

EXHIBIT K

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

Will McRaney,)
)
Plaintiff,)
)CASE NO.
vs.)1:17-cv-00080-GHD-DAS
)
The North American Mission)
Board of the Southern Baptist)
Convention, Inc.,)
)
Defendant.)

DEPOSITION OF
KEVIN EZELL
March 2, 2023
8:58 a.m.

Butler Snow, LLP
1170 Peachtree Street NE
Suite 1900
Atlanta, Georgia

Robin K. Ferrill, CCR-B-1936, RPR

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1 MR. GANT: The American Psychiatric
 2 Association.
 3 A. I have heard of them, yes.
 4 (Plaintiff's Exhibit 16, Medscape
 5 definition of Delusional Disorder, Updated
 6 6/6/22, marked for identification.)
 7 Q. (By Mr. Gant) I'm handing you what's been
 8 marked as Exhibit 16. This is a printout from the
 9 website called Medscape, with an overview of
 10 delusional disorder.
 11 Do you see it says, "Delusional disorder is
 12 an illness characterized by at least one month of
 13 delusions but no other psychotic symptoms, according
 14 to the American Psychiatric Association's Diagnostic
 15 and Statistical Manual of Mental Disorders, 5th
 16 edition, text revision."
 17 Do you see that?
 18 A. I see that.
 19 Q. Have you ever seen that before?
 20 A. No, sir.
 21 Q. Okay. You can put that aside. Thank you.
 22 (Plaintiff's Exhibit 17, E-mail string to
 23 Ezell from Unzicker, 9/17/18, Bates stamped NAMB
 24 8240 - 41, marked for identification.)
 25 Q. (By Mr. Gant) Exhibit 17 is Bates labeled

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1 NAMB 8240 through 41. Please let me know when you
 2 have reviewed it.
 3 A. Okay.
 4 Q. Who is Pastor Rolland Slade?
 5 A. He's a pastor in California. Was the
 6 chairman of the executive committee of the SBC a year
 7 or so ago.
 8 Q. He sent you an e-mail in this exhibit on
 9 September 17th, 2018, correct?
 10 A. That's what it says, yes.
 11 Q. And then there were some -- there was a
 12 response from you. It looks like you may have
 13 forwarded it to someone.
 14 Who's Todd Unzicker?
 15 A. He's the -- looks like at the time of the
 16 e-mail -- Tom Unzicker is currently the state exec at
 17 North Carolina. At the time of the e-mail, he was at
 18 some church in Raleigh/Durham.
 19 Q. Was Tom Unzicker with NAMB?
 20 A. We had a contract with J.D. Greer and the
 21 summit folks to speak for us at certain times and to
 22 do some things, but he wasn't an employee of NAMB,
 23 no.
 24 Q. So Tom Unzicker was not an employee of NAMB
 25 at the time?

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1 A. Right.
 2 Q. Was Rolland Slade an employee of NAMB at
 3 the time?
 4 A. No.
 5 Q. And you responded to an e-mail, Mr. Tom
 6 Unzicker, same day, September 17, 2018, at 8:15 a.m.
 7 A. Yes.
 8 Q. You wrote, It's the same old lies, correct?
 9 A. That's correct.
 10 Q. You were referring to statements by
 11 Dr. McRaney when you said "same old lies," correct?
 12 A. I'm assuming -- I assume so. It's the
 13 same -- it's the same song, yes.
 14 Q. You can put that aside for now.
 15 (Plaintiff's Exhibit 18, E-mail string to
 16 Ezell from Brodbent, 7/10/20, Bates stamped NAMB
 17 9188 - 90, marked for identification.)
 18 Q. (By Mr. Gant) Exhibit 18 is Bates labeled
 19 NAMB 9188 through 90.
 20 A. Yes. Yes.
 21 Q. Tell me when you are ready for a question.
 22 A. Okay.
 23 MR. PERLA: You haven't read it.
 24 THE WITNESS: I read the first --
 25 MR. PERLA: You can wait to hear what the

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1 question is, but there are other pages.
 2 THE WITNESS: Okay. I didn't realize there
 3 were other pages. All right.
 4 Okay.
 5 Q. (By Mr. Gant) Who is Al Brodbent?
 6 A. I don't -- I don't recall.
 7 Q. It says here -- it refers -- his e-mail
 8 refers to pastor-counselor.
 9 Do you see that?
 10 A. Yeah, but I just don't recall.
 11 Q. Al Brodbent was not with NAMB at the time
 12 of this e-mail exchange, was he?
 13 A. Again, I don't recall who he is. So I
 14 don't know everybody who works at NAMB.
 15 Q. His e-mail address is not an e-mail address
 16 from NAMB, is it?
 17 A. No.
 18 Q. Is there anything to indicate here that he
 19 was with NAMB?
 20 A. Not that I see.
 21 Q. And you wrote in an e-mail to Al Brodbent
 22 on July 10, 2020, "All of his assertion are untrue.
 23 Simply never happened."
 24 Do you see that?
 25 A. Right.

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1 Q. And by "his," you were referring to
 2 Dr. McRaney?
 3 A. Yes.
 4 Q. You can put that aside for now. Thank you.
 5 Who's Russell Moore?
 6 A. He's a former president of the ERLC, the
 7 Ethics and Religious Liberty Commission.
 8 Q. The ERLC is another entity of the SBC?
 9 A. Yes.
 10 Q. Kind of a sister organization of NAMB?
 11 A. Yes, it was another entity. Uh-huh.
 12 (Plaintiff's Exhibit 19, E-mail string to
 13 Palmer from Moore, 9/20/22, Bates stamped ERLC 1
 14 - 2, marked for identification.)
 15 Q. (By Mr. Gant) The ERLC is not itself part
 16 of NAMB, correct?
 17 A. Right.
 18 Q. Let me -- how many pages do you have there?
 19 A. On the front and back?
 20 Q. What? Number 1 and Number 2?
 21 A. Yes, sir.
 22 Q. Okay. On the first page you wrote an
 23 e-mail to a number of people on February 5, 2016,
 24 correct? The middle of the first page.
 25 A. The middle of the first page.

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1 Q. At 5:45 a.m.
 2 A. It looks like to -- not to a number of
 3 people.
 4 Q. Right. From this format we can't tell who
 5 you sent it to. Do you know who you sent it to?
 6 A. No. Well, it looks like in this format it
 7 starts on two and it looks like it was forwarded to
 8 Russ, possibly.
 9 Q. Okay.
 10 A. I can't tell in the format.
 11 Q. Okay. That's fair enough. I can't tell
 12 either. That's just the way we received it from
 13 NAMB.
 14 A. Yeah.
 15 Q. You wrote -- you forwarded and responded to
 16 an e-mail from Dr. McRaney that was sent to NAMB
 17 trustees and copied to you, correct?
 18 A. Right.
 19 Q. And that was entitled Letter of Concern.
 20 It says -- the subject line is Letter of Concern.
 21 A. Yes, the Letter of Concern. Okay. Yes, I
 22 see.
 23 Q. And then although it's not attached to this
 24 version -- we received this from -- sorry. I said it
 25 was from NAMB. This was from ERLC.

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1 A. Okay.
 2 Q. They produced this to us.
 3 A. Uh-huh.
 4 Q. On the second page you'll see there was an
 5 e-mail. Dr. McRaney wrote, Dear NAMB Trustee.
 6 Do you see that?
 7 A. Yes.
 8 Q. And then the second to last paragraph says,
 9 The attached letter is being sent.
 10 Do you see that?
 11 A. Right.
 12 Q. Do you know if that's the letter that you
 13 were referring to as a very long e-mail earlier
 14 today?
 15 A. No, this doesn't look like the one that was
 16 a real long e-mail.
 17 Q. Well, I meant the attachment. Do you
 18 know if the -- I know you don't have it in front of
 19 you so it may be hard to answer. But do you know if
 20 the attachment to that e-mail called Letter of
 21 Concern was the very long e-mail you were referring
 22 to earlier?
 23 A. I don't -- just don't know.
 24 Q. And you responded to someone, can't quite
 25 tell here, but it looks like to Russell Moore from

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1 the subsequent e-mails.
 2 A. Right.
 3 Q. You wrote to Russell Moore about
 4 Dr. McRaney, what an idiot, correct?
 5 A. Uh-huh. Uh-huh. That would have been --
 6 yeah. I'm sorry. Yes.
 7 Q. Okay. Thank you. You can put that aside.
 8 (Plaintiff's Exhibit 20, E-mail string to
 9 Williams from Moore, 9/20/22, Bates stamped ERLC
 10 18 - 20, marked for identification.)
 11 Q. (By Mr. Gant) Did I read in the Bates
 12 numbers for the prior exhibit? Just for the record,
 13 the prior exhibit, Exhibit 19, was Bates labeled
 14 ERLC1 through 2.
 15 The next exhibit, Exhibit 20, is Bates
 16 labeled ERLC18 through 20. Is that what you have in
 17 front of you?
 18 A. Yes.
 19 Q. Tell me when you're ready for a question.
 20 A. Okay.
 21 Q. Now, this is another e-mail chain regarding
 22 the Letter of Concern from Dr. McRaney. If you look
 23 on the first page of the exhibit, ERLC18, you wrote
 24 an e-mail on February 5th, 2016 at 9:40 a.m. FYI, in
 25 case you run into this nut case.

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1 A. Well, Jeff Christopherson -- and, again, I
 2 have to look at the date. But Jeff Christopherson
 3 and Steve Davis, they all had regions, but they
 4 crossed pon- -- they cross-referenced each other.
 5 Even if it wasn't their responsibility, say how can I
 6 handle this, how can I handle this?
 7 That's why Davis is the most detailed, has
 8 the best memory, is more methodical and
 9 administrative than Christopherson, and that's why he
 10 said, hey, I need help here.
 11 So I don't know when that all happened, the
 12 dates that it happened, but I'm sure Davis had
 13 something to do with this as well.
 14 Q. All right. You can put that aside.
 15 You said that the general counsel of NAMB
 16 reports to you, correct?
 17 A. Yes.
 18 Q. I understand he's in the room, George.
 19 A. Yes.
 20 Q. In terms of the decisions about things like
 21 whether to take an appeal, are those matters that you
 22 personally get involved with or do you just defer and
 23 delegate all that to general counsel of NAMB?
 24 A. I trust counsel.
 25 Q. So are you aware that in this case, after

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1 the district court dismissed the case, the case went
 2 up to U.S. Court of Appeals for the Fifth Circuit?
 3 A. Yes, I'm aware of that.
 4 Q. And are you aware that in the Fifth
 5 Circuit, the Fifth Circuit reversed the dismissal in
 6 favor of Dr. McRaney and reinstated the case?
 7 A. Yes, I'm aware of that.
 8 Q. And were you aware that NAMB had requested
 9 that the full Court of Appeals review the decision
 10 that had been made by a panel of the Court of
 11 Appeals?
 12 A. Yes, I'm aware of that.
 13 Q. And were you involved in that decision to
 14 take the -- to request what's called en banc review,
 15 review by the whole court?
 16 MR. PERLA: You can give a yes or no to
 17 that. Were you involved with the decision?
 18 A. I was -- I was, yes. I guess -- I mean, I
 19 was --
 20 MR. PERLA: Start with the yes if yes is
 21 the answer. If it's other than that, it's going
 22 to be privileged.
 23 Q. (By Mr. Gant) Was it your decision or did
 24 someone inform you of the decision?
 25 MR. PERLA: Stick with your decision or

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1 someone else's?
 2 A. Yeah. The only reason I hesitate, we don't
 3 make decisions like that. We get in a room. And I
 4 know what I don't know and I trust the people. So
 5 the decision's made through the conversation with the
 6 people who know what they're talking about and then I
 7 trust them. So if you say ultimately whose decision,
 8 I mean, you could say it was mine, but ultimately it
 9 would fall under counsel.
 10 Q. (By Mr. Gant) Do you review legal briefs --
 11 A. No.
 12 Q. -- to the Court of Appeals before they are
 13 filed?
 14 A. I refer everything. I trust George to
 15 review all that.
 16 Q. Do you read the briefs after they're filed?
 17 A. No, sir. I'm sorry.
 18 Q. Did you read NAMB's request that the
 19 Supreme Court review this case?
 20 A. I was aware that we were filing something,
 21 but I didn't read it.
 22 Q. Were you involved in the decision to ask
 23 the Supreme Court to review this case?
 24 A. Just kind of asked and answered -- our
 25 process is the same. We get in a room, discuss it, I

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1 hear what they think and ultimately have always gone
 2 with what they think, because I didn't know.
 3 Q. Why didn't you read the brief that NAMB
 4 submitted to the Supreme Court?
 5 A. Because I trust our attorneys. I don't
 6 know -- all I knew is we did not do this.
 7 Q. Did you review the decision of the Fifth
 8 Circuit Court of Appeals?
 9 A. No.
 10 Q. Did you read any of the briefs that were
 11 submitted by any party in the Fifth Circuit Court of
 12 Appeals?
 13 A. No.
 14 Q. Did you read the amicus brief that was
 15 submitted to the Fifth Circuit by the Thomas More
 16 Society and the ERLC?
 17 A. No. I was told about that and notified
 18 about the ERLC, but I didn't read it.
 19 Q. What were you told about it?
 20 MR. PERLA: Don't talk about conversations
 21 with counsel --
 22 A. It was conversation --
 23 MR. PERLA: -- otherwise you can testify.
 24 A. It was conversation with counsel about it.
 25 MR. PERLA: I was going to instruct you not

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1 to testify to that conversation.
 2 Q. (By Mr. Gant) Did you hear from sources
 3 other than counsel that there was a lot of
 4 controversy and complaints about the ERLC and Thomas
 5 More Society amicus brief submitted to the Fifth
 6 Circuit?
 7 A. That was very public, so yeah. SBC drama.
 8 I mean, the public article and all.
 9 But you understand what I do -- I don't --
 10 I don't -- you know, I mute people on Twitter. You
 11 know, I just don't read all that distraction too
 12 much. And Mike Ebert surveys that information and if
 13 there's something he thinks I need to see, he shows
 14 it to me, but I don't read it. I don't read any of
 15 it.
 16 Q. Mike Ebert is a public relations
 17 professional, not a lawyer?
 18 A. Mike Ebert, if he thinks I need to read
 19 something, yes. I trust the attorneys to read the
 20 legal documents, yes, but we had nothing to do with
 21 the brief.
 22 Q. But the drama you referred to a second
 23 ago --
 24 A. It would be --
 25 Q. Go ahead.

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1 A. Baptists -- you know, anything that was in
 2 like -- you know, where people are talking about the
 3 differences between the two. He said, hey, man,
 4 look, here's what happened.
 5 Q. I'm sorry. Who said what?
 6 A. Mike Ebert said here's what happened with
 7 the briefs and that ERLC filed one and that it was
 8 inaccurate.
 9 Q. Do you remember when he told you that?
 10 A. I have no idea, no.
 11 Q. And what, if anything, did you do after
 12 Mike Ebert informed you that the ERLC brief had
 13 contained inaccuracies?
 14 A. I probably ate an Oreo. That's what I do
 15 every time someone -- I really -- I didn't do
 16 anything. It had nothing I could do about it, you
 17 know, it's -- and I really actually probably did eat
 18 an Oreo.
 19 (Plaintiff's Exhibit 51, E-mail to Ezell
 20 from Ezell, 6/28/21, Bates stamped NAMB 9309,
 21 marked for identification.)
 22 Q. (By Mr. Gant) Exhibit 51 is Bates labeled
 23 9309.
 24 A. Okay.
 25 Q. Just let me know when you're ready for a

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1 question.
 2 A. Okay.
 3 Q. Have you seen this before?
 4 A. I don't recall it, but it's got my name on
 5 it and it's from NAMB so I don't dispute it.
 6 Q. It attributes this e-mail to you, correct?
 7 A. Right, right.
 8 Q. Did you write it?
 9 A. Oh, no.
 10 Q. Do you know who did?
 11 A. Probably George -- George, Mike Ebert, and,
 12 you know, typically there's, like, a team of three
 13 that would write stuff like that, just to double and
 14 triple check each other and to convey our state
 15 execs, especially the 15 south. And then they
 16 constantly get pelted with questions about things and
 17 they just want to make sure that they know at
 18 least -- here's the basics of what we know.
 19 Q. The second paragraph of this e-mail, which
 20 says it's from you, and it's unclear who it went
 21 to -- well, it says, Dear State Executive Director.
 22 Does that tell you who the recipients were?
 23 A. Yeah, those 42 state conventions. I
 24 don't -- and, again, I don't -- I'm not aware if we
 25 sent this. We send things to different groups so

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1 sometimes it would be the 15, sometimes it would be
 2 the 42, and the 15 being a part of the 42.
 3 Q. Is there anything about this e-mail that
 4 tells you which it is?
 5 A. No. It looks like it's a to -- yes, it's
 6 back to me. Didn't mention -- I don't -- I don't
 7 know. But typically these type would be probably --
 8 I don't know. I just don't know.
 9 Q. Do you know why this e-mail drafted under
 10 your name wanted to, as it says in the second
 11 paragraph, make clear that NAMB respects and values
 12 the autonomy of every church association, state
 13 convention, and entity within the Southern Baptist
 14 family of faith?
 15 A. Yeah.
 16 Q. Why?
 17 A. Because there were articles circulating out
 18 there. People were again implying that we were not
 19 for the autonomy of the local church and -- which was
 20 not the case, so ...
 21 Q. So you thought or someone writing this for
 22 you thought that was important to make clear?
 23 A. That was the questions coming in from the
 24 state execs. We write this in response to typically
 25 what they're asking us about, frequently asked