "Cross Section A-A, dated May 2025."
25 Did you prepare this document, Stavros?

1 THE WITNESS: I did not prepare it. It was
2 prepared under my direction.

3 (Exhibit 8 was marked.)

4 BY MR. COMBS:

5 Q. What was the purpose of having this document
6 prepared?

7 A. I wanted to see the overall slope from the top
8 to the bottom and so I had my people do that so that I
9 could get a good idea, a good sense of what the slope is
10 like.

11 Q. Okay. And do you believe this document is
12 accurate?

13 A. It's accurate as far as the documents that they
14 were derived from are accurate.

15 Q. Do you see where it says, "2021 French drain"
16 in the purple color?

17 A. Yeah.

18 Q. What is the 2021 French drain?

19 A. That's wrong. It should be 2019. That's why
20 it's preliminary. You know, I have not worked on this
21 section since '25, but it should be 2019.

22 Q. So it's not accurate?

23 A. It's a typo.

24 Q. Okay. So it points to an area marked fill?

25 A. Yes.

1 Q. Okay. What is the fill?

2 A. So when they removed the -- when they excavated
3 behind to put the drain system --

4 Q. I'm sorry. Who is the "they"?

5 A. The association.

6 Q. Okay. Go ahead.

7 A. I think it was Pablo landscaping, something like
8 that. They excavate behind the wall. You saw those
9 photographs you showed me earlier. Then they have to
10 backfill -- after they install the drains, they have to
11 backfill that trench. If you don't backfill the trench,
12 what happens is the slope doesn't have any restraint,
13 doesn't have any support, so it moves. And during the
14 period of time that the trench had been excavated, I
15 anticipate that some stress buildup on the slope it
16 happened. Then they backfill the trench. Unfortunately,
17 they are just landscapers. They were not engineers,
18 because if it were an engineer, that fill would have been
19 compacted properly. They did not compact the fill
20 properly. What that means is there's a lot of voids in
21 the fill, which means it does not provide enough
22 resistance to the slope to slip down.

23 Q. Okay. But do you contend that they dug deeper
24 than the three to four feet that you previously opined
25 when they installed that French drain?

1 A. Yeah, like I said, in some sections of the wall
2 it went down to five feet. This section -- again, this
3 is not finalized section. It's preliminary. It's not
4 finalized. Okay. I have not worked on that for over a
5 year now.

6 Q. But it's misleading to say that the fill --
7 this entire area that you've marked fill was fill that
8 was put in there by Pablo's landscaping.

9 A. Did somebody else put the fill in there?

10 Q. Did Pablo's landscaping put fill all the way
11 down to the base of the retaining wall?

12 A. Maybe not. At the time when that section was
13 created would not have all the documentation. I thought
14 to include it because you request for it. But this, like
15 I said, is not a final section. This is just a
16 preliminary section that has not been adjusted since
17 because I had no more need to adjust it.

18 Q. Then why did you provide it as part of your
19 documents if it's not accurate?

20 A. Well, read your document you sent me for request
21 for deposition, all the documents you have marked.

22 Q. Okay. Have you -- have you completed an
23 updated version of this document?

24 A. No.

25 Q. So I just want to be clear that this area

1 marked fill does not indicate it's the fill that was put
2 there by Pablo's landscaping, correct?

3 A. It is. Maybe it's not as deep, but definitely
4 is. That trench had to be backfilled, right.

5 Q. I understand, but I'm questioning -- you've
6 marked one big area as fill, but you've admitted that
7 Pablo's landscaping did not go all the way down to the
8 base of the retaining wall all the way along the length
9 of the retaining wall, did they?

10 A. Yes, they did not go all the way down. That's
11 why I'm saying this section is preliminary and I did not
12 look at that for a year now and I don't intend to correct
13 it or do anything, because I don't have a need for that
14 anymore.

15 Q. So it doesn't matter -- I want to understand
16 what you're saying here. You contend that it doesn't
17 matter how deep Pablo's landscaping went in to put the
18 fill in?

19 A. That's right. It matters the quality of the
20 fill that they put behind the wall and of course the
21 drains that they put behind the wall. Those are the
22 things that matter a lot.

23 Q. Okay. So whether they went one foot down or
24 all the way down to the base of the retaining wall,
25 you're saying that doesn't matter?

1 A. Well, they did not go one foot down. They went
2 deeper than that, so instead of going five feet, they
3 went three feet. You know, in that respect, you still
4 have three feet of soil backfill that supports the
5 upcoming slope.

6 Q. Okay. Were there any inclinometers put on the
7 slope to your knowledge?

8 MR. ALEXANDER: Vague as to time.

9 THE WITNESS: Not that I know of.

10 BY MR. COMBS:

11 Q. Is it your opinion that gophers were a more
12 significant factor in the slope failure than rain?

13 A. Well, both need each other. You have gopher
14 holes with no rain, you're going to have more erosion,
15 but nothing much going to be. But if you have gopher
16 holes with rain, even with minor rain, you're going to
17 have a lot of problems.

18 Q. Okay. And what evidence do you have that
19 there were gopher holes on the slope at the time that
20 the slope failed?

21 A. There is a -- the minutes dated January 7th,
22 2018, which was before the -- the year before the failure
23 we've got a gopher infestation and then in the documents
24 they talked a lot about the gopher habitat and it was a
25 factor in part of the tract.

1 Q. In what documents?

2 A. That's in Berchiolli's depo and in the minutes
3 and also -- let me check.

4 Q. Time is money, Stavros, so let me just ask you
5 this. Is it your opinion that the gopher holes noted in
6 the minutes dated 2018, January 17th were not addressed
7 by the association subsequent to those minutes?

8 MR. ALEXANDER: Objection. Vague.

9 BY MR. COMBS:

10 Q. Let me rephrase. Do you contend that the
11 association made inadequate efforts to address the
12 gopher holes on Lot 139 after January 17th, 2018?

13 A. It appears so, yes.

14 Q. And how does it appear so?

15 A. Well, I mean, Berchiolli's depo it says so, that
16 the gopher issue was a very nasty one, a very big one
17 and, you know, they were planning on controlling it, but
18 the gophers were always there. That's what I got from
19 Berchiolli's deposition. In other words, we're saying
20 that a gopher problem was there for a long time on the
21 western part of the tract.

22 Q. So the entirety of your opinion that gophers
23 contributed to the slope failure is based upon the
24 deposition of Kent Berchiolli; is that correct?

25 A. The minutes, of course, and also the GeoTek that

1 made a recommendation just to eradicate the gophers.

2 Q. Well -- but they didn't say that the gophers
3 caused the slope failure, did they?

4 A. They did not say that. They didn't say that the
5 rainfall caused the failure either.

6 Q. Okay. To be clear, GeoTek did not state that
7 gophers caused or contributed to the slope failure, did
8 they, yes or no?

9 A. They did not specifically say that.

10 Q. Isn't this recommendation that they make just
11 a general recommendation that they might make for any
12 slope?

13 A. No, if you don't have any gophers, you don't
14 make that recommendation. There's no need for that. And
15 their recommendation actually was pretty strong. It says
16 this is critical as burrowing rodents can increase the
17 long-term performance of slopes. I mean, there's no
18 question about that.

19 Q. But that would be good advice for any slope,
20 correct?

21 A. Not at a slope that doesn't have gophers.

22 Q. Are there slopes in San Diego County that
23 don't have gophers?

24 MR. ALEXANDER: Calls for speculation.

25 THE WITNESS: If you treat them well, there are

1 no gophers. That's why there is treatment.

2 BY MR. COMBS:

3 Q. Okay. But absent treatment, aren't gophers in
4 most slopes in Southern California?

5 A. Yes.

6 MR. ALEXANDER: Calls for speculation.

7 THE WITNESS: Absent treatment for gophers,
8 yes, you're going to find a bunch of them. But if
9 there's a program to treat the gophers, then you don't
10 have them.

11 MR. ALEXANDER: I need a restroom break,
12 Counsel.

13 MR. COMBS: Okay. Well, we've got 20 more
14 minutes, so we'll chalk that up to your time. Let's
15 take a six-minute break.

16 (A recess was taken.)

17 BY MR. COMBS:

18 Q. If you turn to Page 15 of Dr. Huang's report,
19 if you could read that paragraph that starts with "It is
20 our opinion" and let me know when you're done.

21 A. Okay.

22 Q. Now, you dispute that conclusion, do you not?

23 A. Yes.

24 Q. So you dispute -- you deny, rather, that the
25 prolonged heavy rains between October 22nd and

1 April 23rd reduced the sheer strength of the slope soil
2 and caused the surficial slope failure, correct?

3 A. Not necessarily with that sentence. I disagree
4 with the concept that the rain caused the slope failure,
5 but the soils got saturated because there was not an
6 avenue for the water to escape. The drain that they put
7 at the top of the slope, they were totally improper and
8 they were causing more saturation of the soil and that's
9 why we got the failure.

10 Q. Did you notice that there was any structural
11 problems with the retaining wall?

12 MR. ALEXANDER: Vague. Incomplete
13 hypothetical.

14 THE WITNESS: Not per se, but I did notice that
15 the wall was affected by the moisture.

16 BY MR. COMBS:

17 Q. In what way?

18 A. Blistering -- blistering of the stucco,
19 efflorescence.

20 Q. Do you contend that there was any structural
21 damage to the retaining wall such that it was not able
22 to perform the function for which it was built?

23 A. I did not see any damage.

24 Q. If the water -- how deep was the water
25 saturation behind the retaining wall prior to the slope

1 failure -- just prior to the slope failure, would you
2 estimate?

3 A. Well, depends. During rain or without rain?

4 Q. I'm saying if you were to estimate in your
5 professional opinion the day before the slope failed,
6 how deep do you think the water table went?

7 MR. ALEXANDER: Vague.

8 THE WITNESS: I don't know.

9 BY MR. COMBS:

10 Q. Okay. Do you think it went all the way to the
11 base of the retaining wall? Do you think it was
12 saturated all the way to the base of the retaining wall
13 behind the retaining wall?

14 A. I would think so, yeah.

15 Q. Wouldn't that put a hydrostatic pressure on
16 the retaining wall?

17 A. It would, but the retaining walls are designed
18 in such a way that may withstand hydrostatic pressures.
19 This wall in particular was built without -- so the water
20 will go inside the drains, the perforated drains, right.
21 That's where the water will go and then it will go down
22 to the sub drain and the sub drain will tend to go
23 outward. However, there is a lot of problems there. The
24 pipes that were used were totally improper, the
25 perforated pipes. Totally improper. They were not

1 protected through the holes -- the perforations in the
2 pipe. They were not protected with any filter so that
3 the soil, it could get into the holes, get into the pipe,
4 get into the sub drain and clog up. In fact, on
5 April 30th I think it was of 2023, that they unclogged
6 the drains, so it was -- all the drains were clogged. So
7 all this band behind the wall would have been completely
8 saturated.

9 Q. All the way to the base of the retaining wall?

10 A. I would think so, yeah, because -- let me
11 explain to you. Because the wall, the way it was built
12 was a cut and then it was built a wall, so there's a gap
13 between the wall and the soil it supports. There is a
14 gap that was filled in with loose soil and that gap would
15 have filled up with water and would have saturated the
16 surroundings.

17 Q. But it would not have caused, in your opinion,
18 structural damage to the retaining wall?

19 A. Correct.

20 Q. If you read the paragraph right below the one
21 that I just had you read, it starts with "It is also our
22 opinion."

23 A. Uh-huh.

24 Q. And let me know when you're done reading that.

25 A. Yes.

1 Q. Okay. Dr. Huang says in his limited site
2 analysis, The association's landscaping contractor,
3 Green Horizons, verified in the field and confirmed that
4 no broken irrigation line and/or sprinklers were found
5 in the irrigation and sprinkler pipeline system on the
6 slope at the rear of Unit 139. Do you deny the accuracy
7 of that statement?

8 A. Well, that's what it says; however, there's a
9 conflict with what I know in Berchiolli's transcript.
10 There's definitely a conflict. I don't know how Huang
11 would have known -- where did he get information from the
12 Green Horizons? Did you tell him that?

13 Q. Do you deny the accuracy of that statement,
14 yes or no?

15 A. Yes. In fact, the very first sentence it says,
16 "It is also our opinion that the irrigation sprinklers
17 and pipeline system on the subject property is not the
18 cause of the surficial slope failure." He knows nothing
19 about irrigation lines leaking. Berchiolli testified
20 that the pipes leak all the times. Those are the facts
21 and those are speculation. They're two different things.
22 Berchiolli mentions the facts and Huang the speculation.

23 Q. How do you know that Berchiolli was not
24 speculating?

25 A. Because he was there.

1 Q. How do you know that?

2 A. He was the head of the landscaping committee and
3 of course he would know. He was involved with
4 everything.

5 Q. Have you ever met Mr. Berchiolli?

6 A. No, I have not.

7 Q. Do you understand how old Mr. Berchiolli is?

8 MR. ALEXANDER: This is harassment. It's
9 not -- this question is not going to elicit the
10 discovery of admissible evidence, Counsel.

11 MR. COMBS: It sure is.

12 MR. ALEXANDER: It has no bearing on the --

13 MR. COMBS: It sure does.

14 BY MR. COMBS:

15 Q. Answer the question.

16 A. I don't know how old he is, but I can tell you
17 this --

18 Q. That was my question. You don't know how old
19 he is?

20 A. No, but his mind was very clear.

21 Q. Okay. Do you know if he was physically
22 capable of walking up the slope and investigating the
23 status of the slope?

24 A. I don't know.

25 Q. So you don't know. So you don't know that he

1 physically observed broken irrigation pipes or not on
2 the slope; is that correct?

3 A. No, that's not true. That's not what I said.
4 That's not what I said.

5 Q. You said --

6 MR. COMBS: Hold on. I'm not done.

7 MR. ALEXANDER: You could have asked your
8 questions to him at the time of his deposition.

9 MR. COMBS: That irrelevant. I'm asking --

10 MR. ALEXANDER: My expert is relying on
11 Mr. Berchiolli's deposition, which was taken under oath.

12 MR. COMBS: Great. That's what I want to know.

13 MR. ALEXANDER: Now you know.

14 BY MR. COMBS:

15 Q. What I'm asking you, Stavros, is whether you
16 know --

17 MR. ALEXANDER: It's Dr. --

18 MR. COMBS: Stop interrupting me.

19 MR. ALEXANDER: It's Dr. Chrysovergis.

20 MR. COMBS: Okay. He told me to call him
21 Stavros, but I'll call you Dr. whatever you want. Do
22 you want me to call you Doctor or Stavros?

23 THE WITNESS: It doesn't matter.

24 BY MR. COMBS:

25 Q. That's what I thought. So, Stavros, you don't

1 know whether or not Mr. Berchiolli personally observed
2 broken irrigation lines on the slope or not, do you?

3 A. Let me say again what I said before so that the
4 record can be clear.

5 Q. It's a yes-or-no question.

6 MR. ALEXANDER: It's not a yes or no. It
7 doesn't call for a yes-or-no answer. He's trying to
8 provide you with his understanding of the facts and you
9 keep cutting him off.

10 THE WITNESS: You want me to tell you what I
11 understand?

12 BY MR. COMBS:

13 Q. No, I want the court reporter to read back my
14 question and then I want you to answer the question.

15 (Record read as follows:

16 "Q. You don't know whether or not
17 Mr. Berchiolli personally observed
18 broken irrigation lines on the slope or
19 not, do you?")

20 THE WITNESS: I don't know.

21 BY MR. COMBS:

22 Q. Thank you. If you were to rank in order the
23 following possible causes of the slope failure in order
24 of the most impactful to the least impactful, there's
25 four: rain, broken irrigation pipes, gophers and the

1 installation of the French drain.

2 MR. ALEXANDER: Objection. Incomplete
3 hypothetical. Assumes facts not in evidence. Counsel,
4 are you offering your opinion as to how many factors
5 there are that may have contributed to the slope
6 failure?

7 MR. COMBS: Could you read back my question,
8 please.

9 MR. ALEXANDER: You're assuming those are
10 limited to those four facts, so it's an incomplete
11 hypothetical. That's my objection.

12 MR. COMBS: If you could read back my question.

13 (Record read by the reporter.)

14 THE WITNESS: So I would say that if we
15 understand that the slope failed because of the
16 saturated soil and that means that if the water had an
17 exit to go -- if the water had an exit to go to the
18 drains and get dissipated through non-erodible drainage
19 devices, that water would not have had the ability to
20 stay in the soil and saturate the soil. So the drainage
21 at the bottom of the slope I think is the most important
22 thing that we're dealing with here today.

23 BY MR. COMBS:

24 Q. Okay. So where was the water going once it
25 flowed down from the slope to the toe of the slope?

1 Prior to the slope failure, where was the water exiting?

2 A. Well, it was going --

3 MR. ALEXANDER: Assumes facts not in evidence.

4 Incomplete hypothetical.

5 THE WITNESS: It was going into the soils and
6 being absorbed by the soils and finding any avenue that
7 it would find to get through it. We know the drains
8 were clogged up, so obviously, it was not dissipating.
9 The risers were perforated pipes that would fill up with
10 water. Some of that water, for that matter, would have
11 gone over the wall, too, because the space between the
12 grade and the top of the wall was nothing, basically.
13 So any water overflow, you know, that was not taken by
14 the drain, it would go probably over the wall. So
15 that's where the water would end up.

16 BY MR. COMBS:

17 Q. But the water going over the wall was the
18 reason they installed the French drain, correct?

19 A. Yes.

20 Q. And after the installation of the French
21 drain, do you have any evidence that the water continued
22 to go over the wall?

23 A. No, I have no -- I have not heard anything.
24 However, when you look at the site, you know, unless the
25 water is being absorbed by other devices, it will go over

1 the wall.

2 Q. Okay. But you just testified that to your
3 knowledge, after the installation of the French drain,
4 you're not aware of the water going over the retaining
5 wall; is that correct?

6 A. I have not seen any information to that effect,
7 no.

8 MR. COMBS: Okay. Thank you. We can end the
9 deposition there. I'm not going to pay for your
10 questions, Vasko, but if you want to ask him any
11 questions on your dime, go ahead.

12 MR. ALEXANDER: I'll be asking him at trial.

13 THE REPORTER: For the record, do you need a
14 copy of this transcript?

15 MR. ALEXANDER: Yes, please.

16

17 (The deposition concluded at 11:33 a.m.)

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DEPOSITION ERRATA SHEET

DEPOSITION OF: STAVROS CHRYSOVERGIS

CASE NAME: JILL MANN VS. LAS BRISAS PACIFICAS, INC.

DATE: February 10, 2026

REASON CODES: 1. To clarify the record.

2. To conform to the facts.

3. To correct transcript errors.

Page _____ Line _____ Reason Code _____

From _____ to _____

Page _____ Line _____ Reason Code _____

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Deponent's Signature _____

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Declaration Under Penalty of Perjury

I, STAVROS CHRYSOVERGIS, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct; that I have read my deposition and have made the necessary corrections, additions, or changes to my answers that I deem necessary.

Executed on this _____ day of _____, 20__.

STAVROS CHRYSOVERGIS

1 STATE OF CALIFORNIA)

2

3 COUNTY OF SAN DIEGO)

4

5 I, Kelley R. Lawrence, Certified Shorthand
6 Reporter No. 13587, in and for the State of
7 California, do hereby certify:

8 That, prior to being examined, the
9 witness named in the foregoing deposition, was by
10 me duly sworn to testify to the truth, the whole
11 truth and nothing but the truth;

12 That said deposition was taken down by
13 me stenographically at the time and place therein set
14 forth and thereafter reduced to writing through
15 computer-aided transcription; and I hereby certify that
16 the foregoing is a true, correct, and complete
17 transcript of said proceedings.

18 I further certify that I am not related to
19 any parties nor interested in the outcome of the action.

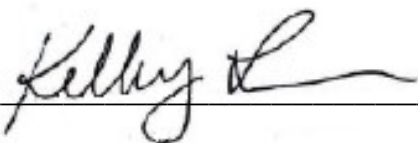
20 In witness whereof, I have subscribed
21 my name this 24th day of February, 2026.

22

23

24

25



Kelley R. Lawrence, CSR #13587

<p style="text-align: center;">Exhibits</p> <hr/> <p>Ex 0001 Stavros Chrysovergis 0 21026 4:10 6:9,13 21:21</p> <p>Ex 0002 Stavros Chrysovergis 0 21026 4:12 8:22, 24 9:22 10:15,20 11:2</p> <p>Ex 0003 Stavros Chrysovergis 0 21026 4:14 11:23 12:4</p> <p>Ex 0004 Stavros Chrysovergis 0 21026 4:16 14:6, 11</p> <p>Ex 0005 Stavros Chrysovergis 0 21026 4:19 25:17, 20</p> <p>Ex 0006 Stavros Chrysovergis 0 21026 4:20 32:15, 18</p> <p>Ex 0007 Stavros Chrysovergis 0 21026 4:22 36:23, 25 39:12</p> <p>Ex 0008 Stavros Chrysovergis 0 21026 4:24 43:23 44:3</p> <hr/> <p style="text-align: center;">(</p> <hr/> <p>(b) 7:1</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 6:9,13 21:21</p> <p>10 6:1</p> <p>10:04 6:1</p>	<p>11:33 61:17</p> <p>12,000 38:7,11</p> <p>127 31:20</p> <p>128 31:20</p> <p>139 37:8,11 39:16 49:12 55:6</p> <p>14,000 38:3,5,7</p> <p>15 51:18</p> <p>17th 49:6,12</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 8:22,24 9:22 10:15,20 11:2 15:7</p> <p>2,000 40:8</p> <p>2/9/2026 10:16</p> <p>20 51:13</p> <p>2008 32:20</p> <p>2018 48:22 49:6, 12</p> <p>2019 26:19 27:6, 20 28:18 29:8,23 30:7 32:24 33:11 34:2 35:4,12,13, 21 38:19 44:19,21</p> <p>2020 31:13 32:25 34:2 36:6 43:8</p> <p>2021 27:20 36:5, 6,13 44:15,18</p> <p>2022 27:20 36:13 40:2</p> <p>2022-2023 39:23</p> <p>2023 24:15 27:11, 17,20 28:17 29:8 30:6 40:5,13,19 54:5</p> <p>2024 32:21</p> <p>2025 14:7 43:24</p> <p>2025.220 7:3</p> <p>2026 6:1 10:8</p> <p>2034.210 7:2</p>	<p>2034.415 6:24</p> <p>22 38:2,8,10,20</p> <p>22-'23 39:24</p> <p>22nd 37:24 51:25</p> <p>23 39:3,4</p> <p>23rd 37:25 52:1</p> <p>25 44:21</p> <p>27th 24:15 26:19 29:23 30:6</p> <p>29th 10:8</p> <p>2:07 10:16,21</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 11:23 12:4 26:12,13</p> <p>3.9 40:16</p> <p>30th 54:5</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 14:6,11</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 25:17,20</p> <p>50-page 14:20</p> <p>50-year 33:21</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 32:15,18</p> <p>6.0 34:3</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 36:23,25 39:12</p> <p>7.2 40:19 41:3</p> <p>7th 14:7 48:21</p>	<p style="text-align: center;">8</p> <hr/> <p>8 43:23 44:3</p> <p>87 35:21</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p>A-A 43:24</p> <p>a.m. 6:1 61:17</p> <p>ability 59:19</p> <p>absent 51:3,7</p> <p>Absolutely 23:14 43:18</p> <p>absorbed 60:6, 25</p> <p>accepted 18:6</p> <p>accordance 16:20 18:2</p> <p>accumulates 32:2</p> <p>accuracy 55:6,13</p> <p>accurate 44:12, 13,14,22 46:19</p> <p>activity 27:23 31:11</p> <p>additional 7:13</p> <p>address 41:14 42:4 43:16 49:11</p> <p>addressed 49:6</p> <p>adjust 46:17</p> <p>adjusted 46:16</p> <p>admissible 56:10</p> <p>admit 11:2 43:15</p> <p>admitted 47:6</p> <p>advice 50:19</p> <p>aerial 43:8</p> <p>affected 52:15</p> <p>ahead 6:21 11:22 13:25 38:16 45:6 61:11</p>	<p>Airport 38:13</p> <p>alarming 28:15</p> <p>Alexander 7:8,23 8:23 9:9 11:17,21 13:2,22,25 14:16 17:2,8,19 18:8 19:2,20 20:6,19 21:4 22:1,22 23:18 29:1,25 30:8 35:15 37:9 41:9 42:7 43:19 48:8 49:8 50:24 51:6,11 52:12 53:7 56:8,12 57:7, 10,13,17,19 58:6 59:2,9 60:3 61:12, 15</p> <p>allowed 25:12</p> <p>ambiguous 13:3 19:21 20:6,20 35:16</p> <p>American 12:1,6, 9 39:18</p> <p>amount 33:24 34:8 35:3 40:20, 24</p> <p>analysis 8:5 41:16 42:13 43:20 55:2</p> <p>and/or 55:4</p> <p>anticipate 45:15</p> <p>anymore 31:23 47:14</p> <p>apparently 37:11</p> <p>appears 49:13</p> <p>applicable 18:24 39:16</p> <p>approved 16:25</p> <p>approximately 6:18 26:21</p> <p>April 24:15 27:11, 17 28:17 30:6 34:3 35:11 38:24 39:4 52:1 54:5</p> <p>area 44:24 46:7, 25 47:6</p>
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