

EXHIBIT N

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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
30(B)(6) VIDEOTAPED DEPOSITION OF NAMB
THROUGH
KEVIN EZELL
March 3, 2023
8:58 a.m.

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

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

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES OF COUNSEL</p> <p>2 On behalf of the Plaintiff</p> <p>3 SCOTT E. GANT, Esquire</p> <p>4 VICTORIA SCORDATO, Esquire</p> <p>5 Boies Schiller Flexner LLP</p> <p>6 1401 New York Avenue, NW</p> <p>7 Washington, DC 20005</p> <p>8 202.237.2727</p> <p>9 sgant@bsflp.com</p> <p>10 vscordato@bsflp.com</p> <p>11</p> <p>12 On behalf of the Defendant</p> <p>13 TIMOTHY J. PERLA, Esquire</p> <p>14 WilmerHale LLP</p> <p>15 60 State Street</p> <p>16 Boston, Massachusetts 02109</p> <p>17 617.526.6000</p> <p>18 timothy.perla@wilmerhale.com</p> <p>19</p> <p>20 On behalf of the Defendant</p> <p>21 KATHLEEN CARRINGTON, Esquire</p> <p>22 Butler Snow LLP</p> <p>23 1170 Peachtree Street NE</p> <p>24 Suite 1900</p> <p>25 Atlanta, Georgia 30309</p> <p>678.515.5000</p> <p>kat.carrington@butlersnow.com</p> <p>26</p> <p>27 ALSO PRESENT:</p> <p>28 Bryan Robinson, Videographer</p> <p>29 Will McRaney</p> <p>30 George McCallum, NAMB In-house Counsel</p> <p>31</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX CONTINUED</p> <p>2 DESCRIPTION OF EXHIBITS</p> <p>3 PLAINTIFF EXHIBIT IDENTIFICATION PAGE</p> <p>4 Exhibit 6 Opposed Motion for Leave to File 69</p> <p>5 AMICI Curiae Brief on Behalf of</p> <p>6 The Thomas More Society and The</p> <p>7 Ethics and Religious Liberty</p> <p>8 Commission in Support of</p> <p>9 Defendant-Appellee's Petition for</p> <p>10 Rehearing En Banc</p> <p>11 Exhibit 7 Letter to ERLC Stucy Task Force 75</p> <p>12 from The Ethics & Religious</p> <p>13 Liberty Commission, 12/11/2020,</p> <p>14 Bates stamped ERLC 470</p> <p>15 Exhibit 8 E-mail string to Williams from 77</p> <p>16 Wussow, 9/20/22, Bates stamped</p> <p>17 ERLC 526 - 28</p> <p>18 Exhibit 9 Letter to Moore and Wussow from 78</p> <p>19 Guenther, 12/11/2020, Bates</p> <p>20 stamped ERLC 463 - 65</p> <p>21 Exhibit 10 TMS Privilege Log 83</p> <p>22 Exhibit 11 E-mail string to Carrington and 84</p> <p>23 others from Gant, 2/16/23</p> <p>24</p> <p>25</p>
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1 Board on behalf of NAMB and the witness.
 2 THE VIDEOGRAPHER: Thank you, Counsel.
 3 The court reporter may swear in the
 4 witness.
 5 DR. KEVIN EZELL,
 6 called as a witness, having been duly sworn
 7 by a Notary Public, was examined and testified as
 8 follows:
 9 EXAMINATION
 10 BY MR. GANT:
 11 Q. Good morning, Dr. Ezell.
 12 A. Good morning.
 13 Q. Good to see you again.
 14 Yesterday I took your deposition in your
 15 individual capacity as a 30(b)(1) witness. Are you
 16 here today to testify on behalf of NAMB as a 30(b)(6)
 17 witness?
 18 A. Yes.
 19 (Plaintiff's Exhibit 1, Plaintiff's Notice
 20 of Deposition, marked for identification.)
 21 Q. (By Mr. Gant) We discussed this briefly
 22 yesterday. You were taking some medication in
 23 connection with the pain for an upcoming root canal.
 24 A. Right.
 25 Q. Are you taking any medication today?

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1 A. Just the Advil and the antibiotic.
 2 Q. Okay. And do you believe that any of those
 3 medications will interfere with your ability to
 4 understand my questions or give truthful and complete
 5 answers?
 6 A. No, sir.
 7 Q. And do you agree to give truthful and
 8 complete answers to my questions today?
 9 A. Yes.
 10 Q. Thank you.
 11 I see you have a notebook or a binder to
 12 your right. What is it?
 13 A. This is -- it's all the documents I've
 14 prepared in response to your questions with
 15 interrogatories and...
 16 MR. PERLA: We're happy to give you a copy
 17 if you want one.
 18 MR. GANT: Sure. Thank you. I can't look
 19 at it right now, but when we have a little
 20 break, I'll take a look.
 21 MR. PERLA: Fine.
 22 MR. GANT: Do these tab numbers correspond
 23 to the topics?
 24 MR. PERLA: Yes, sir. Flip sheets between
 25 documents.

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1 MR. GANT: Okay. Thank you.
 2 Q. (By Mr. Gant) I believe the court reporter
 3 has handed you what's been marked as Exhibit 1.
 4 Do you have that in front of you?
 5 A. Yes.
 6 Q. Just for the record, this is Plaintiff's
 7 notice of this deposition. A 30(b)(6) deposition was
 8 filed with the court as document Number 220.
 9 Have you seen this before?
 10 A. Yes.
 11 Q. What do you understand it to be?
 12 A. Additional questions that you asked us in
 13 regards to the case.
 14 Q. Okay. And by "us," you mean NAMB?
 15 A. Yes.
 16 Q. Have you reviewed the entirety of Exhibit 1
 17 before this morning?
 18 A. Yes.
 19 Q. And if you turn to Page 5 using the numbers
 20 at the top -- it looks like you're there.
 21 A. Oh, okay. Subject matter.
 22 Q. Yes, that's where I was going to direct you
 23 to, where it says, subject matter topics.
 24 Do you see that?
 25 A. Yes.

Page 13

1 Q. And starting on that page through the end
 2 of the document, there are 18 topics listed.
 3 Do you see those?
 4 A. Yes.
 5 Q. And are those the topics about which you're
 6 prepared to testify today?
 7 A. Yes, sir.
 8 Q. Are you prepared to testify about all of
 9 them?
 10 A. Yes, sir.
 11 Q. Can you describe to me how you prepared to
 12 provide testimony on these 18 topics?
 13 A. I prepped with my counsel over all 18 --
 14 Q. And --
 15 A. -- and have documents, obviously, that we
 16 looked over.
 17 Q. Did you prepare, yourself, any of the
 18 documents in the binder?
 19 A. No. No. I didn't, no.
 20 Q. Okay. Who prepared the documents in the
 21 binder that you --
 22 A. Who did?
 23 MR. PERLA: Do you mean assembled or
 24 drafted?
 25 MR. GANT: Substantively prepared. I don't

<p style="text-align: right;">Page 14</p> <p>1 mean collated.</p> <p>2 MR. PERLA: So, like, if there's an e-mail,</p> <p>3 who drafted it? Is that what you're saying?</p> <p>4 MR. GANT: I'm not sure what --</p> <p>5 A. It's full of interrogatories, e-mails,</p> <p>6 communications to answer every question. So we</p> <p>7 didn't write each one of those, but we accumulated</p> <p>8 them all.</p> <p>9 Q. (By Mr. Gant) Okay. That's a fair question</p> <p>10 and clarification.</p> <p>11 In terms of deciding what would go into the</p> <p>12 notebook --</p> <p>13 A. Uh-huh.</p> <p>14 Q. -- whose decision was that?</p> <p>15 A. The -- well, that was counsel and</p> <p>16 communicated with me, to best answer it, I was using</p> <p>17 my knowledge and additional documents --</p> <p>18 Q. All right.</p> <p>19 A. -- for all of them.</p> <p>20 MR. GANT: And we'll figure out</p> <p>21 logistically how to do this, but I may mark the</p> <p>22 whole binder as an exhibit.</p> <p>23 MR. PERLA: We would not object to that.</p> <p>24 It would save a lot of time.</p> <p>25 Q. (By Mr. Gant) All right. You said you</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Yeah. From about 5:30 this morning in my</p> <p>2 truck I've been looking it over just to make sure I'm</p> <p>3 familiar with it.</p> <p>4 Q. And from your perspective do you believe</p> <p>5 you're fully prepared to testify on behalf of NAMB</p> <p>6 regarding these 18 topics?</p> <p>7 A. Yes. With my knowledge and the contents of</p> <p>8 the notebook, I am.</p> <p>9 Q. Okay. All right. Let's dig into some of</p> <p>10 the topics. Let's start with Number 9.</p> <p>11 A. Okay.</p> <p>12 MR. GANT: And this is not for you. It's</p> <p>13 for NAMB's counsel. I'll just note that we had</p> <p>14 a meet and confer and I had a request about the</p> <p>15 communications between NAMB and BCMD or their</p> <p>16 respective counsel concerning the motion to</p> <p>17 quash. You said you would get back to me. I</p> <p>18 never heard from you, so we still don't have any</p> <p>19 documents provided to us.</p> <p>20 MS. HERRINGTON: They're in that binder and</p> <p>21 they're being produced today.</p> <p>22 MR. GANT: Okay. So obviously I wish I had</p> <p>23 received them before the beginning of the</p> <p>24 deposition, but we'll go from there.</p> <p>25 I see there's -- why were these not</p>
<p style="text-align: right;">Page 15</p> <p>1 worked -- I don't remember the verb you used, but you</p> <p>2 worked with your counsel or you met with your counsel</p> <p>3 to prepare to testify today, is that right?</p> <p>4 A. Yes, sir.</p> <p>5 Q. When did you do that?</p> <p>6 A. Last -- last week.</p> <p>7 Q. Do you remember what day?</p> <p>8 A. Thursday or Friday. I can't remember</p> <p>9 the -- it was last week. I can look on the phone or</p> <p>10 something and find it, but it was last week.</p> <p>11 Q. One day last week?</p> <p>12 A. One day last week.</p> <p>13 Q. And about how many hours did you spend?</p> <p>14 A. About six or seven.</p> <p>15 Q. Other than that day last week that you</p> <p>16 worked on preparing to provide testimony today, did</p> <p>17 you do anything since then to prepare to provide</p> <p>18 testimony today?</p> <p>19 A. Yes.</p> <p>20 Q. What?</p> <p>21 A. I continually looked through the notebook</p> <p>22 to familiarize myself and I've done that periodically</p> <p>23 since that time.</p> <p>24 Q. Did you do anything today before the</p> <p>25 deposition to prepare to testify?</p>	<p style="text-align: right;">Page 17</p> <p>1 produced earlier? I mean, how am I supposed to</p> <p>2 conduct an examination after the deposition</p> <p>3 starts when there's 87 pages of documents?</p> <p>4 MS. HERRINGTON: A lot of them are repeats</p> <p>5 of chains of e-mails. And, I mean, when you</p> <p>6 take a look at it when you have an opportunity,</p> <p>7 you're going to see that there's really not much</p> <p>8 substance to it. I don't think you're going to</p> <p>9 have any issues asking questions about it.</p> <p>10 MR. GANT: It just takes time. Okay.</p> <p>11 Q. (By Mr. Gant) What do you know about</p> <p>12 Topic 9?</p> <p>13 A. I know that the BCMD made a motion to quash</p> <p>14 their involvement, obviously, in the case. And you</p> <p>15 see that I refer you to all the documents listed in</p> <p>16 Tab Number 9.</p> <p>17 Q. Are there any communications -- strike</p> <p>18 that.</p> <p>19 Are there any written communications</p> <p>20 between BCMD and NAMB, including their respective</p> <p>21 counsel, concerning a potential or actual motion to</p> <p>22 quash by BCMD that are not contained in this notebook</p> <p>23 behind Tab 9?</p> <p>24 A. Not to my knowledge. There's -- all the</p> <p>25 communications I'm aware of are in this document.</p>

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1 Q. And you made an effort to find out --
 2 locate all written communications concerning that?
 3 A. NAMB did, yes.
 4 Q. And it's your understanding that they're
 5 all contained behind Tab 9?
 6 A. My understanding, everything about this
 7 topic would be the knowledge I have and then what's
 8 listed in Tab Number 9.
 9 Q. Now, obviously there are only written
 10 communications behind Tab 9. Were there oral
 11 communications between NAMB and BCMD, including their
 12 respective counsel, about any potential or actual
 13 motion to quash by BCMD that's covered by Topic 9?
 14 A. The only communication we had would have
 15 been our attorneys. I think when we requested, you
 16 know, them to give us information -- when they were
 17 quashing, no, I wouldn't think there would be any,
 18 but I'm not aware of any.
 19 Q. Okay. Did you investigate in preparing to
 20 testify today whether there were any oral
 21 communications between NAMB and BCMD, including their
 22 respective counsel, about any actual or potential
 23 motion to quash?
 24 A. Did I investigate?
 25 Q. Yes.

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1 A. No, I didn't investigate.
 2 Q. Well, did you do anything to find out
 3 whether there were any oral communications?
 4 A. No. I would defer everything to my
 5 counsel. They -- any -- anything like that would
 6 have been done by counsel.
 7 Q. But you're here to testify today on behalf
 8 of NAMB.
 9 A. Behalf of NAMB, right.
 10 Q. So your job was to find out what they knew.
 11 A. Yeah.
 12 MR. PERLA: Objection.
 13 MR. GANT: So -- well, he can't just defer
 14 to counsel and say he doesn't know; I have to
 15 ask them.
 16 MR. PERLA: I'm just objecting to your
 17 articulation of what you believe is required of
 18 a witness. That's not a question. We can
 19 disagree about that later.
 20 MR. GANT: Okay. So you -- are you
 21 disagreeing that the witness is supposed to have
 22 inquired about whether there were oral
 23 communications?
 24 MR. PERLA: I do disagree about that,
 25 but --

Page 20

1 MR. GANT: What's the basis for that?
 2 MR. PERLA: Well, to the extent they're
 3 privileged communications, for instance, the
 4 witness wouldn't inform himself about that.
 5 MR. GANT: How are they privileged? I'm
 6 asking about communications between BCMD and
 7 NAMB.
 8 MR. PERLA: Well, I'm not going to answer
 9 your questions today.
 10 Q. (By Mr. Gant) Did you do anything to
 11 determine whether or not there were oral
 12 communications between NAMB and BCMD, including their
 13 respective counsel, about any potential or actual
 14 motion to quash by BCMD?
 15 A. No, I did not investigate anything like
 16 that. No.
 17 MR. GANT: We believe that the witness
 18 should have prepared to testify about that. We
 19 would like to know the information.
 20 MR. PERLA: You have reserved your rights
 21 so we understand.
 22 Q. (By Mr. Gant) Do you have any other
 23 information to provide about Topic 9?
 24 A. No.
 25 Q. All right. When I get a chance to look

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1 through these 88 pages, I may come back to that.
 2 All right. Let's go to Topic 5, please.
 3 MR. GANT: And I will mark the entire
 4 notebook. We'll just make it whatever exhibit
 5 number is the last one.
 6 MR. PERLA: Sure.
 7 MR. GANT: Is that agreeable?
 8 MR. PERLA: That's fine with me.
 9 MR. GANT: Robin, at the end we will just
 10 put an exhibit sticker on the notebook with
 11 whatever the next exhibit is after we're
 12 finished. And I will just refer to it as the
 13 notebook.
 14 And for the record, I think this was clear,
 15 but, well, I would like a representation that
 16 you gave me a notebook. And I think you implied
 17 it was a copy of what the witness has next to
 18 him. Is it identical?
 19 MR. PERLA: There are two differences. He
 20 has tabs showing him where his numbered sheets
 21 are, but you have -- the documents are
 22 identical. And I have noticed that your front
 23 pocket has a timeline that you're welcome to,
 24 but isn't in this.
 25 MR. GANT: Okay. So there's a timeline at

Page 22

1 the front of mine that he does not have?
 2 MR. PERLA: Correct.
 3 MR. GANT: And I didn't fully understand.
 4 What does he have that I don't?
 5 MR. PERLA: He has tabs on his slip sheets.
 6 MR. GANT: Yellow tabs?
 7 MR. PERLA: Yes.
 8 MR. GANT: Okay. Fine. Otherwise
 9 identical?
 10 MR. PERLA: Correct.
 11 MR. GANT: Thank you.
 12 MR. PERLA: Sorry. He has highlighting of
 13 the titles of some documents so he can readily
 14 find the titles.
 15 Q. (By Mr. Gant) Do you have any written notes
 16 in your version?
 17 A. No, sir.
 18 MR. GANT: And if you think of any other
 19 differences you haven't identified, will you let
 20 me know?
 21 MR. PERLA: I sure will. And you're also
 22 welcome to inspect his copy if you'd like.
 23 Q. (By Mr. Gant) All right. So let's go to
 24 Topic 5.
 25 A. Okay.

Page 23

1 Q. So I have turned to Tab 5. What have you
 2 done to prepare to testify on Topic 5? Anything
 3 different from what you described?
 4 A. Yes. I referred to NAMB Supplemental
 5 Response to Third Set of Interrogatories listed in
 6 Tab 5, that and my personal knowledge.
 7 Q. What's your personal knowledge?
 8 A. That I'd also -- anything regarding the
 9 picture also includes -- refer to Tom Wigginton.
 10 Q. Sorry. Just to clarify. I think you're
 11 confusing me with Topic 4.
 12 MR. PERLA: Yeah, I agree.
 13 Okay. Read the topic first.
 14 THE WITNESS: Okay.
 15 MR. GANT: I didn't mean to interrupt but
 16 figured -- by staying on correct topic.
 17 MR. PERLA: This is the other people's
 18 pictures.
 19 A. Oh, I see. Yes. I'll just -- we put many
 20 pictures down there on a regular basis that often
 21 stay up for long periods of time about missionaries'
 22 families that we're trying to help, depending on what
 23 the need is. And so I mean --
 24 Q. (By Mr. Gant) Do you have anything to add
 25 to NAMB's interrogatory response that is contained

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1 behind Tab 5 of the notebook?
 2 MR. PERLA: And the statement he just made
 3 as well, should we include that?
 4 Q. (By Mr. Gant) Is that statement different
 5 from what's in the response?
 6 A. I mean, it's a little bit more commentary
 7 on it if you want, but basically there's multiple
 8 pictures down there that are -- and typically the
 9 pictures are, you know, life-size on a digital board
 10 that are left up for weeks at a time.
 11 Q. Okay. The topic is about the reception
 12 desk.
 13 A. Right.
 14 Q. Okay. So you're talking about an
 15 electronic board?
 16 A. Yes.
 17 Q. Is the board connected physically to the
 18 desk?
 19 A. To the desk, no. It's operated from the
 20 desk, but, no, it's not connected to the desk.
 21 Q. The topic is at the lobby reception desk.
 22 Do you see that on the third line?
 23 A. Yeah. Okay. Yes.
 24 Q. That's what I'm asking about.
 25 A. Okay.

Page 25

1 Q. All right.
 2 MR. PERLA: Objection. It says lobby slash
 3 reception desk. But go ahead.
 4 MR. GANT: Right. But my point is at the
 5 desk.
 6 MR. PERLA: If all you want to know is
 7 about at the desk, it could understand to be the
 8 lobby generally. Go ahead.
 9 Q. (By Mr. Gant) I understand your point. I'm
 10 asking about the desk.
 11 A. Okay.
 12 Q. Okay. Do you have anything to add to the
 13 interrogatory response behind Tab 5? That's the
 14 response to interrogatory Number 5. Do you have
 15 anything to add today on behalf of NAMB?
 16 A. No, other than we have multiple pictures
 17 down there for long periods of time at the desk.
 18 Q. At the desk.
 19 Tell me the names of the people whose
 20 photographs were up for more than 48 hours at the
 21 desk.
 22 A. Well, they would be -- okay. There would
 23 be -- every year during March, April, we have a week
 24 of prayer for our missionaries, and so there would be
 25 prayer calendar there that you're -- actually year

<p style="text-align: right;">Page 26</p> <p>1 round. They're up a week at a time. A picture is up 2 a week at a time. And so pictures on there, they and 3 their wife, that type thing, so...</p> <p>4 Q. As celebrations? 5 A. Well, it's just a -- it's a prayer 6 calendar. It's a -- I guess a celebration they're 7 doing what they're doing, but it's a reminder to pray 8 for them. It's a picture with an explanation of 9 where they are and what they're doing, so...</p> <p>10 Q. This is a printed calendar -- 11 A. Yes, sir. 12 Q. -- that's put up somewhere? 13 A. It's put on the desk. 14 Q. All right. On the top of the desk? 15 A. No. It would be under the desk where the 16 other picture was. I would say under the desk. It's 17 right there visible, so the reception desk. 18 Q. You're saying where the other picture was? 19 You're referring to -- 20 A. The one you're referring to in the document 21 here. 22 Q. Okay. Now, I think you told me yesterday 23 you never saw the photograph of Dr. McRaney at the 24 desk, is that right? 25 A. Right.</p>	<p style="text-align: right;">Page 28</p> <p>1 photographs of individuals that were put up at the 2 NAMB security or reception desk for more than 3 48 hours? 4 A. Yes. They're -- they're pictures of -- 5 now, if you want specific names, I don't recall 6 specific names, but there are people with specific 7 needs and so we put those up. And be, say, a baby 8 shower of somebody and we don't -- you know, there 9 are so many employees that they would drop off their 10 gift in. 11 But the picture would be up there, like 12 having the baby, baby shower and community -- I 13 forgot what they call them. They try to be cute with 14 the titles. But those pictures are up there. I 15 can't give you a list of all the babies we have had 16 in the last year. But that is -- but I don't recall 17 the names. 18 Q. Anything else? 19 A. Not to my -- not that I remember. I'm sure 20 there are, but... 21 Q. Was Dr. McRaney's photograph put up to 22 celebrate a birth or a life cycle event? 23 A. No. His picture was put up without any 24 type of wording around it at all. 25 Q. I'm not asking about wording. I'm asking</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. So how do you know where it was? 2 A. Because of all the information I learned 3 from the people who told me. NAMB knows. 4 Q. So where was it at the desk? 5 A. Where was what? 6 Q. The photograph of Dr. McRaney. 7 A. It was located -- what I'm told is located 8 behind the computer terminal, underneath the ledge. 9 Q. And you're saying that these prayer 10 calendars are located -- 11 A. Much more visible. 12 Q. Remember Robin's request to not talk over 13 one another. 14 MR. PERLA: Just slow down. 15 A. Okay. 16 Q. (By Mr. Gant) So just try your hardest to 17 let me finish before you start. 18 A. Okay. 19 Q. And these prayer calendars, so was it a 20 calendar for the whole year or just for a month or 21 two? 22 A. No. It's a calendar for a whole year. We 23 do them every year and have done them since 2000. 24 Q. Other than these prayer calendars you're 25 referring to, can you identify any other doc--</p>	<p style="text-align: right;">Page 29</p> <p>1 the purpose for which it was put up. 2 A. I'm saying it was put up -- I'm sorry. I 3 spoke over. My bad. 4 Q. Was Dr. McRaney's photograph put up to 5 celebrate some life cycle event? 6 A. No. 7 Q. Was Dr. McRaney's photograph put up in 8 order to urge people to pray for him? 9 A. There was no print on the photo. 10 Q. To your knowledge, was the photograph of 11 Dr. McRaney posted for the purpose of encouraging 12 people to pray for him? 13 A. Could have been. 14 Q. You don't know? 15 A. I don't know. 16 Q. You didn't investigate that? 17 A. No one -- to my knowledge, no one was 18 instructed to put up a photo. 19 Q. So why was it put up? It just happened -- 20 A. Ask the receptionist. 21 Q. Was it a miracle? It got put up without 22 anyone actually doing anything? 23 MR. PERLA: Objection. Argumentative. 24 Q. (By Mr. Gant) Well, you said there was no 25 instruction to put up the photograph so how did it</p>

<p style="text-align: right;">Page 30</p> <p>1 end up being put up?</p> <p>2 A. We told -- or someone told the receptionist</p> <p>3 to be familiar with this face because -- and, again,</p> <p>4 I don't know how they explained it. We do that on a</p> <p>5 regular basis. We have guests come in, whether it be</p> <p>6 VIP guests, be familiar with this. You don't want to</p> <p>7 have the president of whatever coming in and you not</p> <p>8 know who they are, and so it's a regular occurrence.</p> <p>9 Typically, I'm sure it's -- again, I don't</p> <p>10 know how she does it, if she has them laying out on</p> <p>11 the page, why she, you know, did that. I don't know,</p> <p>12 but...</p> <p>13 Q. We're veering to Topic 4 so let me --</p> <p>14 A. Okay.</p> <p>15 Q. -- finish Topic 5 and we will go to</p> <p>16 Topic 4. I think you said no, but I just want to</p> <p>17 confirm and close this.</p> <p>18 Do you have any information responsive to</p> <p>19 Topic 5 other than what's behind the tab in the</p> <p>20 notebook and the testimony you've already given?</p> <p>21 A. Today that's it.</p> <p>22 MR. GANT: And if NAMB believes that the</p> <p>23 testimony that Dr. Ezell has given about Topic 5</p> <p>24 is different from and not -- or supplemental to</p> <p>25 what is in its interrogatory response, my</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. That's the question.</p> <p>2 A. I have not talked to him in the last week.</p> <p>3 I would refer you in Number 4. I would refer you to</p> <p>4 Tab 4 and all the information listed there.</p> <p>5 Q. Do you see behind the first yellow tab or</p> <p>6 first yellow slip sheet --</p> <p>7 A. Uh-huh.</p> <p>8 Q. Do you know what I mean by slip sheet?</p> <p>9 A. Yes.</p> <p>10 Q. So behind the first slip sheet there's a</p> <p>11 document Bates labeled NAMB 5237.</p> <p>12 Do you see that?</p> <p>13 A. Right. Uh-huh.</p> <p>14 Q. And you see under owner it says Tom</p> <p>15 Wigginton?</p> <p>16 A. Right.</p> <p>17 Q. So did you discuss or communicate with Tom</p> <p>18 Wigginton about this document in order to prepare to</p> <p>19 testify today?</p> <p>20 A. No. It was a document produced from NAMB</p> <p>21 and deleted it and so didn't see a need to discuss</p> <p>22 it.</p> <p>23 Q. When you say you deleted it, what do you</p> <p>24 mean?</p> <p>25 A. Well, it's a document produced from NAMB</p>
<p style="text-align: right;">Page 31</p> <p>1 position is we should receive an amended</p> <p>2 interrogatory because the 30(b)(6) does not</p> <p>3 obviate the obligation to provide a full and</p> <p>4 complete response. So if that's NAMB's</p> <p>5 position, we expect an updated interrogatory by</p> <p>6 the end of today.</p> <p>7 MR. PERLA: I'll acknowledge your position</p> <p>8 and do you the courtesy of not arguing about it</p> <p>9 now. I'll just say we'll respond in due course.</p> <p>10 Q. (By Mr. Gant) All right. Let's go on to</p> <p>11 Topic 4. In order to prepare to testify about</p> <p>12 Topic 4, did you speak or otherwise communicate with</p> <p>13 Tom Wigginton?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. Refer -- can you go back and repeat the</p> <p>17 question?</p> <p>18 Q. Go ahead.</p> <p>19 (WHEREUPON, the record was read back by the</p> <p>20 reporter as follows:)</p> <p>21 "Question: In order to prepare to testify</p> <p>22 about Topic 4, did you speak or otherwise</p> <p>23 communicate with Tom Wigginton?"</p> <p>24 A. I was thinking in my preparation since last</p> <p>25 week have I talked to Tom about this.</p>	<p style="text-align: right;">Page 33</p> <p>1 and so I believe it was credible.</p> <p>2 Q. And you didn't think it was important to</p> <p>3 discuss the document with Tom Wigginton?</p> <p>4 MR. PERLA: Objection. Argumentative.</p> <p>5 A. I didn't. It seemed self-explanatory. It</p> <p>6 was produced by NAMB and so I had no reason to not</p> <p>7 believe it.</p> <p>8 Q. (By Mr. Gant) What's behind the next tab --</p> <p>9 sorry, the next slip sheet? There's a color</p> <p>10 photograph. What is that?</p> <p>11 A. It's a picture of Mr. McRaney back in 2016.</p> <p>12 Q. Why is that in the notebook?</p> <p>13 A. To refer to the picture that was placed</p> <p>14 there.</p> <p>15 Q. Is this the actual photograph that was</p> <p>16 posted at the desk?</p> <p>17 A. You know, if it's -- it's the actual one.</p> <p>18 It's the -- it's the same photograph.</p> <p>19 Q. Same photograph.</p> <p>20 And on the bottom of this, there's a</p> <p>21 website address for Baptist News.</p> <p>22 Do you see that?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Do you know why that's there?</p> <p>25 A. Because that's where they got the picture.</p>

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1 Q. You know that or you're assuming it?

2 A. Well, I mean, it's a NAMB document and, you

3 know, I trust the validity of it.

4 Q. But no one told you that the photograph was

5 obtained from that website, did they?

6 A. Well, I mean, it's a NAMB document that --

7 I mean, this is -- it's a printed source of where the

8 photo came from.

9 Q. Okay. So that's your testimony, the photo

10 was obtained by NAMB from the Baptist Press website

11 address?

12 A. Yes.

13 Q. Okay. And if you look -- it's a little bit

14 of obscured, but to the right it has the date

15 February 5, 2016.

16 Do you see that?

17 A. Yes.

18 Q. Is that the date that NAMB obtained the

19 photograph of Dr. McRaney from the Baptist Press

20 website?

21 A. Well, it's a NAMB document and so I believe

22 in the validity of what's printed.

23 Q. Now, was the photograph of Dr. McRaney

24 posted at the NAMB security desk on February 5th,

25 2016?

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1 A. I would refer you to any previous testimony

2 of what's included in here about the exact date.

3 Q. Well, I'm asking you. You're here to

4 testify on behalf of NAMB.

5 A. Right.

6 Q. I'm asking for a definitive answer from

7 NAMB on that question. On what date was the

8 photograph of Dr. McRaney posted at the security desk

9 in the lobby of NAMB's headquarters?

10 MR. PERLA: Objection. Asked and answered.

11 A. I feel like I've answered that.

12 Q. (By Mr. Gant) What's the date?

13 A. I would say it's based on any of the

14 information you have underneath that tab. And the

15 exact time and date, I was not there to see it

16 personally.

17 Q. All right. So NAMB is not certain -- is

18 your position that NAMB is not certain on what date

19 the photograph was posted or are you saying you,

20 sitting here as an individual, aren't sure?

21 A. I -- to my knowledge, it was posted in or

22 around that date.

23 Q. All right. The first document behind

24 Tab 4, why is it in the notebook?

25 A. I think this would relate to -- this

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1 actually triggered why we put the letter up or why --

2 I say put it up -- why we began to -- when

3 Mr. McRaney sent this, it turned -- the temperature

4 turned, the tone turned, and that's when we began to

5 set into place steps to be more cautious.

6 Q. As I understand it -- tell me if I'm

7 wrong --

8 A. Okay.

9 Q. -- or -- you don't know who gave the

10 instruction to post the photograph of Dr. McRaney?

11 MR. PERLA: Objection. Assumes a fact

12 that -- no foundation. Go ahead.

13 A. Tom Wigginton was instructed to make the

14 front desk aware of the issue -- that there's a

15 potential need for caution issue here and make sure

16 the front desk recognizes his face.

17 Q. (By Mr. Gant) Who gave that instruction to

18 Tom Wigginton?

19 A. I told Tom just make sure the front desk is

20 at least aware. People come and say, I'm here to see

21 Kevin. We're very informal. And -- and -- and I

22 said, look, this -- it didn't -- 99 percent of the

23 people coming in our building are all friendlies. We

24 don't know that about -- but this has escalated to a

25 point where we just need to be cautious and don't

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1 give access to -- you know, you can't get past the

2 first floor without a key card, so...

3 Q. So the instruction that Tom Wigginton

4 implemented, that's reflected in NAMB 5237, came from

5 you?

6 A. In a conversation -- again, it came from

7 me -- it came from a meeting I was in where someone

8 in that meeting -- and I think I was in the

9 meeting -- said, hey, look, we at least need to make

10 sure the front desk knows about this, and that's when

11 Tom's job was to go and do it. To say that I said

12 it, I don't know. I can't remember if I said it.

13 Someone in that meeting said it.

14 Q. Do you actually remember the meeting?

15 A. I do remember it. I remember -- heavens,

16 yeah, I remember because this was a turning point for

17 us when this --

18 MR. PERLA: You can't just say "this."

19 You've got to --

20 THE WITNESS: I'm sorry.

21 MR. PERLA: -- say what you're referring

22 to.

23 A. The document, um, um...

24 Q. (By Mr. Gant) The first document behind

25 Tab 4?

<p style="text-align: right;">Page 38</p> <p>1 A. Right.</p> <p>2 Q. My question was, do you remember the</p> <p>3 meeting?</p> <p>4 A. I do remember a meeting.</p> <p>5 Q. And you believe you were there?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And you believe that -- was it your</p> <p>8 words that led to Tom Wigginton taking the action</p> <p>9 reflected in NAMB 5237?</p> <p>10 A. Again, I don't remember who said the words.</p> <p>11 I defer to Mr. Wigginton's testimony.</p> <p>12 Q. Okay. I take it then you don't remember</p> <p>13 what the words were exactly?</p> <p>14 A. I don't remember the words, just remember</p> <p>15 the content of the purpose of --</p> <p>16 Q. Now let's turn back to the first document</p> <p>17 behind Tab 4, which is Bates labeled NAMB 20 through</p> <p>18 24.</p> <p>19 Can you point me to the specific language</p> <p>20 in this letter that triggered a chain of events that</p> <p>21 led to Tom Wigginton's actions at NAMB 5237 and the</p> <p>22 posting of Dr. McRaney's photograph at the security</p> <p>23 desk at NAMB headquarters?</p> <p>24 A. Can I -- sorry.</p> <p>25 Q. Robin, please.</p>	<p style="text-align: right;">Page 40</p> <p>1 accumulation of an understanding we need to be more</p> <p>2 cautious.</p> <p>3 Q. Do you have anything to add to your answer?</p> <p>4 A. No, sir.</p> <p>5 Q. On what date was the photograph of</p> <p>6 Dr. McRaney removed from the security desk at NAMB's</p> <p>7 headquarters?</p> <p>8 A. I'm not -- I am not fully aware of the</p> <p>9 exact date.</p> <p>10 Q. What, if anything, did you do to</p> <p>11 investigate that?</p> <p>12 A. I did not investigate that.</p> <p>13 Q. Why not?</p> <p>14 MR. PERLA: Objection. Argumentative.</p> <p>15 MR. GANT: That's not argumentative. It's</p> <p>16 right there in black and white.</p> <p>17 Q. (By Mr. Gant) Do you have the notice in</p> <p>18 front of you?</p> <p>19 A. The notice.</p> <p>20 Q. Exhibit 1, the deposition notice.</p> <p>21 A. Yes, uh-huh.</p> <p>22 Q. Do you have Topic 4 in front of you?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Do you see on the third line of</p> <p>25 Topic 4 it says, This includes identification of the</p>
<p style="text-align: right;">Page 39</p> <p>1 (WHEREUPON, the record was read back by the</p> <p>2 reporter as follows:)</p> <p>3 "Question: Can you point me to the</p> <p>4 specific language in this letter that triggered</p> <p>5 a chain of events that led to Tom Wigginton's</p> <p>6 actions at NAMB 5237 and the posting of</p> <p>7 Dr. McRaney's photograph at the security desk at</p> <p>8 NAMB headquarters?"</p> <p>9 A. So to be specific, I would say it's a</p> <p>10 general build-up during the course of our</p> <p>11 interactions with Mr. McRaney that ultimately is</p> <p>12 like, okay, we need to be more cautious. As I said</p> <p>13 yesterday -- I referred to my testimony yesterday.</p> <p>14 It was a continued build-up and evolved.</p> <p>15 Q. (By Mr. Gant) My question was asking you to</p> <p>16 direct me to specific language. I'm taking your</p> <p>17 answer to mean you cannot point to any. Here's your</p> <p>18 opportunity.</p> <p>19 Can you point me to any specific language</p> <p>20 in this document that triggered the chain of events</p> <p>21 that led to the posting of Dr. McRaney's photograph</p> <p>22 at the NAMB security desk?</p> <p>23 A. No. As I said in my testimony yesterday,</p> <p>24 it evolved. Now, was it written specifically in this</p> <p>25 document? That was just another part of --</p>	<p style="text-align: right;">Page 41</p> <p>1 date on which the photo was first fixed, posted, or</p> <p>2 placed and the date on which it was removed?</p> <p>3 A. Uh-huh.</p> <p>4 Q. Do you see that language --</p> <p>5 A. Yes.</p> <p>6 Q. -- the date on which it was removed?</p> <p>7 A. Yes.</p> <p>8 Q. You understood that you were --</p> <p>9 A. It would be -- my understanding -- again,</p> <p>10 don't know the exact date, but it was in around the</p> <p>11 time when we had communications from Rick when we</p> <p>12 first realized that -- the association from</p> <p>13 Jacksonville that I testified yesterday.</p> <p>14 Q. Do you want help?</p> <p>15 A. I do. I don't remember his name.</p> <p>16 Q. Rick Wheeler?</p> <p>17 A. Rick Wheeler. When I realized that someone</p> <p>18 reached over and he had the -- someone brought it up.</p> <p>19 That was when Rick and I realized it was actually</p> <p>20 down there. And someone took it down. I'm not sure</p> <p>21 who. But, again, it was right around that event they</p> <p>22 took it down.</p> <p>23 Q. A moment ago you just told me you did not</p> <p>24 investigate the question of the date --</p> <p>25 A. Yeah. I don't know the date.</p>

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1 Q. Remember you need to wait for me to finish.
 2 A. Okay. I thought you were.
 3 Q. I wasn't.
 4 So you don't know the date? Is that the --
 5 A. I don't know the date.
 6 Q. Okay. And you said a moment ago -- unless
 7 you want to change your testimony -- in order -- in
 8 preparation for today's deposition, you did not
 9 investigate the date on which the photograph was
 10 removed. Did you or did you not investigate that in
 11 order to prepare to testify?
 12 A. Did not investigate it.
 13 Q. Continuing on the Topic 4, it asks the
 14 number of people who are present or passed through
 15 the lobby during the period when the photo was fixed.
 16 Did you do anything to investigate that?
 17 A. No. There's no way to go back and recount
 18 people from years ago and so there's no way to
 19 investigate it. We don't have a recording of that
 20 foyer where we could go back that many years and
 21 count how many people went by there.
 22 Q. The topic also asks about the appearance
 23 and layout of the lobby and the desk during the
 24 period when the photo was fixed, posted or placed at
 25 the desk. Did you identify a photograph that

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1 reflected that?
 2 A. We have -- we have some scales that we have
 3 used -- I mean, a -- you know, a drawing of how it
 4 used to be, but I didn't investigate any of it.
 5 Q. We were given by NAMB some photographs, but
 6 they didn't explain what they were. Did you look at
 7 any of those photographs --
 8 A. I've seen the photographs, yes.
 9 Q. -- that were produced to us?
 10 A. That -- well, I don't know. I haven't seen
 11 what was produced to you. But I've seen photographs
 12 of the original, and I worked there for five or six
 13 years before we remodeled it, so...
 14 MR. GANT: I would just like to have an
 15 official record. Was one of the photographs
 16 that you gave us what it looked like prior to
 17 the renovation?
 18 MS. HERRINGTON: Yes.
 19 MR. GANT: Okay. I mean, I would like him
 20 to confirm that that's what it is, so do you
 21 have the photo -- I don't know why it's not in
 22 the notebook.
 23 MS. HERRINGTON: We can do that on a break.
 24 We can break that out.
 25 MR. GANT: Okay. Thank you.

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1 MS. HERRINGTON: Yes.
 2 Q. (By Mr. Gant) So we're going to -- when we
 3 get a copy of the photograph, we'll come back to this
 4 topic and complete it.
 5 A. Okay.
 6 Q. But other than that, do you have anything
 7 else to add on behalf of NAMB regarding Topic 4?
 8 A. No.
 9 Q. Okay. Let's go to Topic 3. I see behind
 10 Tab 3 NAMB has placed its Responses to Plaintiff's
 11 Second Set of Interrogatories. Are those responses
 12 accurate and complete and fully up to date?
 13 A. Yes.
 14 Q. NAMB has nothing to add or supplement to
 15 those responses?
 16 A. No.
 17 Q. Did you have any personal knowledge of
 18 Topic 3 or is everything you know based on what you
 19 learned in preparation for the deposition?
 20 MR. PERLA: Objection. Vague.
 21 A. I would say -- I would refer you back to
 22 the interrogatory.
 23 Q. (By Mr. Gant) You didn't have any personal
 24 knowledge?
 25 MR. PERLA: Objection. Vague.

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1 A. I would refer you back to the
 2 interrogatory.
 3 Q. (By Mr. Gant) Did you supply any of the
 4 information that's set out in the interrogatory
 5 response?
 6 A. No. I would refer you to in the previous
 7 testimonies of my staff, or the interrogatory
 8 explains it fully.
 9 Q. You see at the back of the interrogatories
 10 on Page 5 there's a verification from George
 11 McCallum?
 12 A. Yes.
 13 Q. In preparing to provide testimony today on
 14 behalf of NAMB, did you specifically discuss Topic 3
 15 with George McCallum?
 16 A. I specifically asked him if he confirmed
 17 all of these and he did.
 18 Q. Did you discuss anything else with George
 19 regarding Topic 3 in preparation for today's
 20 deposition?
 21 A. Regarding -- nothing other than that he
 22 confirmed it.
 23 Q. Have you ever seen the Separation
 24 Agreement?
 25 A. Yes.

<p style="text-align: right;">Page 46</p> <p>1 Q. When did you first see it?</p> <p>2 A. I don't recall when I first saw it.</p> <p>3 (Plaintiff's Exhibit 2, Separation</p> <p>4 Agreement and Release, 7/16/15, marked for</p> <p>5 identification.)</p> <p>6 Q. (By Mr. Gant) Please let me know when</p> <p>7 you're ready for a question.</p> <p>8 A. Okay. I mean, do you want me to read the</p> <p>9 whole thing over again?</p> <p>10 Q. Whatever you -- if you want to wait for a</p> <p>11 question, that's fine. You can read the whole thing</p> <p>12 now if you would like, although I don't think you</p> <p>13 need to.</p> <p>14 A. Whatever you prefer. I'm not trying to</p> <p>15 delay it.</p> <p>16 Q. Let me -- I just want you to have it in</p> <p>17 front of you. I appreciate it.</p> <p>18 If you could turn to Page 2 of NAMB's</p> <p>19 interrogatory response to interrogatory 4, which is</p> <p>20 behind Tab 3.</p> <p>21 Okay. Do you see on the second page it</p> <p>22 says -- and there's the first full paragraph, subject</p> <p>23 to and without waiving its objections.</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Okay. I'm just trying to --</p> <p>2 MR. PERLA: Don't guess.</p> <p>3 MR. GANT: I appreciate that.</p> <p>4 THE WITNESS: Okay.</p> <p>5 Q. (By Mr. Gant) The function of this</p> <p>6 deposition is to get NAMB's testimony clearly and</p> <p>7 completely --</p> <p>8 A. Okay.</p> <p>9 Q. -- so assumptions -- unlike yesterday where</p> <p>10 assumptions, you know, may have some usefulness and</p> <p>11 relevance, here we want to be very clear about --</p> <p>12 A. Okay.</p> <p>13 Q. -- what NAMB is testifying about. Okay?</p> <p>14 A. Okay.</p> <p>15 Q. And you have the Separation Agreement in</p> <p>16 front of you, correct? Exhibit 2.</p> <p>17 A. I do.</p> <p>18 Q. Can you turn to the back page, Page 8. Do</p> <p>19 you see the signatures?</p> <p>20 A. Yes.</p> <p>21 Q. Dr. McRaney signed the agreement, correct?</p> <p>22 A. I don't know his signature, but, I mean,</p> <p>23 there's a signature above his name.</p> <p>24 Q. Okay. Fair enough. There's a line for his</p> <p>25 name and there's a signature.</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. And then it says, NAMB responds to the best</p> <p>2 of its knowledge, information and belief as follows,</p> <p>3 and then there are subparagraphs (A) through (F).</p> <p>4 Are all of those responses accurate and complete?</p> <p>5 A. Yes.</p> <p>6 Q. In Paragraph D -- do you still have that in</p> <p>7 front of you, Page 2?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Paragraph D says, NAMB first obtained a</p> <p>10 copy of the Separation Agreement after plaintiff</p> <p>11 filed his lawsuit against NAMB. It was provided to</p> <p>12 NAMB via counsel for BCMD.</p> <p>13 Do you know what counsel for BCMD provided</p> <p>14 it and to whom?</p> <p>15 A. I'm confident --</p> <p>16 Q. I'm just asking what you know.</p> <p>17 A. What counsel -- what counsel, no. But I'm</p> <p>18 confident it was to George -- to George.</p> <p>19 Q. Why do you think that?</p> <p>20 A. I mean, typically everything -- anybody</p> <p>21 else we send that to, he's our own internal counsel.</p> <p>22 Q. You're making an assumption?</p> <p>23 A. I am making an assumption.</p> <p>24 Q. Just for everyone's benefit, I just want to</p> <p>25 know what you know here, so just --</p>	<p style="text-align: right;">Page 49</p> <p>1 And then you see there's a section for</p> <p>2 BCMD?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And they signed as well, correct?</p> <p>5 A. Again, I don't know their signatures, but I</p> <p>6 assume those are correct.</p> <p>7 Q. And on the signature page no one from NAMB</p> <p>8 signed this, correct?</p> <p>9 MR. PERLA: Objection. Scope.</p> <p>10 Q. (By Mr. Gant) Is that correct?</p> <p>11 MR. PERLA: You can answer if you can</p> <p>12 answer.</p> <p>13 A. I mean, there's nobody -- there's no --</p> <p>14 there's three signatures on there.</p> <p>15 Q. (By Mr. Gant) No one from NAMB signed this?</p> <p>16 MR. PERLA: Same objection. Go ahead.</p> <p>17 A. There's no -- there's three signatures on</p> <p>18 there.</p> <p>19 Q. (By Mr. Gant) And none of those from -- are</p> <p>20 from NAMB, correct?</p> <p>21 A. Right.</p> <p>22 Q. Okay. You can put that aside.</p> <p>23 If you could turn in the Notice to the last</p> <p>24 page, Page 18.</p> <p>25 A. Okay.</p>

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1 Q. Sorry. Paragraph -- Topic 18.
 2 A. Uh-huh.
 3 Q. You said you prepared to testify on all the
 4 topics, is that right?
 5 A. Yes.
 6 Q. What did you do to prepare to testify
 7 regarding Topic 18?
 8 A. I've confirmed that all the documents we
 9 prepared were authentic.
 10 Q. So all the doc- -- excuse me.
 11 All the documents that were produced by
 12 NAMB in this litigation are authentic?
 13 A. Yes.
 14 Q. Let's go to 17. I have a tab in my
 15 notebook, but it's blank behind it. Is there
 16 something behind 17 in yours?
 17 A. No. No, sir.
 18 MR. GANT: And, Tim, is it supposed to be
 19 empty?
 20 MR. PERLA: It's supposed to be empty.
 21 MR. GANT: Okay.
 22 Q. (By Mr. Gant) What did you do to prepare to
 23 testify regarding Topic 17?
 24 A. The fact that NAMB is properly -- let me
 25 read 17 if I could.

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1 Q. Sure, of course.
 2 A. "Factual basis supporting your contentions
 3 that NAMB has properly withheld communications from
 4 NAMB." I would -- we produced everything that was
 5 appropriate and --
 6 MR. PERLA: Go ahead.
 7 A. And -- I'm just a little confused on what
 8 you're wanting here. We've not withheld anything
 9 other than what was privileged.
 10 Q. (By Mr. Gant) I think my question was what
 11 did you do to prepare to testify regarding Topic 17?
 12 What's the answer?
 13 A. I know in December -- you know, when we
 14 were notified, you know, from -- I'm making sure we
 15 had the appropriate documents. I know Mr. Wigginton
 16 made sure our documents were retained, if that's what
 17 you're trying to -- I'm just trying to figure out
 18 what you...
 19 Q. I'm just trying to find out what, if
 20 anything, you did to prepare to testify regarding
 21 Topic 17.
 22 A. NAMB has properly withheld communications
 23 from -- just discussed with my counsel on everything
 24 we produced was appropriate and was confirmed by
 25 George. I made myself familiar with, you know, the

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1 events of 2014-15.
 2 Q. By doing what?
 3 A. By just reviewing -- I reviewed e-mails and
 4 that type of thing and then -- and that would be it.
 5 Q. Okay.
 6 (Plaintiff's Exhibit 3, NAMB's Privilege
 7 Log, marked for identification.)
 8 Q. (By Mr. Gant) Exhibit 3 is entitled NAMB
 9 Privilege Log. Please take a look at it briefly and
 10 let me know when you're ready for a question. As
 11 always, as we discussed yesterday, if at any time you
 12 want more time to review an exhibit, please let me
 13 know.
 14 My first question is going to be, have you
 15 ever seen Exhibit 3 before?
 16 A. I have seen -- I've seen it.
 17 Q. When did you see it?
 18 A. I don't recall the exact time.
 19 Q. I'm sorry. Were you done?
 20 A. But that was him this time, it was not me.
 21 Q. Did you review Exhibit 3 in preparation for
 22 today's deposition?
 23 A. I reviewed it.
 24 Q. If you look at the first page, you'll
 25 see -- well, strike that.

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1 I think all of these entries are in
 2 chronological order as best I can tell and I think
 3 that was the intention. But if we look at the first
 4 page, we should see the earliest entry.
 5 Do you see the left column it says doc
 6 date?
 7 A. Yes.
 8 Q. Do you understand doc there is short for
 9 document?
 10 A. Right.
 11 Q. So the earliest entry in NAMB's Privilege
 12 Log is from November 16, 2014.
 13 Do you see that?
 14 A. Yes.
 15 (Plaintiff's Exhibit 4, Memorandum in
 16 Support of NAMB's Response to Plaintiff's Motion
 17 to Compel Production of Discovery Material,
 18 marked for identification.)
 19 MR. GANT: I only have one.
 20 MR. PERLA: Okay. What is it?
 21 MR. GANT: I'm just going to ask about the
 22 line that's in the topic.
 23 MR. PERLA: I understand. Go ahead. Thank
 24 you.
 25 Q. (By Mr. Gant) I handed you Exhibit 4, which

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1 is entitled Memorandum in Support of NAMB's Response
 2 to Plaintiff's Motion to Compel Production and
 3 Discovery Material. It was filed in the case as
 4 Document 169.
 5 Do you have that in front of you?
 6 A. Yes.
 7 Q. Have you ever seen this before?
 8 A. Again, I may have seen ... just general
 9 lawyer -- our attorneys' -- in gen- -- I've seen it,
 10 but I've not read it in detail.
 11 Q. Okay. Can you look back at Topic 17, the
 12 text of it, in the Notice marked as Exhibit 1.
 13 A. Okay.
 14 Q. Do you see that the topic asks, "The
 15 factual basis supporting your contention that, quote,
 16 'NAMB has properly withheld communications from
 17 November and December 2014 involving NAMB's counsel,
 18 counsel's advice, and/or counsel's work product,'
 19 close quotes, and that Dr. McRaney had already placed
 20 himself in conflict with NAMB in 2014 such that NAMB
 21 feared litigation would result."
 22 Do you see that?
 23 A. Yes.
 24 Q. And then there are two citations to this
 25 document. Do you see those in the topic?

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1 A. Yes.
 2 Q. Is it true that Dr. McRaney had already
 3 placed himself in conflict with NAMB in 2014 such
 4 that NAMB feared litigation would result?
 5 A. Yes.
 6 Q. You can put that aside for the moment.
 7 Let's go to Topic 14.
 8 Now, we discussed NAMB 7672 yesterday
 9 during your 30(b)(1) deposition, correct?
 10 A. Yes, sir.
 11 Q. Is the testimony you gave yesterday in your
 12 30(b)(1) deposition regarding NAMB 7672 accurate and
 13 complete?
 14 A. Yes, sir.
 15 Q. Do you have anything to add on behalf of
 16 NAMB to the testimony that you provided yesterday as
 17 a 30(b)(1) witness --
 18 A. No.
 19 Q. -- regarding Topic 14 in the deposition
 20 notice?
 21 A. No.
 22 Q. I see behind the tab in the notebook there
 23 is a Page 7673.
 24 A. Yes. That was the address that they sent
 25 it to.

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1 Q. Who created NAMB 7673?
 2 A. Someone at NAMB, I'm sure. I'm -- I'm sure
 3 they went together. I don't know exactly who
 4 produced it. I don't know who produced it.
 5 Q. And yesterday what we discussed is your
 6 understanding of the general process that your --
 7 that Janet Weber would undertake --
 8 A. Uh-huh.
 9 Q. -- when you received a gift, correct?
 10 A. Yes.
 11 Q. And as we discussed yesterday, if I
 12 characterize your testimony, I'm not trying to put
 13 words in your mouth.
 14 A. I understand.
 15 Q. If I get it wrong, it's inadvertent.
 16 But I understood your testimony yesterday
 17 to be that the ordinary practice would be to generate
 18 and send a note in response to a gift, but that you
 19 didn't have a specific memory of that happening in
 20 this instance, is that right?
 21 A. I have a specific memory of her telling me
 22 the gift came because she made a joke in reference to
 23 it and we laughed and then -- but I don't know if I
 24 was there, it was on the phone, in person. I don't
 25 remember that. But I do remember because she's a bit

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1 sarcastic and humorous and...
 2 Q. Do you remember what her joke was that made
 3 you laugh?
 4 A. Yeah. She said, I scanned it. It's safe.
 5 Q. And that was a joke because?
 6 A. Because we were being cautious regarding
 7 Mr. McRaney.
 8 Q. Well, but you said it was a joke so she
 9 wasn't being serious.
 10 A. Well, she knew that we were being cautious.
 11 And it was a plant and she scanned it, so...
 12 Q. How did she scan it? You mean visually?
 13 A. It was a joke.
 14 Q. Okay. So she didn't do it? She didn't
 15 actually scan it?
 16 A. I don't know. I assume. You never know
 17 with Janet.
 18 Q. Did you ask her to scan or evaluate the
 19 plant to make sure that it was not posing a safety
 20 risk?
 21 A. Did I ask her to scan it?
 22 Q. Or otherwise evaluate it to make sure that
 23 it didn't pose a safety risk.
 24 A. No, I don't remember asking her to scan it.
 25 She would love to be here just to hear this. But no.

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1 Q. We'll have a video she can watch.
 2 A. Okay. Trust me, she will want to. But no,
 3 I didn't ask her to scan it.
 4 Q. Or do anything else to evaluate that it was
 5 safe?
 6 A. Well, I asked her to poke down in there and
 7 see if she could find a -- no. No, I did not.
 8 Sorry.
 9 Q. I'm sure you could send a poison plant.
 10 You should ask Vladimir Putin.
 11 A. Yeah. Yeah, you're right. You know, it's
 12 a new day. But, no, she was joking, I'm sure.
 13 Q. So -- and your counsel's welcome to weigh
 14 in if they'd like.
 15 So when I asked you to confirm that you had
 16 nothing to add from yesterday's testimony regarding
 17 Topic 14, can we treat your testimony from yesterday
 18 regarding Topic 14 -- regarding NAMB 7672 and the
 19 related circumstances as NAMB's 30(b)(6) testimony?
 20 MR. PERLA: NAMB adopts all such testimony
 21 as its 30(b)(6) deposition.
 22 MR. GANT: Regarding document 7672?
 23 MR. PERLA: Correct. I was trying not to
 24 bother paraphrasing. I agree with what you
 25 said.

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1 MR. GANT: Okay. Thank you.
 2 Q. (By Mr. Gant) Let's go to Topic 8. Do you
 3 know what Gallagher -- Arthur Gallagher is?
 4 A. It's our insurance company.
 5 Q. It's your insurer?
 6 A. Insurer.
 7 Q. Are you sure about that?
 8 A. Pretty confident. I would refer you to the
 9 e-mails listed from Tina Hudson and correspondence to
 10 Clark Logan regarding those.
 11 Q. Can you tell me what you did to prepare to
 12 testify regarding Topic 8 specifically?
 13 A. I reviewed the documents included in the
 14 binder.
 15 Q. Anything else?
 16 A. No.
 17 Q. Did you have any independent knowledge that
 18 you brought to the preparation for Topic 8 or did you
 19 rely entirely on what's behind that tab in the
 20 notebook?
 21 MR. PERLA: Objection. Vague.
 22 Q. (By Mr. Gant) I'm sorry. I couldn't hear
 23 you.
 24 A. No. I understood -- I had knowledge that
 25 we contacted our insurance company when we did, and

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1 they were just being overly cautious to make sure
 2 that -- they were aware that it looked like it was
 3 headed that way.
 4 Q. Can you take out deposition Exhibit 2?
 5 A. Oh, I'm sorry.
 6 Q. As part of your preparation for today's
 7 deposition, did you investigate whether the existence
 8 of the Separation Agreement and Release marked as
 9 Exhibit 2 was ever brought to the attention of
 10 Gallagher or NAMB's insurers?
 11 MR. PERLA: Objection. Scope.
 12 A. We were aware that we were covered in the
 13 release because we were supporting partner, but --
 14 but I don't know where -- how that was communicated
 15 to the attorneys -- I mean to the insurance or not.
 16 Q. (By Mr. Gant) I move to strike the first
 17 part of the response.
 18 My question is only about whether -- if and
 19 whether the existence of the Separation Agreement and
 20 Release marked as Exhibit 2 --
 21 A. Right.
 22 Q. -- was brought to the attention of
 23 Arthur J. Gallagher or NAMB's insurers.
 24 MR. PERLA: Objection. Scope. And
 25 precaution, I also object on the grounds of

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1 privilege. To the extent you have any
 2 privileged information, I instruct you not to
 3 give it.
 4 THE WITNESS: Okay.
 5 MR. GANT: Well, he's here to testify as a
 6 30(b)(6) witness, so even if he learned the
 7 answer to that question from counsel, that is
 8 not privileged.
 9 MR. PERLA: That's not what I'm talking
 10 about. It is possible to have privileged
 11 communications with one's insurer so --
 12 MR. GANT: I assume you're aware that
 13 Gallagher produced reams of documents in this
 14 case, correct?
 15 MR. PERLA: And I'm not talking about
 16 those. I'm not excluding the possibility that
 17 there were also work product communications with
 18 insurer. I don't think he knows about them, but
 19 I'm not waiving that objection.
 20 Q. (By Mr. Gant) So do you know the answer to
 21 my question?
 22 A. I'm not aware of any.
 23 Q. Okay. So you're not aware of any -- strike
 24 that.
 25 You're not aware -- strike that.

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1 Testifying on behalf of NAMB today, you're
 2 not able to identify for me whether or when NAMB
 3 brought to the attention of Gallagher or NAMB's
 4 insurers the existence of the Separation Agreement
 5 and Release marked as Exhibit 2?
 6 MR. PERLA: Same objection.
 7 You have to answer.
 8 A. Oh, I'm sorry. No.
 9 Q. (By Mr. Gant) You can put Exhibit 2 back
 10 for now.
 11 Does the material behind Tab 8 in the
 12 notebook constitute all of the written communications
 13 between NAMB and either Gallagher or NAMB's insurers?
 14 MR. PERLA: Object to that question on the
 15 basis of attorney-client privilege and attorney
 16 work product. You can otherwise answer.
 17 A. To my knowledge, other than privileged,
 18 yes, to my knowledge.
 19 Q. (By Mr. Gant) Do you know whether there was
 20 any privileged material that was not included behind
 21 Tab 8?
 22 A. Yes. Again --
 23 MR. PERLA: You can answer yes or no.
 24 Don't disclose the contents of any privileged
 25 material.

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1 A. Okay. No.
 2 MR. GANT: And I'll just point out, Tim --
 3 I may be wrong, but I don't remember from NAMB's
 4 Privilege Log the identification of any
 5 privileged documents that would fall under the
 6 scope of the objections you're making.
 7 So if there are any -- and I understand you
 8 may just do belts and suspenders -- there
 9 actually isn't anything, but if there is, it
 10 should have been logged and we should have
 11 received that information before today's
 12 deposition. And we still would want it, an
 13 updated log, notwithstanding the late hour in
 14 the discovery period.
 15 Q. (By Mr. Gant) Do you have any other
 16 testimony to provide regarding Topic 8 that you have
 17 not already provided?
 18 A. No.
 19 Q. Okay. Let's go to 7.
 20 Okay. That's an easy read. Are there any
 21 documents behind Tab 7?
 22 A. No.
 23 Q. Why not?
 24 A. Well, I'm familiar with the communication,
 25 the letter filed.

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1 Q. When you say you're familiar with the
 2 letter filed, what do you mean?
 3 A. The letter submitted to the U.S. Court of
 4 Appeals, Fifth Circuit.
 5 Q. When you say you're familiar with it, I'm
 6 trying to understand --
 7 A. We don't have -- I don't have any
 8 communications.
 9 Q. And remember this is about what NAMB knows.
 10 A. Right.
 11 Q. Did you review the letter sent to the Court
 12 of Appeals, that you were just referring to, in order
 13 to prepare for today's deposition?
 14 A. I just -- I scanned -- scanned it.
 15 (Plaintiff's Exhibit 5, E-mail to Eiland
 16 from cmecf_caseprocessing@ca5.uscourts.gov,
 17 12/14/20, Bates stamped ERLC 86 - 90, marked for
 18 identification.)
 19 Q. (By Mr. Gant) Exhibit 5 is Bates labeled
 20 ERLC86 through 90. The letter that I believe you
 21 were referring to starts on the third page of the
 22 exhibit, Page ERLC 88, and goes through 90. Is that
 23 the letter you were referring to?
 24 A. Yes.
 25 Q. Okay. Did NAMB have any written

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1 communications with anyone relating to the drafts or
 2 final versions of this letter we're looking at as
 3 part of Exhibit 5?
 4 A. No.
 5 Q. Did NAMB have any -- in my prior question,
 6 did you understand by NAMB I was including its
 7 counsel or did you not understand that? Do you want
 8 me to ask it again?
 9 A. I'm not aware of any communication on
 10 behalf of NAMB to ERLC.
 11 Q. Okay. Let me ask it again.
 12 A. Okay.
 13 Q. Did anyone at NAMB, including NAMB's
 14 counsel, communicate with anyone regarding any drafts
 15 or the final version of this letter to the Fifth
 16 Circuit that we're looking at as part of Exhibit 5?
 17 MR. PERLA: Asked and answered. Go ahead.
 18 A. I feel like I have answered that. I'm not
 19 aware of any.
 20 Q. (By Mr. Gant) Did anyone from NAMB,
 21 including its counsel, have any oral communications
 22 with anyone regarding any draft or the final version
 23 of the letter to the Fifth Circuit that's contained
 24 as part of Exhibit 5?
 25 A. Yeah. I'm not aware of any.

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1 Q. What did you do, if anything, to
 2 investigate those issues in order to prepare to
 3 testify today?
 4 A. I did not investigate -- I did not
 5 investigate anything in regards to -- for that
 6 number.
 7 Q. Why not?
 8 A. I mean, it was a -- it's a correction from
 9 ERLC. I mean, to me, when I reviewed it, they need
 10 no help understanding that they should have -- you
 11 know, they were correcting their own mistake so it
 12 wasn't a...
 13 Q. What do you mean they need no help?
 14 A. I mean, it was a very easy fix because it
 15 was -- it's an obvious -- to me it was just an
 16 obvious mistake, and if they had completely read the
 17 first, perhaps it would not have happened again. We
 18 had nothing to do with this and so that's why I
 19 didn't investigate.
 20 Q. At any point did NAMB or its counsel reach
 21 out to the Thomas More Society or the ERLC and
 22 discuss with them the possibility of ERLC or the
 23 Thomas More Society correcting the errors in the
 24 amicus brief that they submitted to the Fifth
 25 Circuit?

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1 A. No, I'm not aware of any of that.
 2 Q. Did you investigate that to prepare to
 3 testify today?
 4 A. Did I investigate it? No, sir.
 5 Q. Do you know -- strike that.
 6 Did NAMB communicate with anyone from the
 7 SBC regarding the errors in the amicus brief
 8 submitted to the Fifth Circuit by the Thomas More
 9 Society and the ERLC?
 10 A. What do you mean by SBC?
 11 Q. I mean the executive committee or counsel
 12 for the executive committee.
 13 MR. PERLA: So any communication he's --
 14 like, if he had it two weeks ago, does that
 15 count in the question, or are you just limiting
 16 it to the time period of when the correction is
 17 being made?
 18 MR. GANT: That's fair. I'm talking about
 19 up until the point that the letter correcting
 20 the errors was submitted to the Fifth Circuit.
 21 MR. PERLA: Thank you.
 22 Q. (By Mr. Gant) Do you understand the
 23 question?
 24 A. If you would rephrase it, that would be
 25 helpful.

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1 Q. Sure. At any point between when the Fifth
 2 Circuit amicus brief from the ERLC and Thomas More
 3 Society was filed until the time a correction letter
 4 was filed, are you aware of any communications
 5 between NAMB and anyone within the SBC, by which I
 6 mean executive committee or its counsel?
 7 A. The executive committee or counsel limited
 8 to that. Ronnie Floyd contacted me, said, what do
 9 you know about this? I said, I don't know anything
 10 about it. He did -- you're in the same building with
 11 Russ. Go up a floor and ask him. And that was it.
 12 Q. By Russ, you mean Russell Moore?
 13 A. Russ Moore. I'm sorry.
 14 Q. I know who he is, but I just want a clear
 15 record. You're referring to Russell Moore, who was
 16 then head of the ERLC?
 17 A. Yes.
 18 Q. And do you remember when this communication
 19 from Ronnie Floyd occurred?
 20 A. I'm sure it was around 5:30 or 6 o'clock.
 21 Q. What date?
 22 A. I don't know. We always talked 5:30. I
 23 don't know what day.
 24 Q. Do you know what month it was?
 25 A. It would be within a week of when this came

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1 out.
 2 Q. When you say "this came out," you mean the
 3 filing of the amicus brief?
 4 A. Filing of the amicus brief, yeah. It would
 5 be within that week. He was just trying to find out,
 6 you know -- I mean, it was just a conversation. It
 7 was just a call that -- if I knew anything. I didn't
 8 so...
 9 MR. PERLA: I'll object. I think the
 10 witness is answering a different question than
 11 the one you're asking.
 12 MR. GANT: That's objectionable?
 13 MR. PERLA: If you're misleading the
 14 witness, yes. You know he's talking about after
 15 the correction, not after the brief.
 16 MR. GANT: I don't know what -- I'm just
 17 listening to what he has to say.
 18 MR. PERLA: Okay.
 19 (Plaintiff's Exhibit 6, Opposed Motion for
 20 Leave to File AMICI Curiae Brief on Behalf of
 21 The Thomas More Society and The Ethics and
 22 Religious Liberty Commission in Support of
 23 Defendant-Appellee's Petition for Rehearing En
 24 Banc, marked for identification.)
 25 Q. (By Mr. Gant) Just to orient us, I have

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1 handed you what's been marked as Exhibit 6, which is
 2 the amicus brief filed by the Thomas More Society and
 3 ERLC.
 4 You see at the top it says date filed,
 5 August 20, 2020?
 6 A. Yes.
 7 Q. And I think you testified yesterday you
 8 never read this brief, correct?
 9 A. No.
 10 Q. I'm sorry. I said correct. You said no.
 11 Have you ever read this brief marked as
 12 Exhibit 6?
 13 A. No.
 14 Q. And you didn't read it in preparation for
 15 today's deposition either, did you?
 16 A. No, sir.
 17 Q. Do you see that it indicates the date
 18 filed?
 19 A. Yes, sir.
 20 Q. You also have marked as Exhibit 5 the
 21 correction letter.
 22 MR. PERLA: I have that as four. Am I
 23 wrong? I could be wrong. My apologies. You're
 24 correct. Five is the correction letter. Six is
 25 the brief.

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1 Q. (By Mr. Gant) So you see the amicus brief
 2 was filed August 20, 2020, correct?
 3 A. Yes.
 4 Q. And the correction letter was filed just
 5 under four months later, on December 14, 2020,
 6 correct?
 7 A. Correct.
 8 Q. When do you think you had the discussion
 9 with Ronnie Floyd that you referred to a few moments
 10 ago?
 11 A. I just have no -- I do not recall.
 12 Q. It was between --
 13 A. It was between the -- was between the two.
 14 Q. And you're not sure where in between?
 15 A. (Witness shook head negatively.)
 16 Q. You need to answer audibly.
 17 A. I do not recall. Yeah.
 18 Q. Now, the communication with Ronnie Floyd
 19 you just referred to, was it in person, on the phone,
 20 some other means?
 21 A. I'm certain it was on the phone.
 22 Q. What position did Ronnie Floyd have at the
 23 time?
 24 A. He was the president of the executive
 25 committee.

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1 Q. The SBC?
 2 A. Of the SBC.
 3 Q. Tell me everything you remember about that
 4 conversation.
 5 A. I've already testified. It was, do you
 6 know anything about this? I know nothing about it.
 7 You need to talk to Russ.
 8 Q. Well, he must have said something before,
 9 do you know anything about this, or you wouldn't have
 10 understood what he was referring to.
 11 A. Did you -- did you...
 12 Q. So what did he say?
 13 A. Have you seen -- did you hear -- did you
 14 see the brief? I'm sure -- again, I don't recall the
 15 exact words. Did you see the brief? Yes, I did.
 16 And do you know anything about it? No, I don't. You
 17 need to talk to Russ.
 18 Ronnie is very bullet-pointed in his
 19 conversations and so -- and we cover a lot of topics
 20 and so we don't go into a lot of detail.
 21 Q. Did you have any further communications
 22 with Ronnie Floyd about the amicus brief?
 23 A. No.
 24 Q. And in the testimony you just gave when you
 25 were saying the brief, you meant the amicus brief,

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1 correct?
 2 A. The amicus brief.
 3 Q. Do you know who Jim Gunther is?
 4 A. He's an attorney for the SBC.
 5 Q. Did you ever communicate with him about the
 6 amicus brief?
 7 A. Me being NAMB or me being me?
 8 Q. Let me strike that.
 9 Do you know whether anyone from NAMB ever
 10 communicated with Jim Gunther about the amicus brief?
 11 A. Our internal counsel communicated to Jim
 12 Gunther on a regular basis, but I have no knowledge
 13 if it were in direct relation to this.
 14 Q. When you say "our internal counsel," you're
 15 talking about NAMB's general counsel?
 16 A. Yeah, George McCallum.
 17 Q. I've never asked this: Does NAMB have any
 18 other in-house attorneys besides the general counsel
 19 position?
 20 A. We have several on our board, but no.
 21 George is our -- what I call internal.
 22 Q. But he doesn't have any lawyers working
 23 under him in-house?
 24 A. Not that I'm aware of.
 25 Q. So you don't know whether Jim Gunther and

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1 George McCallum talked about the amicus brief? Is
 2 that your testimony?
 3 A. I'm not aware if Mr. Gunther called George.
 4 I'm not aware if George called. It really had
 5 nothing to do with us, and I'm not aware.
 6 Q. I move to strike "it had nothing to do with
 7 us." Please try, for everyone's benefit, just to
 8 answer the questions I actually ask.
 9 A. Okay. I felt like I was.
 10 Q. Okay. But I was only trying to find out
 11 whether there were communications.
 12 A. Okay.
 13 Q. And, again, I don't want to put words in
 14 your mouth.
 15 A. I see.
 16 Q. What I hear you telling me is you are not
 17 aware of whether or not there were communications
 18 between George McCallum from NAMB and Jim Gunther --
 19 A. Exactly.
 20 Q. -- on behalf of the SBC regarding the
 21 amicus brief, is that right?
 22 A. Exactly. Yes, yes.
 23 Q. Did you investigate that in order to
 24 prepare to testify today?
 25 A. No.

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1 Q. Do you know whether the ERLC convened a
 2 task force in order to do a postmortem on the amicus
 3 brief debacle?
 4 MR. PERLA: Objection. Scope.
 5 A. I have no knowledge of that.
 6 Q. (By Mr. Gant) Did NAMB -- strike that.
 7 (Plaintiff's Exhibit 7, Letter to ERLC
 8 Stucy Task Force from The Ethics & Religious
 9 Liberty Commission, 12/11/2020, Bates stamped
 10 ERLC 470, marked for identification.)
 11 Q. (By Mr. Gant) I'm just -- this document is
 12 Bates labeled ERLC 470. It will be Exhibit 7.
 13 MR. GANT: I need to just check -- I'll
 14 check later the protective order regarding the
 15 impact of the designation of confidentiality.
 16 But counsel for NAMB probably saw I just
 17 instructed Dr. McRaney not to look at this
 18 document. In fact, why don't you step out just
 19 for prudence. Victoria will get you when we're
 20 done with this. I'm not sure that's required,
 21 but better be safe than sorry.
 22 MR. PERLA: No objection.
 23 Q. (By Mr. Gant) Okay. Dr. McRaney has left
 24 the room.
 25 Have you ever seen this document before

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1 marked as Exhibit 7?
 2 A. No.
 3 Q. Does it refresh your recollection about
 4 whether the ERLC convened a task force to examine why
 5 an amicus brief with significant errors was submitted
 6 to the Fifth Circuit?
 7 MR. PERLA: Objection. Scope.
 8 A. It doesn't refresh me because -- I see they
 9 had one now.
 10 Q. (By Mr. Gant) You're not familiar with it?
 11 A. (Witness shook head negatively.)
 12 MR. PERLA: You have to answer.
 13 A. No.
 14 Q. (By Mr. Gant) Did you do anything to
 15 investigate whether there was a task force convened
 16 in preparation for today's deposition?
 17 MR. PERLA: Objection. Scope.
 18 A. No.
 19 Q. (By Mr. Gant) Did you investigate in order
 20 to prepare for today's deposition whether anyone from
 21 NAMB ever communicated with anyone from ERLC in
 22 connection with the ERLC task force?
 23 MR. PERLA: Same objection.
 24 A. Did I investigate...
 25 Q. (By Mr. Gant) Do you want me to ask it

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1 again?
 2 A. Yes. I'm --
 3 Q. In order to prepare to testify today, did
 4 you do anything to investigate whether anyone from
 5 NAMB, including its counsel, ever communicated with
 6 anyone in connection with the ERLC task force
 7 convened concerning the amicus brief?
 8 MR. PERLA: Same objection.
 9 A. I'm not -- I'm not aware.
 10 Q. (By Mr. Gant) You're not aware if you --
 11 A. I didn't investigate.
 12 Q. You did not?
 13 A. Huh-uh. No, I did not investigate.
 14 Q. You can put that aside for now.
 15 (Plaintiff's Exhibit 8, E-mail string to
 16 Williams from Wussow, 9/20/22, Bates stamped
 17 ERLC 526 - 28, marked for identification.)
 18 Q. (By Mr. Gant) You have in front of you
 19 Exhibit 8, which is Bates labeled ERLC526 through
 20 528. Have you ever seen this e-mail chain before?
 21 A. No, sir.
 22 Q. You mentioned earlier that Tim Gunther is
 23 the attorney for the SBC executive committee, is that
 24 right? Actually, I think you just said the SBC.
 25 A. At the time.

<p style="text-align: right;">Page 78</p> <p>1 Q. At the time, yes. Right.</p> <p>2 He's subsequently withdrawn as counsel,</p> <p>3 correct?</p> <p>4 A. I'm not certain of his current employment.</p> <p>5 Q. Okay. Do you know who Travis Wesso is?</p> <p>6 A. I do not.</p> <p>7 Q. Okay.</p> <p>8 A. Well, I'll take that back. ERLC -- I don't</p> <p>9 know him.</p> <p>10 Q. In order to prepare to testify today, did</p> <p>11 you investigate whether anyone from NAMB, including</p> <p>12 its counsel, ever communicated with Travis Wesso</p> <p>13 about the errors contained in the amicus brief</p> <p>14 submitted by the ERLC?</p> <p>15 A. I didn't investigate, no.</p> <p>16 (Plaintiff's Exhibit 9, Letter to Moore and</p> <p>17 Wussow from Guenther, 12/11/2020, Bates stamped</p> <p>18 ERLC 463 - 65, marked for identification.)</p> <p>19 Q. (By Mr. Gant) Exhibit 9 is Bates labeled</p> <p>20 ERLC463 through 465.</p> <p>21 Do you know who Greg Addison is?</p> <p>22 A. Yes.</p> <p>23 Q. Who is he?</p> <p>24 A. He's a pastor in the SBC.</p> <p>25 Q. When you say he's a pastor in the SBC, what</p>	<p style="text-align: right;">Page 80</p> <p>1 you investigate whether anyone from NAMB, including</p> <p>2 its counsel, communicated with Greg Addison</p> <p>3 concerning the amicus brief submitted to the Fifth</p> <p>4 Circuit?</p> <p>5 A. I have knowledge that George would</p> <p>6 regularly communicate with Mr. Addison, but I never</p> <p>7 asked about what they talked about.</p> <p>8 Q. So you don't know whether George McCallum</p> <p>9 or anyone else from NAMB discussed with Greg Addison</p> <p>10 the Fifth Circuit amicus brief?</p> <p>11 A. I know they regularly talked, but I don't</p> <p>12 know the contents of the conversation.</p> <p>13 Q. And you didn't investigate that in order to</p> <p>14 prepare to testify today?</p> <p>15 A. No.</p> <p>16 Q. In order to prepare to testify today, did</p> <p>17 you investigate the identity of the firms that were</p> <p>18 representing NAMB in the Fifth Circuit appeal in this</p> <p>19 case?</p> <p>20 MR. PERLA: Objection. Scope. Vague.</p> <p>21 Q. (By Mr. Gant) I'm just asking if you knew</p> <p>22 what firms -- strike that.</p> <p>23 I'm asking if you investigated what firms</p> <p>24 were representing NAMB in the Fifth Circuit. Are you</p> <p>25 able to tell me --</p>
<p style="text-align: right;">Page 79</p> <p>1 do you mean by that?</p> <p>2 A. He pastors a church in the SBC.</p> <p>3 Q. But his church is autonomous and separate</p> <p>4 from the SBC itself, correct?</p> <p>5 A. His church is autonomous.</p> <p>6 Q. Is he employed by the SBC or the executive</p> <p>7 committee?</p> <p>8 A. Well, at this particular date he was</p> <p>9 counsel. He was internal. He's an attorney that</p> <p>10 worked as an executive VP of the EC of the SBC.</p> <p>11 Q. At the time of this e-mail exchange?</p> <p>12 A. I don't remember the time that he -- I</p> <p>13 don't remember his dates of employment, but...</p> <p>14 Q. Do you see in this e-mail chain he had an</p> <p>15 sbc.net e-mail address?</p> <p>16 A. Yeah. I'm confident he -- I say confident.</p> <p>17 I see it.</p> <p>18 Q. And do you see the first page of Exhibit 9</p> <p>19 is communication between Jim Gunther, on behalf of</p> <p>20 the SBC executive committee, with ERLC staff?</p> <p>21 A. Yes.</p> <p>22 Q. Have you ever seen any part of Exhibit 9</p> <p>23 before?</p> <p>24 A. No.</p> <p>25 Q. In order to prepare to testify today, did</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. PERLA: Same objections. Go ahead.</p> <p>2 Q. (By Mr. Gant) Are you able to tell me which</p> <p>3 firms were -- I'm trying to make it easy and not make</p> <p>4 it individual lawyers.</p> <p>5 Do you know the name of the firms that were</p> <p>6 representing NAMB in the Fifth Circuit?</p> <p>7 MR. PERLA: Same objections. Go ahead.</p> <p>8 A. I mean, my knowledge is -- I mean, Cat has</p> <p>9 been doing those proceedings. Cat was the one that</p> <p>10 we typically would refer to, Butler Snow, but...</p> <p>11 Q. (By Mr. Gant) Are you familiar with First</p> <p>12 Liberty Institute?</p> <p>13 A. Again, all my communications were --</p> <p>14 include what George -- George led in all of that and</p> <p>15 on purpose, because, I mean, he did that and I did my</p> <p>16 day job.</p> <p>17 Q. Okay. And I'm not trying to trick you, and</p> <p>18 I would like to make this easy. And maybe I can ask</p> <p>19 counsel if they will make a representation that you</p> <p>20 can adopt.</p> <p>21 A. That would be helpful.</p> <p>22 Q. My understanding is that First Liberty</p> <p>23 Institute was representing NAMB in the Fifth Circuit.</p> <p>24 A. Okay. All right. I do remember the fact</p> <p>25 that we had First Liberty volunteer to help us do</p>

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1 that. Yes, you're right.
 2 Q. And leaving apart what -- I don't care
 3 whether it was volunteer, meaning pro bono, or paid.
 4 I'm just trying to establish --
 5 A. Yes.
 6 Q. -- whether First Liberty was representing
 7 NAMB in connection with its appeal in the Fifth
 8 Circuit in this case.
 9 A. Okay. First Liberty was. I do now
 10 remember that. If you just tell me when you're
 11 trying to trick me, it would help me.
 12 Q. I'm never trying to trick you.
 13 A. Okay.
 14 Q. I may be trying to get good testimony, but
 15 I'm not trying to trick you.
 16 Okay. Thank you for that clarification.
 17 A. Thanks for the help.
 18 Q. That is my understanding.
 19 And just for clarity, now on Topic 6 --
 20 A. Okay.
 21 Q. -- if you want to have it in front of you.
 22 I guess we can turn to that tab, too. Let's see.
 23 Oh, another blank one. So I have turned to Tab 6 in
 24 the notebook provided to me by NAMB today and I don't
 25 see any documents behind it. Do you have any

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1 documents behind Tab 6 in your notebook?
 2 A. No.
 3 Q. Okay. Do you have Topic 6 in front of you
 4 from Exhibit 1?
 5 A. Yes.
 6 Q. Did you prepare to testify regarding
 7 Topic 6 today?
 8 A. Yes.
 9 Q. What did you do to prepare to testify?
 10 A. No further -- we have -- no other further
 11 communications other than -- than what's already been
 12 provided.
 13 Q. And what has been provided regarding
 14 Topic 6? What are you referring to?
 15 A. I'm referring to all of the filings that
 16 our attorneys have given you. We don't have any
 17 additional to add to that.
 18 Q. Okay. But I don't see anything behind
 19 Topic 6. So did you review any documents in order to
 20 prepare regarding Topic 6 today?
 21 A. We don't -- again, there's just nothing
 22 there to give you. We don't have anything to my
 23 knowledge.
 24 (Plaintiff's Exhibit 10, TMS Privilege Log,
 25 marked for identification.)

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1 MR. GANT: We are going to invite
 2 Dr. McRaney back into the room.
 3 Q. (By Mr. Gant) Do you have Exhibit 10 in
 4 front of you?
 5 A. I do.
 6 Q. I'm also going to mark another exhibit. We
 7 will look at it at the same time.
 8 (Plaintiff's Exhibit 11, E-mail string to
 9 Carrington and others from Gant, 2/16/23, marked
 10 for identification.)
 11 Q. (By Mr. Gant) Exhibit 10 is a document
 12 entitled TMS Privilege Log. I'll represent to you
 13 that this is a privilege log that was produced in
 14 this case by the Thomas More Society. It was sent to
 15 us and we in turn produced it to counsel for NAMB.
 16 Have you ever seen Exhibit 10 before?
 17 A. I don't recall. I reviewed several logs.
 18 Logs look alike. I have no -- I can't recall which
 19 logs I viewed, which ones I haven't, but...
 20 Q. So you're not sure --
 21 A. It looks familiar, but no, I don't remember
 22 if I've seen this particular one.
 23 Q. Okay. Exhibit 11 is a e-mail chain, two
 24 pages. I think all of the e-mails are from me.
 25 But the top e-mail on the first page is

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1 dated February 16, 2023. The subject is McRaney v.
 2 NAMB corrected privilege log from Thomas More
 3 Society. And it says, Attached is a corrected
 4 privilege log produced today by the Thomas More
 5 Society. And Exhibit 10 is that corrected log that
 6 was attached.
 7 Have you ever seen Exhibit 11 before?
 8 A. No, sir.
 9 Q. Now, do you recognize the name Stephanie
 10 Taub?
 11 A. No, sir.
 12 Q. Okay. Do you see on the first entry in
 13 this log it says August 3, 2020, at 11:01 a.m.
 14 E-mail author, Stephanie Taub, First Liberty,
 15 OBO NAMB.
 16 Do you see that?
 17 A. Yes.
 18 Q. And we discussed a few minutes ago First
 19 Liberty Institute was representing NAMB in the Fifth
 20 Circuit, correct?
 21 A. Correct.
 22 Q. And I had to ask, but OBO is meant -- means
 23 in this log "on behalf of."
 24 A. Okay.
 25 Q. I asked counsel for TMS just to confirm

<p style="text-align: right;">Page 86</p> <p>1 because I didn't recognize that.</p> <p>2 So according to this entry, the author of</p> <p>3 the first document that was not produced -- do you</p> <p>4 understand what a privilege log is?</p> <p>5 MR. PERLA: Objection. Scope. Go ahead.</p> <p>6 A. Yeah.</p> <p>7 Q. (By Mr. Gant) Go ahead.</p> <p>8 A. I mean, I assume -- I would be assuming.</p> <p>9 Q. I'm happy to make a representation.</p> <p>10 A. Sure, that would be great.</p> <p>11 Q. A privilege log in litigation is when a</p> <p>12 party that's being asked for information believes</p> <p>13 that certain material that is being requested is</p> <p>14 privileged and, therefore, should not be produced.</p> <p>15 So instead of producing the document, they</p> <p>16 produce, pursuant to a Federal Rule of Civil</p> <p>17 Procedure, what's called a privilege log that is</p> <p>18 supposed to describe the document without producing</p> <p>19 it in order to allow the requesting party to evaluate</p> <p>20 whether they think that it is an actual privilege.</p> <p>21 So that's the function.</p> <p>22 A. Got you.</p> <p>23 Q. So that's what we received from the Thomas</p> <p>24 More Society. We sent them a subpoena for documents.</p> <p>25 They produced some documents, but then they withheld</p>	<p style="text-align: right;">Page 88</p> <p>1 A. Yes.</p> <p>2 Q. Do you see her name again?</p> <p>3 A. Yes.</p> <p>4 Q. And then let's flip to the second page. Do</p> <p>5 you see Stephanie Taub again as a recipient?</p> <p>6 A. Yes.</p> <p>7 Q. And in the next entry do you see Stephanie</p> <p>8 Taub as the recipient?</p> <p>9 A. Yes.</p> <p>10 Q. And that second entry there, according to</p> <p>11 the last column that's Bates -- what they call Bates</p> <p>12 Number 5.</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. And that -- the date and time of that is</p> <p>16 August 20, 2020 at 9:14 a.m., correct?</p> <p>17 A. Yes.</p> <p>18 Q. If you look in the column regarding subject</p> <p>19 matter, do you agree with me that the subject matter</p> <p>20 of all the entries with Stephanie Taub listed is</p> <p>21 amicus brief?</p> <p>22 MR. PERLA: Objection. Misstates the</p> <p>23 document.</p> <p>24 MR. GANT: Why? Because it doesn't mention</p> <p>25 overture in the first one?</p>
<p style="text-align: right;">Page 87</p> <p>1 some that they believed were privileged and then put</p> <p>2 them on a log, so that's what we have in front of us.</p> <p>3 A. Okay.</p> <p>4 Q. So you see the first entry is from</p> <p>5 Stephanie Taub on behalf of NAMB, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And then if we go to the third entry,</p> <p>8 that's also from Stephanie Taub on behalf of NAMB.</p> <p>9 Do you see that?</p> <p>10 A. Yes.</p> <p>11 Q. And the fourth entry the same?</p> <p>12 A. Yes.</p> <p>13 Q. The fifth entry the same?</p> <p>14 A. Yes.</p> <p>15 Q. The sixth entry the same?</p> <p>16 A. Yes.</p> <p>17 Q. Then if we look in the recipient column, if</p> <p>18 you go two down, do you see Stephanie Taub's name</p> <p>19 again?</p> <p>20 A. Yes.</p> <p>21 Q. Do you see the name on the next entry as a</p> <p>22 recipient?</p> <p>23 A. You're talking about Number 7?</p> <p>24 Q. It's the second from the bottom on the</p> <p>25 first page.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. (By Mr. Gant) Okay. Go ahead.</p> <p>2 A. To my knowledge, I don't see any others</p> <p>3 that aren't.</p> <p>4 Q. You agree with me that all of the entries</p> <p>5 mentioning Stephanie Taub, on behalf of NAMB, also</p> <p>6 mention amicus brief in the subject matter?</p> <p>7 And I acknowledge that the first entry in</p> <p>8 full is amicus brief overture. But all of the</p> <p>9 entries mention the amicus brief, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Does NAMB have any basis for disputing the</p> <p>12 accuracy of those log entries?</p> <p>13 MR. PERLA: Objection. Outside the scope.</p> <p>14 A. To my knowledge.</p> <p>15 Q. (By Mr. Gant) Not to your knowledge?</p> <p>16 A. (Witness shook head negatively.)</p> <p>17 Q. Now, if we look at Exhibit 11, this is a</p> <p>18 supplement or elaboration that was sent by counsel</p> <p>19 for the Thomas More Society to me, and I then</p> <p>20 promptly produced to NAMB on February 16th.</p> <p>21 So do you have Exhibit 11 in front of you?</p> <p>22 A. Uh-huh. Yes.</p> <p>23 Q. Because I asked counsel for the Thomas More</p> <p>24 Society for the attachments, they asserted that they</p> <p>25 were privileged, but they agreed to tell me whether</p>

<p style="text-align: right;">Page 90</p> <p>1 there were attachments to the e-mail chains. 2 So do you see the e-mail list Bates 3 numbers? I think you have it. 4 A. E-mail Bates -- 5 Q. Exhibit 11, the top half of the page. 6 A. I got it. Oh, the Bates number on the 7 left. Yes, sir. 8 Q. This was -- I passed on a supplement from 9 the Thomas More Society to their log. 10 A. Okay. 11 Q. And it has -- it lists Bates numbers and 12 then whether there were or were not attachments. 13 Do you see that? 14 A. Yes. 15 Q. Okay. If we look at Bates Numbers 4 and 5 16 from the log, Exhibit 10, and compare that with the 17 Thomas More Society e-mail about the attachments, do 18 you see Exhibit 11 says that for Bates Number 4, 19 there was an attachment and it was a draft of the 20 amicus brief? 21 Do you see that? 22 A. This one? 23 Q. Yes. 24 A. Okay. Number 4 -- 25 Q. Bates Number 4 --</p>	<p style="text-align: right;">Page 92</p> <p>1 privilege log, as supplemented by Exhibit 11? 2 MR. PERLA: Objection. Scope. 3 Q. (By Mr. Gant) As it relates to entries 4 concerning counsel representing NAMB, specifically 5 Stephanie Taub from the First Liberty Institute? 6 MR. PERLA: Same objection. 7 A. Not that I'm aware of. 8 Q. (By Mr. Gant) You can put that aside now. 9 Thank you. 10 MR. GANT: I think we've been going about 11 an hour and a half-ish. Should we take a short 12 break? 13 MR. PERLA: Sure. 14 THE VIDEOGRAPHER: Off the record at 10:47. 15 (WHEREUPON, a recess was taken.) 16 THE VIDEOGRAPHER: Back on the record at 17 11:01. 18 Q. (By Mr. Gant) Welcome back, Dr. Ezell. 19 During the break did you speak with anyone 20 about any issues related to the deposition? 21 A. No. 22 Q. All right. I said earlier we would do 23 this. We're going to turn back to Topic 4 on the 24 deposition notice. 25 (Plaintiff's Exhibit 12, Copy of Color</p>
<p style="text-align: right;">Page 91</p> <p>1 A. Uh-huh. 2 Q. -- subject, NAMB, open parentheses, 3 (attachment amicus -- 4 A. Brief. 5 Q. -- brief draft). 6 Do you see that? 7 A. Yes, sir. 8 Q. So that was indicating that for entry 9 Number 4, 8/20/2020, at 7:15 a.m., there was a draft 10 of the amicus brief attached that was sent to, among 11 others, Stephanie Taub. 12 MR. PERLA: Objection. Scope. 13 Q. (By Mr. Gant) Do you see that? 14 A. I see Number 4 and -- and then she's on the 15 next page. Yes, I see that. 16 Q. And then for Bates Number 5 it's the same. 17 It indicates that there was an attachment. A draft 18 amicus brief was circulated on the e-mail that is 19 Bates Number 5 in the Thomas More Society privilege 20 log. 21 Do you see that? 22 MR. PERLA: Objection. Scope. 23 A. I see it. 24 Q. (By Mr. Gant) Does NAMB have any basis for 25 disputing the accuracy of the Thomas More Society</p>	<p style="text-align: right;">Page 93</p> <p>1 Photographs, Bates stamped NAMB 7780 - 82, 2 marked for identification.) 3 Q. (By Mr. Gant) I've handed you what's been 4 marked as Exhibit 12. The Bates numbers you should 5 have in front of you. It's four pages. Bates number 6 NAMB 7780, 81, 82. And you won't be able to read it, 7 but the last one is NAMB 7787. 8 Do you have four photographs in front of 9 you? 10 A. Yes, sir. 11 Q. It's my understanding that these are 12 photographs of the reception or security desk at NAMB 13 headquarters as of -- three of them have dates on 14 them, June 20, 2027 [sic]. The last one doesn't have 15 a date. 16 MR. GANT: Does counsel know the date? 17 MS. HERRINGTON: I do not personally know 18 the date. 19 MR. GANT: Okay. 20 Q. (By Mr. Gant) Do you recognize -- strike 21 that. 22 Did you review these photographs in order 23 to prepare to testify today? 24 A. No. 25 Q. Okay.</p>

<p style="text-align: right;">Page 94</p> <p>1 MR. GANT: And I'm happy to take a 2 representation from counsel. My understanding 3 is that these are photographs of the lobby as 4 NAMB headquarters appeared prior to renovation. 5 MR. PERLA: We could represent, but I bet 6 he could tell you. 7 A. Yes, I've seen them. I've seen the 8 photographs before, but I haven't reviewed them in 9 preparation for today, so... 10 Q. (By Mr. Gant) So you have seen them before? 11 A. Yes, sir. 12 Q. So are these photos of how the security or 13 reception or welcome desk at NAMB headquarters looked 14 prior to the renovation that occurred? 15 A. Yes. 16 Q. And do you remember approximately when the 17 renovation took place? 18 A. Approximately, it was '17, '18, somewhere 19 like that. I'd be guessing. I don't remember. 20 Q. Okay. Well, these photos have a stamp. 21 The first three of them are June 20, 2017 -- 22 A. Right. 23 Q. -- so the renovation was after that. 24 A. That's why I said '17, '18. I was just -- 25 Q. You're not sure?</p>	<p style="text-align: right;">Page 96</p> <p>1 should say of records -- reflecting the number and 2 identity of visitors to the building during the 3 period the photo was fixed, posted or placed at the 4 desk. 5 Do you see that? 6 A. Yes. 7 Q. And I don't remember exactly what you said, 8 but you made some reference to the record. So I -- 9 are there any records that record at least some or 10 all of the visitors that come through the NAMB lobby, 11 like a visitor log, for example? 12 A. Visitor -- we don't have a visitor log. I 13 can tell you when we have certain conferences. I 14 don't know that we keep who came to -- we check them 15 in to make sure they're all there and once that's 16 complete, I'm pretty sure we don't keep those 17 documents. 18 But, you know, typically when we have 19 events, it's -- they've had -- I say they. They 20 notify us they're coming and it's just a matter of 21 making sure everybody gets their stuff. 22 Q. What about security cameras? Do they 23 record the number of people who come through the 24 lobby on a given week or month? 25 MR. PERLA: Objection. Vague.</p>
<p style="text-align: right;">Page 95</p> <p>1 A. I'm not sure. 2 Q. Leaving aside that the people or the art 3 may have changed, just in terms of the physical 4 layout, including the layout and physical appearance 5 of the reception desk, is this how it looked on 6 February 5th, 2016? 7 A. I'm sure. 8 Q. You can put those aside for now. 9 MR. GANT: Thank you to counsel for NAMB 10 for providing those at the break. 11 MR. PERLA: Happy to. 12 MR. GANT: So I don't see a need to add 13 them to the notebook since they were separately 14 marked. Do you agree? 15 MR. PERLA: I agree. The book should 16 reflect what he came here with. 17 MR. GANT: And what you gave me this 18 morning? 19 MR. PERLA: That's right. 20 MR. GANT: I agree. 21 Q. (By Mr. Gant) Sticking on Topic 4 in the 22 notice. I wanted to follow up on some questions I 23 was asking earlier. 24 If you look in the middle of Topic 4, it 25 also asks about the existence and location -- it</p>	<p style="text-align: right;">Page 97</p> <p>1 A. Yeah. I'm not certain. 2 Q. (By Mr. Gant) So sitting here, you're not 3 aware of any records that keep track of the number 4 and identity of visitors to the NAMB headquarters 5 lobby? 6 A. No, sir. We -- we -- no, sir. No. 7 Q. So sitting here today, do you know how many 8 people passed through the NAMB lobby between 9 February 5th, 2016 and the end of 2016? 10 A. No, sir. 11 Q. Do you know how many people passed through 12 NAMB's lobby during 2017? 13 A. No, sir. 14 Q. Let's go to Topic 11. You know what? 15 Actually, let's do 10 first. 16 Do you have Topic 10 in front of you? 17 A. Yes. 18 Q. What did you do to prepare specifically to 19 testify today regarding Topic 10? 20 A. Checked to see if there was any complaint 21 or allegation of misconduct. 22 Q. How did you check? 23 A. Through George. 24 Q. What did you ask George? 25 A. Are you aware of anyone who has a complaint</p>

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1 or an allegation of misconduct for NAMB?

2 Q. And what did he say?

3 A. No.

4 Q. Has anyone from any state convention ever

5 complained about the conduct of NAMB personnel?

6 MR. PERLA: Objection. Vague.

7 Q. (By Mr. Gant) Leaving aside BCMD.

8 MR. PERLA: Objection. Vague.

9 A. Is the question has anyone ever complained

10 about NAMB?

11 Q. (By Mr. Gant) About the conduct of NAMB

12 personnel.

13 MR. PERLA: Objection. Vague. Go ahead.

14 A. What do you mean by "conduct of NAMB

15 personnel"?

16 Q. (By Mr. Gant) Has anyone ever alleged that

17 NAMB personnel have engaged in abuse or mistreatment

18 of state convention or its personnel?

19 MR. PERLA: Objection. Vague.

20 A. Again, the question is so large, it's

21 impossible to answer. I have no knowledge of what

22 everybody -- of all the conversations everybody had.

23 (Plaintiff's Exhibit 13, Article from SBC

24 Today, NAMB: Stop Bullying State Conventions!

25 NAMB Has No Authority to Dictate State

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1 Convention Policy or Personnel, Bates stamped WM

2 984 - 989, marked for identification.)

3 Q. (By Mr. Gant) I handed you what's been

4 marked as Exhibit 13, which is Bates labeled WM984

5 through 989. Tell me when you're ready for a

6 question, please.

7 A. Again, if it's -- you want me to read the

8 entire document or are you going to point me to a

9 certain part?

10 Q. As always, you're welcome to read it before

11 we start or you can wait for questions and then

12 decide if you want to read it more.

13 A. Whatever is helpful to you.

14 Q. I think the latter is better, but I want

15 you to feel like you're having an opportunity.

16 A. Let's ask and then I'll see.

17 Q. Okay. You see on the first page it says at

18 the top, "NAMB: stop bullying state conventions!

19 NAMB has no authority to dictate state convention

20 policy or personnel."

21 Do you see that?

22 A. Yes.

23 Q. And then underneath that it says, Dr. Rick

24 Patrick, executive director.

25 Do you see that?

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1 A. I do see it.

2 Q. Do you know who that is?

3 A. I'm aware of him. I don't know him.

4 Q. Have you ever seen this? I know you just

5 started to look at it, but based on your review

6 conducted so far, do you think you've ever seen this

7 before?

8 A. I've seen, again, perhaps the title. I

9 would never -- I would -- I don't remember reading

10 it, but I've seen the title before.

11 Q. But do you think you've read the article?

12 A. Oh, no, I've not read the article.

13 Anything he would write I wouldn't read.

14 Q. Why is that?

15 A. Because he's known -- pastor of a small

16 church in Alabama and just known to do these type

17 of -- at that time, until his church pulled him back.

18 Q. He's known to --

19 A. He's just known to be a regular,

20 investigate everybody, the world is falling type of

21 guy.

22 Q. So you just dismiss what he said?

23 A. I don't read his stuff. I don't dismiss

24 it. I don't read it.

25 Q. On the bottom of the first page there's a

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1 date, November 13, 2017, correct?

2 A. Right.

3 Q. You did not review this article in

4 preparation for today's deposition?

5 A. No, sir.

6 Q. You can put that aside.

7 Do you know who Frank Shope is?

8 A. He was a former employee of NAMB. Lives in

9 the west somewhere.

10 Q. Are you aware of him making complaints

11 about NAMB or NAMB personnel?

12 MR. PERLA: Objection. Vague.

13 A. I don't know if I'm allowed to say based on

14 personnel -- HR personnel records.

15 Q. (By Mr. Gant) There are no limits. I mean,

16 if we need --

17 MR. PERLA: Don't testify to privileged

18 information, but you can testify to

19 nonprivileged information, even if you believe

20 it might be sensitive or confidential. That's

21 okay in this lawsuit.

22 A. He was known to have I believe it was

23 depression issues, some mental challenges that we

24 gave him extended time off for. That's about the

25 only thing I remember. Because it was a special

<p style="text-align: right;">Page 102</p> <p>1 condition and -- but I had very little interaction 2 with Mr. -- that's right when I came to NAMB. 3 (Plaintiff's Exhibit 14, A Reader's 4 Perspective on NAMB by Frank Shope, 11/24/2020, 5 11/24/2020, Bates stamped WM 6181 - 83, marked 6 for identification.) 7 Q. (By Mr. Gant) Exhibit 14 which you now have 8 in front of you is Bates labeled WM6181 through 83. 9 This says at the top, A reader's 10 perspective on NAMB by Frank Shope, November 24, 11 2020. There's an editor note saying this is a letter 12 to the editor. So I understand this to be a letter 13 written by Frank Shope, published in this 14 publication. 15 Again, as always, take as much time as you 16 like or need. But my question is going to be, have 17 you ever seen this letter before? 18 A. No. 19 Q. So I take it, then, you did not read this 20 in order to prepare for today's deposition? 21 A. I wasn't aware, no. 22 Q. You can put that aside. 23 A. (Clearing throat.) Sorry. Sorry, Brian. 24 Q. Do you need more water? 25 A. No. I just didn't want to mess his hearing</p>	<p style="text-align: right;">Page 104</p> <p>1 Certain states, like Alaska, had several 2 people that were underperforming that we were 3 funding, and per person in Alaska -- we spent more 4 money per person in Alaska than any other state that 5 we have partnership with. But the bottom line is 6 they just wanted money and no accountability. 7 And so, you know, with what some would 8 refer to bullying or pressuring is simply 9 accountability, where in the past -- again, it was 10 a -- part of this is in the past. Before 2010 there 11 was no accountability. It was just basically NAMB 12 was a -- you know, a bank that would distribute money 13 to states and say good luck, you know, praying for 14 you. And we came in with very targeted, very 15 strategic purpose, focusing on planting, and some of 16 the states didn't prefer that. 17 And so, I mean, this -- for instance, 18 Alaska had a missionary to the Iditarod, and we had 19 clowns out there, Tator Tot and Bobo, you know, 20 that -- literal clowns. And we let hundreds of -- we 21 transitioned and reduced down hundreds of positions 22 that had no -- we didn't see any real productive 23 reason to have them. It was money wasted, not in the 24 scope. 25 And, again, when you see these different --</p>
<p style="text-align: right;">Page 103</p> <p>1 up. 2 (Plaintiff's Exhibit 15, Letter to Alaska 3 Pastors and Church Leaders from Alaska Baptist 4 Resource Network, 9/3/2020, Bates stamped WM 5 6195 - 98, marked for identification.) 6 Q. (By Mr. Gant) You have in front of you 7 Exhibit 15, which is Bates labeled WM6195 through 97. 8 When you're ready to answer, my question is going to 9 be, have you ever seen this exhibit before? 10 A. I have. 11 Q. You have. When did you most recently 12 review it? 13 A. Oh, most -- it would not be in the last 14 year or two, but I remember seeing it when we 15 received it. 16 Q. Okay. You did not read this in order to 17 prepare for today's deposition, including Topic 10? 18 A. Not to prepare for the... 19 Q. What do you understand Exhibit 15 to be? 20 A. I came to NAMB, we readjusted how things -- 21 pare down and focus of NAMB. Many of the smaller 22 states preferred to receive money and let them do 23 what they wanted. NAMB does not have authority over 24 state personnel or state policies. I mean, we do 25 have authority over the money we invest in states.</p>	<p style="text-align: right;">Page 105</p> <p>1 in this whole transition of 2010 NAMB didn't have a 2 very clear focus in my opinion. When I got there in 3 September 2010, we tried to bring a sense of focus to 4 church planting. Before they were basically -- I use 5 analogy, you know, shooting in the air, hoping to hit 6 a bird, and we tried to put, you know, the scope on 7 the gun to be very -- more laser-focused on church 8 planning. So that's the reason that -- it's a 9 transition from getting to do what you want to having 10 some accountability. 11 Q. Leaving aside Dr. McRaney, NAMB has, in 12 fact, received allegations of, using your words, 13 bullying and pressuring from representatives of state 14 conventions, true? 15 MR. PERLA: Objection. Vague. 16 A. It would depend -- have -- you know, to all 17 the states -- you know, today 41 -- we have a very 18 good relationship with 41 of the 42, and basically 19 the ones where we had the issue were guys who had had 20 years of getting to do what they wanted. They just 21 got a check in the mail and got to do what they 22 wanted. 23 And so how they interpret that -- I don't 24 want to put words in their mouth, but they used 25 various -- we knew that going in. I mean, who -- you</p>

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1 know, who wants to add certain restrictions to things
 2 they used to get for free?
 3 And we knew it would be -- you know, take
 4 some time and it would take a while to change the
 5 paradigm. But, again, I wouldn't describe it as
 6 that. It's just -- what I would describe it is as
 7 accountability.
 8 MR. GANT: Move to strike as nonresponsive.
 9 Q. (By Mr. Gant) You used the phrase -- I
 10 wrote it down -- bullying and pressuring.
 11 A. I said what some have said is bullying and
 12 pressuring.
 13 Q. That's what I'm asking you.
 14 Isn't it true that NAMB has received
 15 allegations that NAMB or its personnel have engaged
 16 in bullying or pressuring of state conventions?
 17 MR. PERLA: Objection. Vague. Asked and
 18 answered. Go ahead.
 19 A. Yeah, I feel like I have answered that.
 20 Q. (By Mr. Gant) And the answer is yes, it's
 21 true, isn't it?
 22 A. No.
 23 Q. I'm not saying it's true that you believe
 24 that it was pressuring and bullying. I'm asking if
 25 representatives of state conventions have alleged or

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1 contended that NAMB or its personnel have engaged in
 2 bullying or pressuring.
 3 MR. PERLA: Same objections.
 4 A. I can't recall specifically people saying
 5 that.
 6 Q. (By Mr. Gant) Did you investigate that in
 7 order to prepare for today's deposition?
 8 A. No.
 9 Q. So what is the one -- you said this today
 10 at least once and I think yesterday: You said you
 11 have good relations with 41 of the 42 conventions.
 12 Today what's the one that you don't?
 13 A. Well, we have very good relations with the
 14 41 of the 42. I didn't say we didn't have a good
 15 relationship with the 42nd. It's just not as good as
 16 the others.
 17 Q. Well, what is the one you're singling out?
 18 A. It would be the northwest.
 19 Q. Is that where Randy Adams was?
 20 A. Yes, sir.
 21 Q. Has Randy Adams made allegations of
 22 misconduct by NAMB or its personnel?
 23 MR. PERLA: Objection. Vague.
 24 A. No, I don't -- I -- I don't recall specific
 25 descriptions from Randy Adams.

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1 Q. (By Mr. Gant) And you didn't investigate
 2 that in preparation for today's deposition?
 3 A. No.
 4 Q. And you said he was from the northwest
 5 convention?
 6 A. Northwest convention, uh-huh, Portland.
 7 Q. I only have one copy of this, but I would
 8 like to mark it. And I will just indicate there's
 9 some yellow highlighting that I added to it. And I'm
 10 going to hand it -- put on a sticker, mark it as NAMB
 11 Exhibit 16. It's Bates labeled NAMB 009876 through
 12 880. I'm handing it to counsel for NAMB to review
 13 and then he will pass it to the witness.
 14 And just as a preview, I'm going to ask you
 15 if you have seen it before and if you read it to
 16 prepare for today's deposition.
 17 MR. PERLA: In that case, I'm going to let
 18 him answer that. I may need it back if we go
 19 further.
 20 (Plaintiff's Exhibit 16, Letter to
 21 Northwest Baptist Convention Executive Board,
 22 Bates stamped NAMB 9876 - 80, marked for
 23 identification.)
 24 Q. (By Mr. Gant) Have you read through
 25 Exhibit 16?

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1 A. Today?
 2 Q. Just now.
 3 A. I didn't read it all, but I read enough of
 4 it.
 5 Q. Do you believe, based on your review, that
 6 you have seen that before?
 7 A. I've seen it before, uh-huh.
 8 Q. Did you read it or review it in any way in
 9 order to prepare for today's deposition?
 10 A. No.
 11 Q. Okay. You can put that aside.
 12 I have a few more documents I'm going to
 13 show you related to Topic 10, but I don't remember if
 14 we established this so I just want to make sure.
 15 There are no documents behind Tab 10 in the
 16 notebook that you have or the notebook that was
 17 provided to me, correct?
 18 A. Correct.
 19 Q. And you didn't review any documents in
 20 order to prepare to provide testimony regarding
 21 Topic 10, correct?
 22 A. No documents, no.
 23 (Plaintiff's Exhibit 17, Article entitled,
 24 NAMB's Abuse and Mistreatment of the MWBC,
 25 written by Pastor Jackie Hill, 6/25/21, Bates

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1 stamped WM 6212 - 20, marked for
 2 identification.)
 3 Q. (By Mr. Gant) I've handed you or, sorry,
 4 Robin has handed you what was marked as Exhibit 17,
 5 which is Bates labeled WM6212 through 6210. As usual
 6 take as much time as you would like to review it.
 7 But my questions are going to be if you believe
 8 you've seen it before and whether you reviewed it in
 9 order to prepare for today's deposition.
 10 A. I've not seen it before and I did not use
 11 it in preparation.
 12 Q. Thank you. Put that aside.
 13 (Plaintiff's Exhibit 18, Document entitled,
 14 North American Mission Board's Strategic Shifts
 15 and the Impact on California Southern Baptist
 16 Convention, 1/2012, Bates stamped WM 6186 - 94,
 17 marked for identification.)
 18 Q. (By Mr. Gant) You have been handed
 19 Exhibit 18, which is Bates labeled WM6186 through
 20 6194. When you're ready to answer, please let me
 21 know whether you believe you have seen this document
 22 before.
 23 A. I have not seen this document before.
 24 Q. Did you review this document in order to
 25 prepare for today's deposition?

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1 A. I did not.
 2 Q. Put it aside.
 3 Does NAMB have any additional testimony to
 4 provide regarding Topic 10?
 5 MR. PERLA: Objection.
 6 Q. (By Mr. Gant) Beyond what we've already
 7 discussed?
 8 MR. PERLA: Objection. Depends on your
 9 question. Vague.
 10 A. Depends on what you're talking about. I
 11 would be glad to respond to any of these you just
 12 gave me if you want me to. California is one of our
 13 very best partners.
 14 MR. PERLA: I want to get in front of
 15 something that I think you're going to claim
 16 falsely. This witness knows about these. He
 17 didn't need to review these in advance. If you
 18 have questions, now is the time.
 19 MR. GANT: I'm not taking any positions or
 20 making any arguments here. I'm just trying --
 21 MR. PERLA: I just want to make sure you're
 22 not going to say, Oh, gee, we need another
 23 witness, because you got the guy. If you don't
 24 want to ask the questions, that's your choice.
 25 Q. (By Mr. Gant) Whose decision was it to

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1 include no documents behind Tab 10 in the notebook
 2 that you have and was provided to me?
 3 A. It was mine. I didn't need it.
 4 Q. So you're not saying there are no relevant
 5 documents, you're just saying you didn't need any?
 6 A. I didn't -- regarding that, I don't. I
 7 don't need any.
 8 Q. So can you please identify for me each of
 9 the state conventions where NAMB has received a
 10 complaint or an allegation of misconduct or bullying
 11 or pressuring from representatives of that state
 12 convention? I just want a list. Which conventions
 13 of the 42?
 14 A. Who in this context?
 15 Q. The time period, sorry, is from 2013 to the
 16 present.
 17 A. Okay. So I just want to give you what you
 18 want here, who officially contacted NAMB or who
 19 complained about it in an article. Typically, when
 20 people want to complain, they do it in a third
 21 person, they put it in a blog, and they're, you know,
 22 written from their mother's basement.
 23 Q. Okay. I appreciate your request for
 24 clarification. I'm not limiting it to what you call
 25 formal outreach or to NAMB. I'm including public

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1 statements.
 2 A. Okay.
 3 Q. So if you have the question in mind with
 4 that clarification.
 5 A. Sure, I can go through the list.
 6 Q. Yes.
 7 A. But as I said, as of today we have 41 very
 8 good relationships with the 42 state conventions.
 9 Take California. In 2012 did they complain?
 10 Q. Can we just do a list?
 11 A. Well, I'm trying to explain the list. I
 12 mean, you're asking me about a guy who no longer
 13 works there in 2012, and a new guy works there in
 14 2023 and so it's completely different.
 15 You go to Ohio and one guy was there, was
 16 used to another way of doing it, and the new guy is
 17 Jeremy Westbrook and he's one of our very best
 18 partners. So it all is germane to what you're
 19 asking. I just don't know -- we need to go year by
 20 year if you're going to do this.
 21 Q. Well, I'm putting -- I'm entitled to put
 22 them together.
 23 A. Okay.
 24 Q. I want to know for each state convention
 25 whether there were a complaint or complaints, and by

<p style="text-align: right;">Page 114</p> <p>1 complaint I'm using complaints or allegations of 2 misconduct, bullying, pressuring by NAMB or its 3 personnel from someone who is with or was with a 4 state convention and complained -- and using that 5 term broadly -- about NAMB at any point between 2013 6 and the present. 7 I just want each -- I mean, if you want, 8 you can go through each state and you can just say 9 yes or no. 10 A. Okay. Let's do that. 11 Q. Do you know the list of 42 from memory? I 12 don't. 13 A. It's just the states. I will go through 14 the map. 15 Q. We will go one by one and you say yes or 16 no. 17 MR. PERLA: I'm just going to say once, 18 objection, vague, scope. Can we agree that I 19 don't need to say that over and over? 20 MR. GANT: Sure. You mean on this line of 21 questions? 22 MR. PERLA: Yes. 23 MR. GANT: Fine. I agree to that. 24 MR. PERLA: Thank you. Go ahead. 25 A. I need to know the year and the state.</p>	<p style="text-align: right;">Page 116</p> <p>1 parts. 2 A. I don't think so. 3 Q. Let's just start with formal complaints, as 4 you call them. What does that mean? Let's define 5 that if you want to do that. 6 A. Someone, like, who notified us that they 7 feel like in some formal way that they've been 8 mistreated in some way. 9 Q. So which state conventions did that? 10 A. I'm not aware of people who have -- 11 Q. You said it was a short list. 12 A. I'm saying I'm not aware other than 13 perhaps -- if you say -- I don't know how formal is 14 formal. Depends on what you mean by formal. But the 15 northwest would be one. There were six states that 16 did not notify NAMB but notified the EC. 17 Q. Okay. 18 A. That would have been Ohio, which is one of 19 our best partners now. Would be New Mexico, which is 20 one of our partners now. 21 Q. I ask if you just confine yourself to the 22 list and not add the commentary about whether they're 23 a good partner now. 24 I'm entitled to hear -- you just told me 25 that six states provided complaints to --</p>
<p style="text-align: right;">Page 115</p> <p>1 Q. (By Mr. Gant) I'm putting all the years 2 together. 3 A. You can't. 4 Q. Why can't I? 5 A. Because they're -- Ohio is a great partner 6 now; they were not before. 7 Q. I'm not asking whether they're a great 8 partner at one point and not at another. 9 MR. PERLA: If he doesn't care what year, 10 then you can give your answer about the year. 11 That's what he wants. Just answer his question. 12 A. Okay. 13 Q. (By Mr. Gant) Because I want to know if at 14 any point in the date range from January '13 to the 15 present whether there was a complaint or allegation 16 of misconduct, pressuring, bullying, et cetera, by 17 NAMB or its personnel. 18 A. All right. Do you want a form -- people 19 complain every day about -- I mean, we do a lot of 20 things. They could easily complain. I don't have a 21 record of every complaint. If you're talking about a 22 formal notification to NAMB, then that's a short 23 list. We don't keep a list of complainers. 24 Q. Well, all right. Let's -- to -- I think my 25 question was clear and fair, but let's break it in</p>	<p style="text-align: right;">Page 117</p> <p>1 A. I didn't say complaints. Six states just 2 shared concerns. 3 Q. Okay. Concerns. I didn't mean to put 4 words in your mouth. 5 Which six states registered concerns about 6 NAMB or its personnel to the SBC? So you mentioned 7 Ohio, New Mexico. 8 A. It was always northwest, and then Ohio, 9 New Mexico, Alaska. It's just -- it's hard 'cause 10 they're all good now. 11 I'm trying to think of who retired 12 recently. There was an article in the Baptist Press 13 about it that could fill you in those six. I don't 14 remember all the -- California was one. How many am 15 I up to? 16 Q. Five. 17 A. Okay. Just give me a second. 18 Let's see. California, Hawaii. 19 Q. Any others you can think of now? 20 A. No. And I'm -- I'm -- I'm doing the best 21 to remember. I'm semiconfident that that's the 22 correct list. 23 Q. And those six that you say registered 24 concerns -- I'm not trying to put words in your 25 mouth -- did you say they were with the executive</p>

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1 committee of the SBC?

2 A. Yeah. They wanted -- yes.

3 Q. Thank you.

4 And were those expressed in writing?

5 A. Yes.

6 Q. Is there a reason they're not behind Tab 10

7 in my notebook and the one you have?

8 A. I mean, any complaint or allegation --

9 misconduct -- misconduct -- allegation of

10 misconduct -- it's not misconduct. They didn't like

11 the strategy. It wasn't the conduct, it was the

12 strategy they didn't like.

13 MR. GANT: I just make a request that we

14 receive written copies of the written

15 expressions of concern about NAMB sent to the

16 executive committee of the SBC.

17 Q. (By Mr. Gant) Okay. So we've got those six

18 states. I appreciate that.

19 Now, what about expressions of concern or

20 complaints or allegations of misconduct to -- sent to

21 NAMB, whether formal or informal, but actually sent

22 to NAMB? Can you think of any states?

23 A. Are you asking an actual state convention?

24 Q. Or a representative of the convention.

25 A. What do you mean by "representative"?

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1 Q. Staff member, executive director.

2 A. Someone employed by the state convention?

3 Q. I don't know if they have to be salaried.

4 If they have an official position with the state

5 convention. Whether they're a volunteer or not, I

6 don't think is material.

7 MR. PERLA: Objection. Vague.

8 A. Yeah, it would all depend on what you mean.

9 But if you're talking about someone who would

10 represent the state convention as an employee, I

11 would -- I deal with the state execs in no official

12 way.

13 But when you say complain or there would

14 be, you know, interactions where, hey, look, I really

15 don't like this. I appreciate that, but our strategy

16 has changed, but I really don't agree with it. I

17 appreciate that, but our strategy has changed.

18 And we're strategic partners. We're

19 typically their largest partner. And we want to have

20 a relationship. We provide funding for them in a lot

21 of ways, sometimes finances, sometimes coaching,

22 sometimes training, things you can't really put a

23 monetary amount on. So being their partner, I'm

24 always respectful, but -- but we reserve the right to

25 invest resources where we feel they would get the

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1 most result.

2 The disagreements happen when they feel one

3 way, we feel another, and they were used to doing it

4 their own way. And we're simply saying, look, it

5 needs to fit within our strategy. Some don't want to

6 focus on church planning. We say that's fine, but

7 we're just -- we're going to focus -- we want our

8 resources focused on what our focus is.

9 And so it's impossible for me to give you a

10 list, a comprehensive list of everybody who didn't

11 like that. It would be more collegial -- I think

12 they were complaining, but I get it too, and I knew

13 going into it they were going to, you know, complain,

14 but it wasn't like any formal protest or anything.

15 There was several of these guys that were

16 good friends of mine. We just disagree to disagree

17 [sic]. But, hey, look, then they would say, you're

18 our largest funding partner and we get that you can

19 choose where to put your money. And so...

20 Q. (By Mr. Gant) Are you able to identify any

21 other states for me that expressed concern or alleged

22 that NAMB was doing something wrong in relation to

23 the state convention?

24 A. Yeah. I would have to know exactly what

25 you're referring to by "wrong." I mean, there was

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1 no -- there was no misconduct by NAMB.

2 Q. Okay. I understand that's your position.

3 Do you remember any other states besides

4 the one that you mentioned that expressed concerns or

5 alleged that NAMB was doing something improper or

6 wrong or bullying or pressuring?

7 MR. PERLA: Objection. Vague. Go ahead.

8 A. I'm really trying to answer. Those words

9 were used more in blogs and commentary, not in

10 official notifications, and they would just say we

11 disagree with the strategy. We say, okay, your right

12 to do that. But that's not a wrongdoing or wrong.

13 Q. (By Mr. Gant) That's fine. I'm not

14 excluding public commentary through blogs or other

15 written memes.

16 A. You are not?

17 Q. I'm not excluding that. So with that

18 clarification, are you able to answer my question?

19 MR. PERLA: Objection. Vague.

20 A. I just don't have record of -- if you're

21 not excluding it, I have no record of all those

22 things. There's 16 million Southern Baptists and

23 47,000 churches, 42 state conventions, and 1,200

24 associations. I have no knowledge of every random

25 thing, you know, someone will say.

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1 Q. (By Mr. Gant) I'm not asking for what you
 2 don't know. I'm asking for what you do know.
 3 A. Yeah. I have -- I do not keep a collective
 4 list of people I'm even aware of that complain. It's
 5 just not -- I don't have enough time to do that.
 6 Q. Well, part of the reason there were no
 7 documents behind Tab 10 is because you thought you
 8 had the information yourself, correct?
 9 A. Uh-huh. I do.
 10 Q. Okay. So what I'm asking for is not
 11 limited to formal complaints, including things that
 12 are said on blogs and other public forums. I'm
 13 asking you to identify any state conventions other
 14 than the six you already mentioned that register or
 15 raised or stated concerns or allegations of bullying
 16 or pressuring or inappropriate actions or behavior by
 17 NAMB or its personnel.
 18 Can you give me any other -- any other
 19 state conventions besides the six you've already
 20 testified about?
 21 A. I can tell you there's no complaints of
 22 any -- complaint of any or allegation of misconduct.
 23 I mean, you got to define for me -- there's no
 24 misconduct. People weren't complaining about
 25 misconduct. They were complaining about the

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1 strategy, so...
 2 Q. I'm going to try one more. I'm going to
 3 have Robin read it back. I'm going to see if you're
 4 able to answer the question. If not, I'm going to
 5 consider that the totality of NAMB's testimony on
 6 that question.
 7 (WHEREUPON, the record was read back by the
 8 reporter as follows:)
 9 "Question: So what I'm asking for is not
 10 limited to formal complaints, including things
 11 that are said on blogs and other public forums.
 12 I'm asking you to identify any state conventions
 13 other than the six you already mentioned that
 14 register or raised or stated concerns or
 15 allegations of bullying or pressuring or
 16 inappropriate actions or behavior by NAMB or its
 17 personnel. Can you give me any other -- any
 18 other state conventions besides the six you've
 19 already testified about?"
 20 MR. PERLA: Objection. Asked and answered,
 21 plus my standing objections. Go ahead.
 22 A. Nothing else to my knowledge.
 23 Q. (By Mr. Gant) Thank you.
 24 Does NAMB have anything else -- strike
 25 that.

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1 Let's go to Topic 12. I have one page
 2 behind Tab 12 in my notebook. Is that what you have?
 3 A. Yes.
 4 Q. And that page is NAMB 8377, correct?
 5 A. Yes.
 6 Q. Tell me what you did to prepare to testify
 7 regarding Topic 12.
 8 A. I reviewed this document.
 9 Q. Did you do anything else?
 10 A. No.
 11 Q. Did you speak with anyone who was involved
 12 in the examination and review referred to in NAMB
 13 8377?
 14 A. I reviewed this document. Obviously, I had
 15 this document and my knowledge of what took place.
 16 Q. Okay. We talked a little bit about this
 17 document yesterday during your 30(b)(1) deposition,
 18 correct?
 19 A. Yes.
 20 Q. And again, I'm not trying to put words in
 21 your mouth. I'm going from my best recollection of
 22 what you said. But I thought you said that you were
 23 not involved in the examination and review, is that
 24 true?
 25 A. Right.

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1 Q. And I believe you said something to the
 2 effect that you were kept away from the examination
 3 and review. Do you remember saying something to that
 4 effect?
 5 A. It was an independent investigation is what
 6 I meant by "kept away." They were independent. I
 7 didn't have -- I wasn't on the committee doing it.
 8 Q. And you didn't assist the committee either,
 9 did you?
 10 A. In anything they asked, but I don't
 11 recall -- it was independent of me on purpose so that
 12 there could be no allegations of not doing a thorough
 13 job, that type of thing.
 14 Q. Because some of the questions about the
 15 propriety of conduct were about you so that's why it
 16 was designed to be independent of you, is that right?
 17 A. I don't know the reason other than, look,
 18 you know, I'm the president of the organization.
 19 They're going to do a complete, independent
 20 investigation of it, and so I was not included.
 21 Q. You mentioned a committee that was doing
 22 the examination. Do you remember saying that a
 23 moment ago?
 24 A. Yeah. I don't know if it was a committee
 25 or a task force or -- I don't -- I'm not sure.

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1 Q. So you were using that term loosely?
 2 A. Loosely.
 3 Q. You're not aware of whether there was a
 4 formal committee?
 5 MR. PERLA: Objection. Vague.
 6 A. Yeah. I'm not aware what they called it.
 7 MR. GANT: Sorry. What was the --
 8 MR. PERLA: Formal.
 9 Q. (By Mr. Gant) I think your answer was
 10 you're not sure what they called it. Is that what
 11 you said?
 12 A. Yes.
 13 Q. Well, just so we're on the same page, how
 14 should I refer to it? If I call it a committee, will
 15 you understand what I'm referring to?
 16 A. Sure.
 17 Q. We're not sure if there was an actual
 18 committee, is that right?
 19 A. Well, I know there were --
 20 Q. Let's call it a group.
 21 A. There were multiple people, so...
 22 Q. Can we call it a group?
 23 A. Call it anything you like.
 24 Q. I just want to facilitate our clear
 25 communication. All right. So you were not involved

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1 in the examination and review.
 2 Did you talk to anybody in order to prepare
 3 to testify today regarding Topic 12?
 4 A. I reviewed the document, but no.
 5 Q. So you didn't speak with anybody in order
 6 to prepare to testify on Topic 12?
 7 MR. PERLA: Objection. Asked and answered.
 8 A. Yeah. Document, and counsel helped me
 9 review the documents.
 10 Q. (By Mr. Gant) What did counsel do to assist
 11 your preparation to testify regarding Topic 12?
 12 MR. PERLA: Objection. This is not an
 13 instance when counsel provided factual
 14 information. So I would instruct you not to
 15 divulge your communications with counsel.
 16 MR. GANT: Okay. I mean, if that statement
 17 of fact is true, then is NAMB proffering that as
 18 a representation that --
 19 MR. PERLA: Counsel, yes.
 20 MR. GANT: -- counsel did not provide any
 21 factual information to Dr. Ezell to prepare to
 22 testify regarding Topic 12 today?
 23 MR. PERLA: That's correct.
 24 MR. GANT: I'll accept that.
 25 Q. (By Mr. Gant) So again, I'm not trying to

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1 unnecessarily repeat. I just want to make sure
 2 there's clarity.
 3 The only thing you did to prepare to
 4 testify regarding Topic 12 is review the one page,
 5 NAMB 8377?
 6 A. Here and what I had knowledge of.
 7 Q. Okay. What did you have knowledge of
 8 yourself about Topic 12?
 9 MR. PERLA: Objection. Vague. The
 10 substance of the investigation is covered by the
 11 attorney-client privilege and the attorney work
 12 product doctrine, so I think it's a very
 13 difficult question for him to answer given its
 14 breadth without invading privilege territory.
 15 If you want him to try and answer without
 16 invading any of that territory, we can do it. I
 17 would suggest that you ask a more specific
 18 question, but it's your deposition.
 19 MR. GANT: Is it NAMB's position that any
 20 information other than what's set forth on NAMB
 21 8377 about the review and examination is
 22 privileged?
 23 MR. PERLA: No, it's not. That's why I'm
 24 saying you may need a more specific question for
 25 him. You know how privilege works. You might

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1 be able to ask about people or dates. You
 2 certainly can't ask about substance. That's why
 3 it's hard to do with a question as broad as tell
 4 me about Topic 12.
 5 MR. GANT: But he wasn't -- he didn't
 6 prepare to testify to --
 7 MR. PERLA: I think you're missing an
 8 important point about that binder. This is not
 9 the sum total of what he knows. He knows
 10 plenty. This is additional information.
 11 MR. GANT: I know, but he said he didn't do
 12 anything to prepare, so no one told him here is
 13 the composition of the committee --
 14 MR. PERLA: And if he --
 15 MR. GANT: -- here are the dates that the
 16 committee -- I'm using "committee" loosely.
 17 Nobody told the witness so that you can testify,
 18 here's who was on it, here's what the dates
 19 were, or any other basic factual question that's
 20 not going to be privileged.
 21 MR. PERLA: But you keep overlooking the
 22 obvious possibility that we gave you. The
 23 witness already knows it. He doesn't need to
 24 learn something if he already knows.
 25 MR. GANT: I think I asked him yesterday.

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1 He didn't know anything.
 2 MR. PERLA: No. You asked him if he
 3 participated.
 4 Q. (By Mr. Gant) Okay. Who was in this group
 5 that conducted an examination and review? I asked
 6 you yesterday. You were only able to name two
 7 people. Do you remember --
 8 A. Mark Dyer and George McCallum.
 9 Q. Yesterday I asked you if there was anyone
 10 else. You said you didn't know. Do you remember
 11 saying --
 12 A. I'm not aware of who else. Those were the
 13 two that were leading it.
 14 Q. Okay. Did you do anything to prepare to
 15 testify today about who was in the group that
 16 conducted this examination or review, other than rely
 17 on your memory?
 18 A. Just rely on my memory.
 19 Q. Okay.
 20 MR. GANT: We believe the witness should
 21 have been prepared to answer the question about
 22 who participated in the review and examination.
 23 Q. (By Mr. Gant) What was the start and end
 24 date of this examination and review?
 25 A. The start date would be George McCallum's

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1 employment date, and the end date I would -- would be
 2 the date noted on document included.
 3 Q. What's the basis for that answer?
 4 A. Remember the first -- the very first date
 5 of his employment is when he and Mark Dyer began to
 6 do that.
 7 Q. Was George hired in part in order to
 8 conduct this examination and review?
 9 A. No. We hired him, and coincidentally it
 10 was the very first day that they started reading a
 11 lot of e-mails.
 12 Q. So what was that date that --
 13 A. It would be his first employment date.
 14 Q. I know. I'm asking what the date was.
 15 A. Yeah. I don't remember a specific date,
 16 but I know that he and Mark Dyer were the ones that
 17 were overseeing it.
 18 Q. But you don't know who else was
 19 participating, correct?
 20 A. I don't know who else they included. I
 21 don't know if it was an official committee, but I
 22 know they had the scope to ask anybody they wanted
 23 to, anything to make sure we had a correct
 24 investigation, to make sure it was clean.
 25 MR. GANT: And just for the record, we

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1 believe we're entitled to know the start and end
 2 dates of the examination review. I don't know
 3 when George McCallum began at NAMB and your
 4 witness doesn't know either, so --
 5 MR. PERLA: We can resolve this issue right
 6 now if you'd like George to tell you.
 7 MR. GANT: I'm happy to if you know,
 8 George.
 9 MR. McCALLUM: I do know.
 10 MR. PERLA: Please.
 11 MR. McCALLUM: June 1st, 2016.
 12 MR. GANT: Thank you.
 13 MR. PERLA: You can treat that as NAMB's
 14 answer.
 15 MR. GANT: Okay. Thank you for that.
 16 THE WITNESS: Sorry, George. I...
 17 MR. PERLA: That's okay.
 18 THE WITNESS: I don't remember that
 19 birthday.
 20 Q. (By Mr. Gant) So George has provided NAMB's
 21 testimony on the start date -- well, on his start
 22 date. It's your testimony that that's when the
 23 examination and review began, correct?
 24 A. Yes, sir.
 25 Q. So your testimony on behalf of NAMB is that

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1 the examination was conducted between June 1, 2016
 2 and June 13, 2016?
 3 A. Yes.
 4 Q. And NAMB 8377 is dated June 13, but is that
 5 necessarily when the review was concluded? Isn't it
 6 possible it was concluded days earlier?
 7 A. Yeah. I wasn't -- I wasn't a part of those
 8 inves- -- so I don't know they had a dedicated stop
 9 date on that.
 10 Q. What do you mean by that?
 11 A. I wasn't a part of the investigation so I
 12 don't know when they concluded it.
 13 Q. Okay. So -- and again, I'm asking for
 14 NAMB's testimony. What was the date when the
 15 examination and review was concluded?
 16 A. It would be on or before --
 17 MR. PERLA: Wait, wait, wait.
 18 A. I'm sorry.
 19 MR. PERLA: Objection. Vague. Go ahead.
 20 A. Sorry.
 21 It would be on or before the date listed.
 22 Q. (By Mr. Gant) So no later than June 13th,
 23 but you don't know how much earlier?
 24 MR. PERLA: Same objection.
 25 A. Same answer. It's on or before that date.

<p style="text-align: right;">Page 134</p> <p>1 Q. (By Mr. Gant) Okay. Could it have been 2 June 10th? 3 MR. PERLA: Same objection. Go ahead. 4 A. It's on or before that date. 5 Q. (By Mr. Gant) Okay. So that includes 6 June 10th, June 9th, June 8th, correct? 7 MR. PERLA: Same objection. 8 A. Yeah. It's on or before that day. 9 Q. (By Mr. Gant) Do you know how many hours 10 were spent by the group conducting the examination 11 and review? 12 A. No. 13 Q. Do you know whether the group conducting 14 the examination and review interviewed anybody? 15 A. I was aware that they interviewed. I don't 16 know who they interviewed. 17 Q. What's the basis for your belief that they 18 did do interviews? 19 A. I don't -- again, I don't recall who, but I 20 know that they had talked to different personnel at 21 NAMB. 22 Q. What's the basis for that? 23 A. Again, I don't recall who, but -- because 24 Mark and George, you know, were in the building there 25 for several days. Mark is an attorney in Dallas and</p>	<p style="text-align: right;">Page 136</p> <p>1 MR. PERLA: Well, let's start with a yes-no 2 to that. 3 A. Okay. Yes. 4 Q. (By Mr. Gant) Okay. What did Tom Wigginton 5 tell you had been pulled for purposes of the 6 examination and review? 7 MR. PERLA: Now I'm instructing the witness 8 not to answer on the basis of the 9 attorney-client privilege and work product 10 doctrine. 11 Q. (By Mr. Gant) Are you going to follow that 12 instruction? 13 A. I'm going to follow that instruction. 14 Q. Did Tom Wigginton ask you to provide any 15 e-mails? 16 A. No. 17 Q. Do you know whether outside counsel other 18 than Mark Dyer were involved in the examination and 19 review? 20 A. I'm not aware. 21 Q. 8377, which is behind Tab 12, says that -- 22 you see it says "fully reporting those findings to 23 the full board"? 24 A. Which paragraph? I'm sorry. I'm trying to 25 find it.</p>
<p style="text-align: right;">Page 135</p> <p>1 not normally there. 2 And so I know he made reference to -- or 3 some of our personnel had talked about they had 4 talked to Mark. Again, I don't know if they talked 5 to Mark about this or if they talked to Mark about 6 the Cowboys, but they talked to Mark so -- but I 7 don't recall who it was. 8 Q. You don't know who and you don't know how 9 many people, correct? 10 A. Yes. I don't. I do not know. 11 Q. Do you know what, if any, documents were 12 reviewed as part of the examination and review? 13 MR. PERLA: Objection. I'll let him 14 answer. 15 A. I'm assuming they were reviewing -- 16 Q. (By Mr. Gant) I don't want assumptions -- 17 (Speaking simultaneously.) 18 A. I wasn't in there. I don't know. 19 MR. PERLA: His question is, do you know 20 what documents they reviewed? That's a yes -- 21 A. They reviewed e-mails. 22 Q. (By Mr. Gant) How do you know that? 23 A. Because I was told by Tom Wigginton that 24 they had pulled those e-mails. 25 Q. Do you know what those e-mails were?</p>	<p style="text-align: right;">Page 137</p> <p>1 Q. We're in the section on background. 2 A. Okay. 3 Q. This is on the second line. 4 A. Okay. 5 Q. It says "fully reporting those findings." 6 So it says there was an examination and review -- 7 A. All right. 8 Q. -- of the dealings and have fully reported 9 those findings to the full board of trustees. 10 Do you see that? 11 A. Yes. Uh-huh. 12 Q. Do you know how, mechanically, those 13 findings were reported to the full board? 14 A. I know there was an oral reporting by 15 Mr. Dyer. 16 Q. An oral report? I thought -- I'm just 17 asking -- I didn't hear it. 18 A. There was an explanation -- Mr. Dyer is the 19 one that would communicate to the board. 20 Q. You say "would." Do you know for a fact 21 that's what happened here or -- 22 A. I know for a fact. I was there when he 23 reported it to the board, because they reported. I 24 don't recall if there was times -- there was times I 25 was in the room, times perhaps I was not in the room,</p>

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1 but I was in there at one point where he was
 2 explaining it to the full board.
 3 Q. How come you didn't mention that to me
 4 yesterday, that you were there when there was a --
 5 for at least part of the time when there was a report
 6 to the board on this examination and review?
 7 MR. PERLA: Objection. Argumentive.
 8 Q. (By Mr. Gant) I'm not trying to be
 9 argumentative. I asked you questions yesterday about
 10 this and you --
 11 A. I don't --
 12 MR. PERLA: Objection. Objection. Vague.
 13 A. I don't remember.
 14 Q. (By Mr. Gant) Okay. When did this report
 15 take place?
 16 A. It would be the -- the report would be the
 17 trustee meeting in June of 2016.
 18 Q. Do you remember what date it was?
 19 A. I don't remember the exact date. Our
 20 trustees meetings at that time were at the SBC, so it
 21 would be in that range, that Monday, Tuesday, that
 22 trustee meeting.
 23 MR. GANT: Again, I think we're entitled to
 24 know the date of this oral report, so I would
 25 ask that it be provided to us, unless counsel

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1 knows and would like to proffer NAMB's answer.
 2 MR. PERLA: I'll respond to that after the
 3 break. I'm not sure.
 4 MR. GANT: Okay. That's fine. Thank you.
 5 And if you don't provide it today, then I ask
 6 that it be provided later.
 7 MR. PERLA: I'm acknowledging your request.
 8 Q. (By Mr. Gant) So you were present, at least
 9 part of the time, when Mark Dyer delivered an oral
 10 report to the board regarding the findings of this
 11 examination and review, is that correct?
 12 A. Yes.
 13 Q. Were there any written materials regarding
 14 the examination and review --
 15 A. I don't recall. I'm sorry. I thought you
 16 were done.
 17 Q. Were there any written materials provided
 18 in connection with this report concerning the
 19 examination and review?
 20 A. I don't recall.
 21 MR. GANT: If there were, we request that
 22 they be provided to us.
 23 MR. PERLA: That would be objectionable on
 24 the basis of the attorney-client privilege,
 25 attorney work product doctrine, but I leave it

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1 at that.
 2 Q. (By Mr. Gant) Do you remember how long the
 3 oral presentation was?
 4 A. I do not.
 5 Q. Do you remember whether there were any
 6 questions asked?
 7 A. I do not.
 8 Q. Do you remember whether there were any --
 9 was any discussion after Mr. Dyer made his oral
 10 presentation to the board?
 11 MR. PERLA: Don't disclose the substance of
 12 any discussion, but you can answer whether there
 13 was discussion.
 14 A. There was discussion.
 15 Q. (By Mr. Gant) Do you know if there is a
 16 written summary or record or minutes of the oral
 17 presentation by Mark Dyer and any subsequent
 18 discussion or questions?
 19 A. I'm not aware.
 20 Q. It's possible there are some and you're
 21 just not aware?
 22 A. I'm not aware.
 23 MR. GANT: And we request those if they
 24 exist.
 25 Q. (By Mr. Gant) It says here that the

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1 findings were discussed at length. Again, you don't
 2 remember how long that was?
 3 A. No, sir.
 4 Q. So you don't know when it says at length
 5 what that means?
 6 A. No, sir.
 7 Q. Who else was present for this oral
 8 presentation to the trustees besides yourself?
 9 A. It would be the trustees.
 10 Q. And you?
 11 A. And me.
 12 Q. Anyone else?
 13 A. I don't recall who was in the room, but --
 14 yeah.
 15 Q. Do you know if there's a written record of
 16 who else was present?
 17 A. Not in that report. I don't -- I don't
 18 recall.
 19 Q. Okay. We're done, at least for now, with
 20 that topic.
 21 MR. GANT: Is lunch here? I mean, I'm at a
 22 natural breaking point so I can break.
 23 MS. HERRINGTON: 12:30 is when it's going
 24 to be here.
 25 MR. GANT: Okay.

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1 Q. (By Mr. Gant) Let's go to Topic 15, Tab 15.
 2 Do you have that topic in front of you?
 3 A. Yes, sir.
 4 Q. And I will just note -- obviously counsel
 5 for NAMB figured this out -- but there was one typo
 6 on the third line. The Bates number there was NAMB
 7 8237. It should have been through 38, not 28, but it
 8 looks like --
 9 MR. PERLA: We understood that.
 10 MR. GANT: I figured you understood, but
 11 just for the record I'm orally correcting that.
 12 Q. (By Mr. Gant) Do you see what I'm referring
 13 to, Dr. Ezell?
 14 A. Yes.
 15 Q. What did you do to specifically prepare for
 16 Topic Number 15?
 17 A. Reviewed the document, in addition to my
 18 personal knowledge.
 19 Q. Are there any other documents reflecting
 20 communications with Timothy Reece or Tim Reece
 21 Investigations concerning potential or actual
 22 executive protection for you or anyone else at NAMB?
 23 A. Not to my knowledge.
 24 Q. What's your understanding, if any, of
 25 communications with Timothy Reece that led up to his

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1 engagement that's reflected in NAMB 8238?
 2 A. I refer to the testimony yesterday. I
 3 mean, I said everything about it yesterday.
 4 Q. Did you -- I think yesterday -- my memory
 5 is less clear, so I'm not trying to put any words in
 6 your mouth.
 7 I thought the thrust of your testimony was
 8 you didn't know who -- how it was that Timothy Reece
 9 got retained for that.
 10 A. No. Remember, I told you that he was on my
 11 security detail.
 12 Q. I understood that, but the specific
 13 engagement for -- of Timothy Reece Investigations for
 14 the SBC meeting in Nashville, Tennessee in 2018, my
 15 understanding was you didn't deal with Timothy Reece
 16 directly.
 17 A. Oh, I didn't deal with him directly, no.
 18 But they were securing security for someone in
 19 Nashville. They said, hey, who was your guy at Long
 20 Hollow? And I said, Timothy Reece. He's an ex-FBI
 21 agent and he was a fun guy to be around, so that's
 22 why. If I wanted to have somebody around me, I would
 23 rather it be Tim.
 24 Q. Now, somehow Timothy Reece Investigations
 25 learned something that led them to put a comment on

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1 this page that said, Re possible threat from Will
 2 McRaney.
 3 A. Yes.
 4 Q. I'm asking you on behalf of NAMB to testify
 5 about what was communicated to Timothy Reece that led
 6 to the insertion of that comment about Dr. McRaney on
 7 this page.
 8 MR. PERLA: Objection. Scope. Go ahead.
 9 A. NAMB was trying to be cautious and
 10 preventive and engaged security to make certain there
 11 were no unwanted exchanges or -- and really to
 12 provide for my safety and security.
 13 Q. (By Mr. Gant) I'm asking a more specific
 14 question, but let me back up.
 15 If we look at NAMB 8237, there are two
 16 other NAMB personnel on this communication, correct?
 17 A. Matt Smith.
 18 Q. Who's Matt Smith?
 19 A. He's our CFO. He's actually the one that
 20 would be paying for it.
 21 Q. Was he CFO at the time, in September 2018?
 22 A. We promoted him to CFO. I'm not sure what
 23 his title was at the time.
 24 Q. I don't think he was, but I might be wrong.
 25 A. He was over financing.

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1 Q. Was Carlos Ferrer CFO in 2018?
 2 A. I'm not sure. Carlos was executive vice
 3 president and handed over all the financial
 4 responsibilities to Matt. And I'm not sure when we
 5 actually gave him the CFO title, but he was in charge
 6 of it at that time.
 7 Q. Of what?
 8 A. The financial distribution of resources.
 9 Q. Matthew Smith was?
 10 A. That's my under -- again, I don't remember
 11 the exact dates of when things transferred, but
 12 Matt -- there was an overlap of just trying to -- of
 13 Carlos mentoring Matt, but there was a point that we
 14 promoted him to CFO.
 15 Q. In order to prepare to testify today
 16 regarding Topic 15, did you speak with either Carlos
 17 Ferrer or Matt Smith?
 18 A. I've spoken to them but not in preparation
 19 for today.
 20 Q. That was my question, the latter, whether
 21 you --
 22 A. Today, no.
 23 Q. Thank you.
 24 Sitting here, you don't know specifically
 25 who communicated with Timothy Reece or what was said

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1 that led Timothy Reece to insert this comment about
 2 possible threat from Will McRaney, right?
 3 MR. PERLA: Objection. Scope.
 4 A. Yeah. I don't -- I don't -- I don't know.
 5 Q. (By Mr. Gant) Are you aware of any other
 6 time, other than what's reflected in NAMB 8237 and
 7 38, when NAMB retained security for you in connection
 8 with a perceived possible threat from Dr. McRaney?
 9 A. I've had security at SBC conventions, as I
 10 testified yesterday, and large SBC meetings and one
 11 or two trustee meetings, depending on location.
 12 Q. Are there any documents associated with
 13 those engagements?
 14 A. Can I ask for clarification?
 15 Q. Sure. And I'll represent to you I'm not
 16 aware of them being produced to us so that's why I'm
 17 at a loss.
 18 A. Yeah. I don't know if it would be -- I'm
 19 not -- I'm just not -- I'm not aware if you're
 20 referring to a receipt from someone or -- I'm not
 21 sure --
 22 Q. I'm not referring to any written
 23 documentation related to the engagements for security
 24 or protection, like the one that we're looking at at
 25 NAMB 8237, 38. I haven't seen any others in the

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1 documents that NAMB produced.
 2 A. Uh-huh.
 3 Q. Now, maybe I missed them, but I thought I
 4 reviewed every page that NAMB has produced.
 5 A. I mean, I have Dave Sipe, who's a former
 6 state policeman in Illinois.
 7 Q. I'm asking about documents.
 8 A. I don't have a document. I don't know of
 9 any documents.
 10 Q. So sitting here, testifying on behalf of
 11 NAMB, you're unaware of any documents other than the
 12 two pages, NAMB 8237 and 38, that relate to the
 13 engagement or retention of security or executive
 14 protection for you related to Dr. McRaney, correct?
 15 MR. PERLA: Objection. Scope. Go ahead.
 16 A. Documents, no.
 17 Q. (By Mr. Gant) Now, yesterday during your
 18 30(b)(1) deposition, you testified that you got home
 19 security that was paid for by NAMB, and I think you
 20 suggested that that was somehow related to a
 21 perceived threat from Dr. McRaney. Was that what you
 22 said?
 23 A. Yes.
 24 Q. Is there any documentation related to that?
 25 I don't have any. So are you aware of any?

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1 MR. PERLA: Objection. Scope.
 2 A. I'm not aware of any. It was a Ring
 3 system. I'm not aware of documentation.
 4 Q. (By Mr. Gant) You said NAMB paid for it.
 5 Mechanically, how did that work? Did they arrange
 6 for direct payment to the security company or did you
 7 pay for it and submit it for reimbursement?
 8 MR. PERLA: Can I propose a standing
 9 objection to scope as to the Ring issue so I
 10 don't keep interrupting?
 11 MR. GANT: That's fine.
 12 MR. PERLA: Thank you.
 13 MR. GANT: Obviously, I don't concede to
 14 the objection.
 15 MR. PERLA: Go ahead.
 16 A. I'm not aware of -- they wanted to provide
 17 some type of security for my home and they -- I don't
 18 know if they went to -- I mean, I don't know if they
 19 went to Home Depot and got it. We're talking about
 20 Ring here. I mean, it's two or three cameras on all
 21 the entrances. And so I just -- so I can monitor
 22 when I'm away and that's -- that's all. I don't know
 23 anything else besides that.
 24 Q. (By Mr. Gant) You said NAMB paid for it.
 25 I'm trying to understand how that happened.

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1 A. The process typically -- I mean, I don't --
 2 you asked me how -- I don't know how it happened. I
 3 can tell you how it typically happens.
 4 Q. I'm content with you don't know. I'm just
 5 trying to find out what you know and don't know.
 6 When did this installation of the home
 7 security system take place?
 8 A. I don't know the exact date.
 9 Q. What year was it?
 10 A. I don't recall. It would have been right
 11 after -- it would have been -- I just do not recall.
 12 Q. You don't know what year?
 13 A. What year? I do not.
 14 Q. And you said -- I don't have Ring so I
 15 don't know how it works. I think you just said there
 16 are two or three cameras on each door.
 17 A. Yeah. I pay the monthly fee. They bought
 18 the cameras. I pay the fee and then -- or the yearly
 19 fee, whatever it is, and then just shows up on
 20 your -- it's on an app on the phone and you just
 21 can -- it triggers when someone is there and you
 22 can...
 23 Q. And you've used it?
 24 MR. PERLA: Objection. Vague.
 25 Q. (By Mr. Gant) You've used the system or did

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1 you install it but not use it?
 2 A. Oh, no. We use it, uh-huh.
 3 Q. And since you have installed it, however
 4 long that's been, have you ever found any evidence in
 5 your Ring security system of Dr. McRaney coming to
 6 your home?
 7 A. No.
 8 Q. The security -- strike that.
 9 How much does it cost for your Ring system
 10 annually?
 11 A. I've got it on that automatic -- it's an
 12 annual thing. I think it's roughly a hundred dollars
 13 or more.
 14 Q. A month or a year?
 15 A. No, a year. It's very small.
 16 Q. And do you know how much it costs to
 17 install in the first instance, the start-up cost?
 18 A. Oh, I didn't charge them anything. I mean,
 19 they gave me the cameras. I installed it.
 20 Q. Oh, you installed them.
 21 A. Yeah.
 22 Q. Did you have to pay for the equipment?
 23 A. No. They bought the -- they bought the
 24 cameras.
 25 Q. I'm sorry. Who is the "they"?

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1 A. I know Carlos was the one that I
 2 communicated with, Carlos Ferrer.
 3 Q. So Carlos Ferrer supervised the actual
 4 purchase of the equipment?
 5 A. I don't know. Carlos at the time was the
 6 executive vice president, and he said we feel like we
 7 need -- we want to provide this for you, and he
 8 brought them to me and I installed them.
 9 Q. Okay. So Carlos Ferrer brought you the
 10 equipment and you installed it yourself?
 11 A. Yeah, to my knowledge. I haven't -- so
 12 many years -- somebody could have helped me or --
 13 but...
 14 Q. And when you said that NAMB paid for the
 15 home security, did they only pay for the provision of
 16 the equipment or did they also pay for the monthly or
 17 annual fees?
 18 A. No, the camera. Because I remember saying,
 19 hey, look, let me just do that. No, we want to do
 20 this. And I said, well, I'm at least going to pay
 21 for the subscription fee, and that's how it worked.
 22 Q. So you refused an offer to pay for the
 23 subscription from NAMB?
 24 A. Yeah. It was -- I said refuse -- I just
 25 said, let me do it. It wasn't an official back and

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1 forth.
 2 Q. Okay. So just to make sure it's clear.
 3 NAMB paid for the original equipment for
 4 your home security system, but you have paid the
 5 periodic fees that are owed to the company that
 6 provides the service, correct?
 7 A. Yes, uh-huh.
 8 Q. The in-person security or executive
 9 protection that you have had --
 10 A. Yes.
 11 Q. -- that NAMB contends was procured due to a
 12 perceived threat from Dr. McRaney, what is the total
 13 amount that NAMB has spent on those protection or
 14 security or executive protection services?
 15 A. I don't have knowledge of the total amount.
 16 Q. Is that something you investigated in order
 17 to prepare to testify today?
 18 A. Not the total amount, no.
 19 Q. Do you have any information about the
 20 amount spent on that other than what's set forth on
 21 NAMB 8238?
 22 A. I have access to it, but I don't know it.
 23 Q. You have access to it, but you didn't
 24 review it in order to prepare to testify here today?
 25 A. No.

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1 Q. Can you look at Topic 15? Do you see on
 2 the third line at the end it says "this includes" and
 3 there's a colon? Do you see that?
 4 A. Yes.
 5 Q. And two lines down, among the list included
 6 it says, quote, "The amount paid for such services
 7 and the source of funds used for such payments."
 8 Do you see that?
 9 A. Yes.
 10 Q. You did not investigate either of those
 11 issues in order to prepare to testify today, correct?
 12 A. Not for the total amount. No, I didn't.
 13 Q. What about the source of funds?
 14 MR. PERLA: Asked and answered.
 15 A. Yeah. I -- no.
 16 MR. GANT: All right. I'm at a natural
 17 breaking point and the other topics are going to
 18 be longer, so let's just start our lunch recess
 19 and we can reconvene.
 20 THE VIDEOGRAPHER: Off the record at 12:18.
 21 (WHEREUPON, a luncheon recess was taken,
 22 12:18 p.m. - 1:32 p.m.)
 23 THE VIDEOGRAPHER: We're back on the record
 24 at 1:32.
 25 MR. GANT: First, just one housekeeping

<p style="text-align: right;">Page 154</p> <p>1 issue. As I said I would, I looked through the 2 notebook that NAMB produced at the beginning of 3 the deposition. I looked at it during lunch and 4 I didn't get to read every page, but I skimmed 5 through it and I noticed that there were some 6 documents in the notebook that have not been 7 produced to us. I assume you're aware of that. 8 MR. PERLA: They're being produced today, 9 so yes is the answer to your question. 10 MR. GANT: I saw at least some between 11 Tabs 8 and 9 that have not been produced yet. 12 There may have been others. So everything 13 that's in the notebook that was not previously 14 produced will be produced today? 15 MR. PERLA: I believe that's right, yes. 16 MR. GANT: And were there any things being 17 produced today that are not in the notebook? 18 MS. HERRINGTON: No. 19 MR. GANT: That was a no from 20 Miss Herrington. 21 Q. (By Mr. Gant) All right. Let's go back to 22 Topic 4. Just have a few other questions. Do you 23 have the notice in front of you? 24 A. Yes, sir. 25 Q. Okay. And if you could look at the tab,</p>	<p style="text-align: right;">Page 156</p> <p>1 was dated the previous year. 2 Q. 2015? 3 A. Yes, sir. 4 Q. Okay. And you identified that very long 5 e-mail as the starting point for what you described 6 as supposed security concerns related to Dr. McRaney, 7 correct? 8 MR. PERLA: Objection. Scope. Go ahead. 9 A. That's when the temperature changed and we 10 sensed that we needed -- I'm sorry -- to begin to be 11 more cautious with how we handled him and 12 communications with him, so yes. Uh-huh. 13 Q. (By Mr. Gant) Is what you described as the 14 very long e-mail anywhere behind Tab 4 in this 15 notebook? 16 MR. PERLA: Objection. Scope. Go ahead. 17 A. I don't -- I don't see it. 18 Q. (By Mr. Gant) What is your understanding, 19 if any, of why NAMB 20 through 24 is included behind 20 Tab 4 in the notebook that NAMB prepared for today's 21 deposition? 22 A. That was -- is the additional communication 23 from Mr. McRaney. Again, there was so many e-mails, 24 so many long e-mails. But as far as just the ongoing 25 disintegration of, say, relationship, this is in 16.</p>
<p style="text-align: right;">Page 155</p> <p>1 I'm going to ask you about one of the documents 2 behind Tab 4. 3 A. Okay. 4 Q. All right. We discussed a bit earlier the 5 first document behind Tab 4, which is NAMB 20 through 6 24. 7 Do you see that? 8 A. Yes, sir. Uh-huh. 9 Q. Remember, you need to respond audibly. 10 MR. PERLA: I think he said yes, sir. 11 A. Said yes, sir. 12 Q. (By Mr. Gant) Okay. It was very faint so I 13 barely heard it. 14 This is a letter dated February 3rd, 2016. 15 It's directed to NAMB trustees and SBC leaders, 16 correct? 17 A. Yes, sir. 18 Q. Yesterday we were discussing what you 19 described as a very long e-mail and we didn't have it 20 in front of us. 21 Do you know if this document, NAMB 20 22 through 24, is the document you were referring to 23 that you described as a very long e-mail yesterday? 24 A. I don't. These are -- there's -- there's 25 so many. I was thinking the one I was referring to</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. Are you finished? I have another question. 2 A. Yes. I'm sorry. 3 Q. Topic 4 is the circumstances under which a 4 photograph of plaintiff was fixed, posted or 5 otherwise placed and maintained at the lobby 6 reception desk of your building. 7 Do you see that? 8 A. Help me again. 9 Q. I'm just reading the -- 10 A. Number 4. 11 Q. Yes, the first sentence of Number 4. 12 A. Okay. Yeah, I see that. 13 Q. So what I'm asking you your testimony about 14 on behalf of NAMB is what is the relationship between 15 the document that's Bates labeled NAMB 20 to 24 to 16 the posting of the photograph of Dr. McRaney at the 17 security desk at NAMB headquarters? 18 A. I would just think of the ongoing nature of 19 our strained relationship. 20 Q. Was there anything specific about this 21 letter? 22 A. I don't think anything specific. 23 Q. You let me know when you're done with your 24 answer. 25 A. Okay. I'm done. I'm looking for anything</p>

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<p>1 specific, but...</p> <p>2 Q. Nothing to add to your answer?</p> <p>3 A. No.</p> <p>4 Q. Let's turn back to Tab 8 and Topic 8.</p> <p>5 These were some of the new documents so I -- or at</p> <p>6 least some of this was new, so I reviewed it as best</p> <p>7 I could during lunch. I believe -- and, again, I did</p> <p>8 this at lunch so I might be wrong.</p> <p>9 The last communication I see in here was</p> <p>10 from 2017, specifically May 30, 2017. That page I</p> <p>11 see is 10896, just for reference.</p> <p>12 A. Okay.</p> <p>13 Q. Did NAMB have any communications about its</p> <p>14 insurance claim with Gallagher or AIG at any point</p> <p>15 after May 30, 2017?</p> <p>16 A. I have no knowledge of that.</p> <p>17 Q. Is that something you investigated to</p> <p>18 prepare for today's deposition?</p> <p>19 A. No, huh-uh. No, sir.</p> <p>20 Q. All right. Let's go back to Number 9,</p> <p>21 Topic 9 and Tab 9. This is one where I think -- I</p> <p>22 believe all of the documents in this tab were not</p> <p>23 produced yet and not given to us until this morning</p> <p>24 so I did my best to skim through them.</p> <p>25 And, again, I might be wrong, but based on</p>	<p>1 A. About that what?</p> <p>2 Q. (By Mr. Gant) You don't know who, if</p> <p>3 anyone, between NAMB and BCMD spoke about the motion</p> <p>4 to quash that was filed by BCMD prior to March 2022?</p> <p>5 A. I wouldn't know of any date and time of a</p> <p>6 discussion specifically about that.</p> <p>7 Q. Is that something you investigated in order</p> <p>8 to prepare to testify today?</p> <p>9 A. No.</p> <p>10 MR. GANT: I'll just note to NAMB's counsel</p> <p>11 that obviously there was a prior motion, and if</p> <p>12 there were any communications between NAMB and</p> <p>13 BCMD or their respective counsel, we believe</p> <p>14 those should have been produced and we reiterate</p> <p>15 the request for them.</p> <p>16 MR. PERLA: I'm just going to say generally</p> <p>17 I understand you're putting a request on the</p> <p>18 record. I don't have a problem with that. I'm</p> <p>19 not taking the time to respond now. I just</p> <p>20 don't want it to be misconstrued as acceptance.</p> <p>21 MR. GANT: I will not construe it that way.</p> <p>22 MR. PERLA: Thank you.</p> <p>23 Q. (By Mr. Gant) In preparing for today's</p> <p>24 deposition, did you ask anyone if there were any</p> <p>25 communications, oral or written, between NAMB or</p>
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<p>1 the time I had to review it, the earliest</p> <p>2 communication I saw here in the documents behind</p> <p>3 Tab 9 were from March 2002 -- sorry, March 2022, so I</p> <p>4 didn't see anything behind Tab 9 that was before</p> <p>5 March 2022.</p> <p>6 Are you aware of any communications between</p> <p>7 BCMD and NAMB, including their respective counsel,</p> <p>8 from prior to March 2022 concerning a potential or</p> <p>9 actual motion to quash a subpoena by BCMD?</p> <p>10 A. I'm not aware.</p> <p>11 Q. Is that something you investigated in order</p> <p>12 to prepare for today's deposition?</p> <p>13 A. No.</p> <p>14 Q. Are you aware that BCMD filed a motion to</p> <p>15 quash a subpoena from NAMB prior to March 2022?</p> <p>16 A. Yes. I know they filed it on another date.</p> <p>17 Q. And sitting here, you don't know the answer</p> <p>18 to whether or not there were any communications</p> <p>19 between NAMB and BCMD, including their counsel, about</p> <p>20 that earlier motion to quash or a draft of it?</p> <p>21 A. I don't -- I don't have knowledge of</p> <p>22 specific dates and times of conversations.</p> <p>23 Q. You don't know who spoke and when about</p> <p>24 that?</p> <p>25 MR. PERLA: Objection. Foundation.</p>	<p>1 BCMD, including their counsel, about a motion to</p> <p>2 quash that was filed by BCMD prior to March 2022?</p> <p>3 A. Not in preparation.</p> <p>4 Q. Let's go to Topic 13 and Tab 13.</p> <p>5 Do you have that topic in front of you?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And what did you do to specifically testify</p> <p>8 regarding Topic 13 today?</p> <p>9 A. Reviewed the employee -- all the documents</p> <p>10 included under Tab 13.</p> <p>11 Q. Anything else?</p> <p>12 A. And reviewed the response to Plaintiff's</p> <p>13 First Set of Interrogatories. Also --</p> <p>14 Q. Isn't that part of Tab 13?</p> <p>15 A. Yes, sir, everything in Tab 13. I don't</p> <p>16 know if you want me to list them all or not.</p> <p>17 Q. No, no, I don't want you to list them all.</p> <p>18 I'm asking you if you did anything to prepare to</p> <p>19 testify regarding Topic 13 other than review --</p> <p>20 A. What's listed -- sorry.</p> <p>21 Q. -- other than what's behind Tab 13.</p> <p>22 A. No.</p> <p>23 Q. There's an excerpt of a deposition</p> <p>24 transcript that's behind Tab 13. Did you read that?</p> <p>25 A. Not in its entirety.</p>

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1 Q. Do you remember how much of it you read?
 2 A. I just took a glance at a few pages.
 3 Q. Do you know which pages?
 4 A. No. Because my interaction with -- you
 5 know, I don't remember which pages. I was just
 6 trying to glance, get familiar with it. So no, I
 7 don't.
 8 Q. Do you remember how long you spent glancing
 9 at the excerpts from Tom Wigginton's deposition
 10 transcript behind Tab 13?
 11 A. I don't.
 12 Q. Did you speak or otherwise communicate with
 13 Tom Wigginton in order to prepare to testify
 14 regarding Topic 13?
 15 A. No.
 16 Q. Let's turn to the first document behind
 17 Tab 13. This is -- well, strike that.
 18 What is this document?
 19 A. Employee handbook.
 20 Q. And there were Bates numbers on here and
 21 just very difficult to read. I think it's NAMB 5239
 22 through 41, on the bottom right.
 23 So what is this three-page document?
 24 A. It's the document retention section of our
 25 employee handbook.

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1 Q. Now, because this is an excerpt and that --
 2 it says on the bottom left it's Pages 35 to 37 of
 3 presumably the employee handbook. Is that where it
 4 comes from?
 5 A. Yes, sir.
 6 Q. So this is three pages out of that
 7 handbook. We didn't receive any others.
 8 Do you know what period of time these
 9 particular pages were in effect?
 10 A. To clarify --
 11 Q. You seem confused.
 12 A. I don't know what you're asking.
 13 Q. Let me ask a foundational question. Does
 14 the employee handbook get updated from time to time?
 15 A. Oh, yes. Uh-huh.
 16 Q. How many times has it been updated between
 17 2013 and the present?
 18 A. I wouldn't be able to tell you exactly.
 19 I'm not aware.
 20 Q. Is that something you investigated in order
 21 to prepare for today's deposition?
 22 A. No.
 23 Q. So sitting here you don't know how many
 24 different versions of the employee handbook there
 25 have been during that period?

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1 A. No.
 2 Q. Do you know what specific version of the
 3 employee handbook these three pages that we're
 4 looking at came from?
 5 A. I do not know about the different versions.
 6 Some sections obviously stay the same and others are
 7 adjusted.
 8 Q. Looking at these three pages, we can't tell
 9 when --
 10 A. I can't tell.
 11 Q. -- it was in effect?
 12 A. No. Right. I don't know.
 13 Q. And looking at these three pages, we can't
 14 tell whether it's the same or different than other
 15 versions of the employee handbooks, can we?
 16 A. Again, I don't know if it is or not.
 17 MR. GANT: I made this request to NAMB
 18 before and pointed out we have no idea what
 19 period of time these pages cover. I don't know
 20 why we haven't received a response. But I
 21 reiterate our request for that information to
 22 which we're entitled. And on this particular
 23 point, I'm going to leave the deposition open on
 24 this issue since we have not timely received
 25 that information.

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1 MR. PERLA: I'll object to that and note
 2 that the request is outside the scope of the
 3 topic.
 4 MR. GANT: I certainly disagree with that.
 5 MR. PERLA: If you wanted to know a date,
 6 you should have said so.
 7 MR. GANT: I made that request several
 8 times before you were involved in the case.
 9 MR. PERLA: Not in the topic you didn't.
 10 Q. (By Mr. Gant) If you look at the topic, you
 11 will see at the beginning of the second line it says,
 12 "Your record retention policies or procedures; any
 13 notices or communications regarding preservation,
 14 non-preservation or disposition of documents related
 15 to this case or plaintiff."
 16 Do you see that?
 17 A. Yes.
 18 Q. What, if anything, have you done to
 19 investigate whether there were any notices or
 20 communications regarding preservation,
 21 non-preservation or disposition of documents related
 22 to this case or plaintiff?
 23 A. I'm aware of -- I refer to Mr. Wigginton's
 24 testimony. He would be the one that would know all
 25 of that information.

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1 Q. Okay. But this is a 30(b)(6) of NAMB so
 2 I'm entitled to know --
 3 A. Right.
 4 Q. -- what NAMB knows about that.
 5 A. NAMB would know what Tom Wigginton knows in
 6 his -- I refer you back to the -- his testimony I'm
 7 sure --
 8 Q. You told me you didn't read all of his
 9 testimony.
 10 A. I didn't, but I'm sure -- I mean, he's in
 11 charge of that area.
 12 Q. So I'm going to ask you, sitting here
 13 testifying on behalf of NAMB -- either you can answer
 14 me or you can't -- were there notices or
 15 communications sent out to NAMB personnel to preserve
 16 or not dispose of documents --
 17 A. Oh, absolutely. I'm sorry.
 18 Q. -- of documents related to this case or
 19 Dr. McRaney?
 20 A. Yes.
 21 Q. To whom did those notices go out?
 22 MR. PERLA: Objection. If we're talking
 23 about litigation hold notices, which I think we
 24 are, I'm instructing the witness not to answer
 25 on the basis of the attorney-client privilege.

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1 Q. (By Mr. Gant) Are you going to answer that?
 2 A. No.
 3 Q. Are you going to answer or refuse to
 4 answer?
 5 A. No. I'll take my attorney's advice.
 6 Q. You're refusing to answer?
 7 A. Based on his objection.
 8 Q. When did notices go out to NAMB personnel
 9 to preserve or not dispose of documents related to
 10 plaintiff or this case?
 11 A. Mr. Wigginton told me -- the minute we were
 12 instructed and we understood that we were to do that,
 13 and we were instructed to do that, he did that.
 14 Q. Instructed by whom?
 15 A. I don't -- I don't know. I just said --
 16 well, I remember discussing with him when did we do
 17 that, and he said when we were instructed to by the
 18 notification, whatever notification we received.
 19 Q. What year was that?
 20 A. Whenever it happened. I don't know the
 21 year.
 22 Q. Did you ask anyone the date that -- or
 23 dates the preservation notices went out?
 24 A. No. I mean, he started -- he started that
 25 and -- term flip the lever so no one can delete

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1 things and did it. I mean, he did it. So, I mean,
 2 he notified everybody, but he's the one that was able
 3 to retain it.
 4 Q. Did you speak with Tom Wigginton for the
 5 specific purpose of preparing to testify regarding
 6 Topic 13?
 7 A. I spoke to Tom Wigginton back during the
 8 time that it was happening, but to prepare for this,
 9 I did not.
 10 Q. When did NAMB collect documents from
 11 trustees for production in this case?
 12 MR. PERLA: Objection. Scope.
 13 A. I'm not aware of a date, the date.
 14 Q. (By Mr. Gant) Do you know a year?
 15 A. I'm not aware of the year.
 16 Q. Is that something you investigated in order
 17 to prepare for today's deposition?
 18 MR. PERLA: Objection. Scope.
 19 A. No.
 20 Q. (By Mr. Gant) Do you know what trustees, if
 21 any, were asked to provide documents relevant or
 22 responsive for this case --
 23 MR. PERLA: Objection. Scope.
 24 Q. (By Mr. Gant) -- for production to
 25 plaintiff?

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1 MR. PERLA: Objection. Scope.
 2 A. No.
 3 Q. (By Mr. Gant) Do you know whether at any
 4 point any trustees were asked to preserve and not
 5 destroy documents related to this case or to
 6 plaintiff?
 7 A. I don't recall the date.
 8 Q. Do you know for a fact that that happened?
 9 A. I was told that -- I was told that they
 10 notified everyone they were to notify by Tom
 11 Wigginton.
 12 Q. Okay. My understanding is that did not
 13 include trustees. Do you know for a fact whether it
 14 did?
 15 A. I would have to refer to Tom Wigginton. I
 16 just want to make sure did we do everything they said
 17 they had to do? He said yes, sir.
 18 Q. As part of your preparation to testify
 19 today on behalf of NAMB regarding Tab 13, did you
 20 investigate whether and when NAMB trustees were
 21 requested to preserve documents related to this case
 22 or plaintiff?
 23 A. No.
 24 Q. And you don't know whether that happened
 25 and, if it did, when?

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1 A. I know that Mr. Wigginton -- I refer to his
 2 testimony. Mr. Wigginton told me that it happened.
 3 Q. That trustees were told?
 4 A. He told me that they had notified everyone
 5 they were to notify.
 6 Q. Okay. But you don't know whether that
 7 included trustees?
 8 A. That's what I said, yes.
 9 Q. Behind Tab 13, the second document I
 10 believe is NAMB's Responses to Plaintiff's First Set
 11 of Interrogatories.
 12 Do you see that?
 13 A. Yes, sir.
 14 Q. And do you see request Number 1 there?
 15 A. Yes.
 16 Q. Did you review that interrogatory and
 17 NAMB's responses in preparing for today's deposition?
 18 A. I reviewed it, yes.
 19 Q. And you see there's a verification at
 20 Page 5 of this document?
 21 A. Yes, sir.
 22 Q. From George McCallum?
 23 A. George McCallum.
 24 Q. Dated July 11, 2022?
 25 A. Yes, sir.

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1 Q. Did you speak with Mr. McCallum in order to
 2 prepare concerning Topic 13 today?
 3 A. Yes.
 4 Q. What did you discuss?
 5 A. Did you verify the document included?
 6 Q. And what did he say?
 7 A. Yes.
 8 Q. Did you ask him anything else?
 9 A. No.
 10 Q. Did you ask him if any of the information
 11 needed to be updated or was incomplete or inaccurate?
 12 A. I asked him if he verified it.
 13 Q. You didn't ask him if it needed any
 14 updating or correcting?
 15 A. I only asked him if it needed to be
 16 verified.
 17 Q. Sitting here testifying on behalf of NAMB,
 18 is NAMB's response to interrogatory one, as set forth
 19 in the document behind Tab 13, accurate and complete?
 20 A. Yes.
 21 Q. Fully up to date?
 22 A. It was verified. That's my -- yes.
 23 Q. Okay. Does it require any changes or
 24 updates to make it accurate?
 25 A. Verified by Mr. McCallum, so...

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1 Q. Well, I'm asking you on behalf of NAMB --
 2 A. No.
 3 Q. -- is NAMB's response to interrogatory
 4 Number 1, as set forth in the document behind Tab 13,
 5 fully accurate and complete and up to date?
 6 A. Yes.
 7 Q. All right. Let's turn to Topic 16, Tab 16.
 8 What is behind Tab 16 as you understand it?
 9 A. Yes, sir.
 10 Q. What's behind Tab 16?
 11 A. NAMB's Response to Plaintiff's Third Set of
 12 Interrogatories and First Set of Interrogatories and
 13 Second Set of Interrogatories.
 14 Q. Okay.
 15 A. So no third set of interrogatories.
 16 Q. I believe NAMB on Wednesday produced
 17 responses to a fourth set of interrogatories. Are
 18 you aware of that? It's not behind that tab.
 19 A. Not behind the tab.
 20 Q. I think it might be behind a different tab.
 21 A. Okay.
 22 Q. My question was, were you aware that this
 23 past Wednesday, two days ago, NAMB produced Responses
 24 to Plaintiff's Fourth Set of Interrogatories?
 25 A. I was aware.

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1 Q. Have you reviewed those at all?
 2 A. Not in detail.
 3 Q. When did you review them?
 4 A. It would have been in the last -- when I
 5 got the notebook, last couple days.
 6 Q. When did you get this notebook?
 7 A. This notebook, on Wednesday.
 8 Q. And what was your understanding of the
 9 purpose of it when you received it?
 10 A. To make me familiar with the
 11 interrogatories and the information included so I
 12 could represent NAMB in an appropriate way.
 13 Q. Do you know what --
 14 (Cell phone interruption.)
 15 Q. (By Mr. Gant) George McCallum provided
 16 verifications for each of the interrogatories,
 17 correct?
 18 A. Yes.
 19 Q. Did you ask him what steps he took before
 20 verifying each of them in order to prepare to testify
 21 today?
 22 MR. PERLA: Objection. Scope.
 23 A. I asked him if he verified each one.
 24 Q. (By Mr. Gant) And did he say that he did?
 25 A. He did.

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1 Q. Did he explain what specific steps he took
 2 to verify any of them?
 3 MR. PERLA: Same objection.
 4 A. No.
 5 Q. (By Mr. Gant) Did you do anything other
 6 than -- strike that.
 7 What specifically did you do to prepare to
 8 testify regarding Topic 16?
 9 A. Reviewed the information in this binder.
 10 Q. Behind Tab 16?
 11 A. Behind --
 12 MR. PERLA: Objection. Misstates his
 13 testimony.
 14 Q. (By Mr. Gant) I'm asking the question. Go
 15 ahead.
 16 A. Behind each tab, but yes.
 17 Q. Were there -- in order to prepare regarding
 18 Topic 16, did you review any documents other than
 19 those behind Tab 16?
 20 MR. PERLA: Objection. Asked and answered
 21 A. No.
 22 Q. (By Mr. Gant) Do you have any testimony --
 23 strike that.
 24 In preparing to provide testimony today
 25 regarding Topic 16, did you specifically undertake

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1 any investigation of the factual bases for NAMB's
 2 responses to plaintiff's interrogatories?
 3 MR. PERLA: Objection. Vague. Scope.
 4 A. No investigation.
 5 Q. (By Mr. Gant) You can put that aside for
 6 now. Let's turn to Topic 11 and Tab 11.
 7 Am I correct that there are no documents
 8 behind Tab 11?
 9 A. Right.
 10 Q. What did you do to prepare to testify
 11 regarding Topic 11 today?
 12 A. My personal knowledge of being a supporting
 13 organization.
 14 Q. Are there any documents that correspond to
 15 that purported personal knowledge that you have?
 16 MR. PERLA: Objection. Vague.
 17 A. No.
 18 Q. (By Mr. Gant) Now, are you aware that
 19 plaintiff served a document request to NAMB asking
 20 for all documents in your possession, custody or
 21 control, mentioning, referring to, describing or
 22 using the phrase "supporting organization"?
 23 A. I'm aware, yes.
 24 Q. And just for the record, that was document
 25 request Number 7 from plaintiff.

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1 Are you aware that NAMB refused to produce
 2 those documents initially?
 3 A. I'm aware.
 4 Q. Are you aware that the judge overruled
 5 NAMB's refusal and ordered NAMB to produce all
 6 documents in its possession, custody or control
 7 mentioning, referring to, describing, or using the
 8 phrase "supporting organization"?
 9 MR. PERLA: Objection. Scope.
 10 A. I'm -- I don't have -- I don't have a
 11 memory of the details of that.
 12 Q. (By Mr. Gant) Topic 11 is the documents you
 13 produced to plaintiff as NAMB, underscore supporting,
 14 underscore organization, Bates Numbers 1 through
 15 3453, and any documents in your possession, custody
 16 or control mentioning, referring to, describing, or
 17 using the phrase "supporting organization" which you
 18 did not produce to plaintiff.
 19 Do you have that topic in front of you?
 20 A. You're talking about number --
 21 Q. Eleven.
 22 A. Eleven. Yes, I have the topic in front of
 23 me.
 24 Q. Has NAMB already produced to plaintiff all
 25 of the documents in its possession, custody or

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1 control mentioning, referring to, describing, or
 2 using the phrase "supporting organization"? Yes or
 3 no.
 4 A. I would refer -- you mean other than the
 5 documents listed, 1 through 03453? Is that what
 6 you're referring to?
 7 Q. I'm asking if NAMB has produced --
 8 A. There's no other ones that I know of.
 9 Q. Okay. What did you do to assure yourself
 10 that there were no others, other than the NAMB -- the
 11 1 through 3453 reference there?
 12 MR. PERLA: Objection. Scope. Go ahead.
 13 A. What else did I do?
 14 Q. (By Mr. Gant) Yes.
 15 A. If you're asking me did I investigate
 16 again, no.
 17 Q. Did you speak with anyone in order to
 18 prepare to testify regarding Topic 11 to determine
 19 whether or not there were any documents that NAMB has
 20 not yet produced that mentioned, referred to,
 21 described or used the phrase "supporting
 22 organization"?
 23 A. Not using the exact words "supporting
 24 organization," no, I did not.
 25 Q. Sitting here today, testifying on behalf of

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1 NAMB, has NAMB produced to plaintiff already every
 2 document in its possession, custody, or control
 3 mentioning, referring to, describing, or using the
 4 phrase "supporting organization"?
 5 A. I -- to my knowledge, I'm not aware of any
 6 documents that we have not produced that you've
 7 asked.
 8 Q. Did you ask anyone to confirm for you that
 9 all such documents have already been produced to
 10 plaintiff in order to prepare to testify today?
 11 MR. PERLA: Objection. Asked and answered.
 12 Scope.
 13 A. Not those specific words. Our
 14 relationships and partnerships with the states, the
 15 specific words, they all know we're a supporting
 16 partner. We've been that for years.
 17 MR. GANT: Move to strike as nonresponsive.
 18 Can you read back that question, Robin?
 19 (WHEREUPON, the record was read back by the
 20 reporter as follows:)
 21 "Question: Did you ask anyone to confirm
 22 for you that all such documents have already
 23 been produced to plaintiff in order to prepare
 24 to testify today?"
 25 Q. (By Mr. Gant) Yes or no?

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1 MR. PERLA: Same objections.
 2 A. I did not ask anyone, no.
 3 (Plaintiff's Exhibit 19, E-mail to Heider
 4 from Mustard Seed Support, 6/1/17, Bates stamped
 5 NAMB Supporting Organization 2491 - 92, marked
 6 for identification.)
 7 Q. (By Mr. Gant) Did you, in order to prepare
 8 to testify today, review any of the documents
 9 produced as NAMB Supporting Organization 001 through
 10 3453?
 11 A. No.
 12 Q. I'm handing you what's been marked as
 13 Exhibit 19.
 14 A. Okay.
 15 Q. It's Bates labeled NAMB Supporting
 16 Organization 2491 through 92.
 17 Have you ever seen this before?
 18 A. No.
 19 Q. Do you know who Scott Heider is?
 20 A. I do not.
 21 Q. Do you know whether that's someone who
 22 works for NAMB?
 23 A. I don't know who Scott Heider is.
 24 Q. Do you know what mustard seed is?
 25 A. What a mustard seed is?

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1 Q. Not the food, not the condiment.
 2 Do you see at the top of this document it
 3 says "from mustard seed support"?
 4 A. So you're asking me do I know what the
 5 mustard seed organization is?
 6 Q. Correct.
 7 A. I do not.
 8 Q. Does NAMB sometimes receive contributions
 9 from individuals through -- go ahead.
 10 A. Yes, sir.
 11 Q. And do you know how those are processed?
 12 MR. PERLA: Objection. Vague. Scope.
 13 A. Depends on how it's -- the money --
 14 depending how it's given. If it's -- some are
 15 hand-delivered, but typically it's electronically.
 16 Q. (By Mr. Gant) Okay. Does this document
 17 indicate that someone named Scott Heider
 18 contributed \$52.69 to NAMB on or around May 31, 2017?
 19 MR. PERLA: Objection. Scope.
 20 A. Details, donation processing. I mean, it's
 21 a NAMB document so I believe it to be trustworthy.
 22 It says donations, but that's a weird donation.
 23 Q. (By Mr. Gant) What do you mean it's a weird
 24 donation?
 25 A. We don't normally get \$52.69 donations.

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1 Q. I don't know. Maybe there was a processing
 2 fee charge.
 3 A. Typically -- I just -- I'm just saying
 4 typically they're round numbers.
 5 Q. You can put that aside for now.
 6 Based on your prior answer about the
 7 authenticity of all documents produced by NAMB, I
 8 take it that NAMB concedes that this is an authentic
 9 document.
 10 A. Yes.
 11 (Plaintiff's Exhibit 20, E-mail string to
 12 Varnum from Smith, 11/8/17, Bates stamped NAMB
 13 Supporting Organization 3450 - 3452, marked for
 14 identification.)
 15 Q. (By Mr. Gant) You now have Exhibit 20,
 16 which is Bates labeled NAMB Supporting Organization
 17 3450 through 3452.
 18 MR. GANT: I don't remember the particulars
 19 of the protective order on these documents. Do
 20 you want Dr. McRaney to leave the room?
 21 MS. HERRINGTON: I don't think that's
 22 necessary. I think it's just a matter of
 23 ensuring that the information does not leave
 24 this room.
 25 MR. GANT: Okay. I didn't think it

Page 182	<p>1 required that. I just wanted to offer if you</p> <p>2 thought that.</p> <p>3 MS. HERRINGTON: Well, okay. I think we</p> <p>4 should designate this part of the transcript as</p> <p>5 confidential or sealed, however we want to go</p> <p>6 about doing it.</p> <p>7 MR. GANT: I don't remember what the order</p> <p>8 provides for under that. If you want to make</p> <p>9 that request on the record, I will take it --</p> <p>10 I'm not taking a position on it right now.</p> <p>11 MS. HERRINGTON: Okay. We'll -- at a break</p> <p>12 we can see what it looks like and handle that</p> <p>13 later.</p> <p>14 Q. (By Mr. Gant) Now, have you had a chance to</p> <p>15 look at Exhibit 20?</p> <p>16 A. Yes, sir.</p> <p>17 MR. PERLA: Let me make a standing</p> <p>18 objection, at least what I hope you will agree</p> <p>19 is a standing objection. I would object on the</p> <p>20 basis of scope to any questioning about any</p> <p>21 particular document pursuant to Topic 11. When</p> <p>22 the topic simply identifies 3,453 documents,</p> <p>23 it's not reasonable or within the scope to</p> <p>24 expect the witness to be familiar with any one</p> <p>25 of over 3,000 documents. That's my objection.</p>	Page 184	<p>1 right?</p> <p>2 A. Yes.</p> <p>3 Q. You can put that aside, then.</p> <p>4 (Plaintiff's Exhibit 21, Document entitled,</p> <p>5 The North American Mission Board of the Southern</p> <p>6 Baptist Convention, Inc. Description of the</p> <p>7 Organization, Bates stamped NAMB Supporting</p> <p>8 Organization 2842 - 43, marked for</p> <p>9 identification.)</p> <p>10 Q. (By Mr. Gant) Exhibit 21 is Bates labeled</p> <p>11 NAMB Supporting Organization 2842 through 43. This</p> <p>12 is an excerpt of a document. I don't remember</p> <p>13 whether NAMB produced the entirety or whether they</p> <p>14 just produced the excerpt, but as you can tell, it's</p> <p>15 an excerpt from a broader document.</p> <p>16 From looking at it, do you recognize what</p> <p>17 document this comes from?</p> <p>18 MR. PERLA: Can we confirm my standing</p> <p>19 objection applies to this as well?</p> <p>20 MR. GANT: Yes.</p> <p>21 MR. PERLA: Thank you.</p> <p>22 A. It's a NAMB document, but I don't know from</p> <p>23 what document that it comes from.</p> <p>24 Q. (By Mr. Gant) Do you have any reason to</p> <p>25 doubt the authenticity of these pages?</p>
Page 183	<p>1 May I have a standing objection?</p> <p>2 MR. GANT: You may.</p> <p>3 MR. PERLA: Thank you.</p> <p>4 MR. GANT: Obviously, I don't -- I do not</p> <p>5 agree with the objection, but your objection is</p> <p>6 noted.</p> <p>7 Q. (By Mr. Gant) Is Exhibit 20 an authentic</p> <p>8 document produced by plaintiff -- by NAMB in this</p> <p>9 case?</p> <p>10 A. It's NAMB-produced and so...</p> <p>11 Q. And we discussed earlier Matt Smith.</p> <p>12 Do you remember that?</p> <p>13 A. Yes.</p> <p>14 Q. And Matt Smith is on some of this e-mail</p> <p>15 chain, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And we were discussing Matt Smith's title,</p> <p>18 at least at one point in time. Do you see this</p> <p>19 e-mail chain is from November 2017?</p> <p>20 A. Yes, sir.</p> <p>21 Q. And at the time it says that Matt Smith was</p> <p>22 chief accounting officer and controller of NAMB,</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. So he had responsibility for NAMB's money,</p>	Page 185	<p>1 A. No, sir.</p> <p>2 Q. It says -- in the first paragraph do you</p> <p>3 see there's a heading, One Description of the</p> <p>4 Organization?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. It says, "The North American Mission</p> <p>7 Board of the Southern Baptist Convention, Inc., NAMB</p> <p>8 or Board, is incorporated in the State of Georgia as</p> <p>9 a not for profit organization and has been approved</p> <p>10 by the Internal Revenue Service as a tax exempt</p> <p>11 organization under Section 501(c)(3) of the Internal</p> <p>12 Revenue Code."</p> <p>13 Do you see that?</p> <p>14 A. Yes.</p> <p>15 Q. Is that an accurate statement?</p> <p>16 MR. PERLA: Objection. Vague. Calls for a</p> <p>17 legal conclusion.</p> <p>18 A. What was the question?</p> <p>19 Q. (By Mr. Gant) Is that an accurate</p> <p>20 statement?</p> <p>21 A. I would -- I'm not an attorney. I don't</p> <p>22 know.</p> <p>23 Q. The next sentence says, The Board --</p> <p>24 referring to NAMB -- is classified as a publicly</p> <p>25 supported organization.</p>

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1 Do you see that?

2 A. Yes.

3 Q. Which is not a private foundation under

4 Section 509(a)(1) of the Code.

5 Do you see that?

6 A. I do.

7 Q. Do you have any basis for disputing the

8 accuracy of that sentence?

9 MR. PERLA: Objection. Vague. Calls for a

10 legal conclusion.

11 A. I have no legal training so I would not

12 know.

13 Q. (By Mr. Gant) You're not aware of any basis

14 for disputing or asserting that this is inaccurate,

15 are you?

16 MR. PERLA: Same objections, plus asked and

17 answered.

18 A. I don't have legal training. I couldn't

19 answer.

20 Q. (By Mr. Gant) You are the president of

21 NAMB, correct?

22 A. Yes.

23 MR. PERLA: Objection. Same objections,

24 plus argumentative now.

25 Q. (By Mr. Gant) And you have been the

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1 president of NAMB since 2010, correct?

2 A. Yes.

3 MR. PERLA: Same objection.

4 Q. (By Mr. Gant) Do you know whether NAMB is

5 classified as a publicly supported organization under

6 the Internal Revenue Code?

7 MR. PERLA: Objection. Asked and answered.

8 It calls for a legal conclusion.

9 A. I'm not an accountant or an attorney so I

10 don't know the legal -- I know we're nonprofit.

11 Q. (By Mr. Gant) And sitting here, you don't

12 have any facts to dispute or disprove that NAMB is

13 classified as a publicly supported organization under

14 the Internal Revenue Code, do you?

15 MR. PERLA: Same objections, including

16 asked and answered.

17 A. Yeah, same answer. Again, I have no legal

18 training or accounting training.

19 MR. GANT: Can you read back my question,

20 please?

21 (WHEREUPON, the record was read back by the

22 reporter as follows:)

23 "Question: And sitting here, you don't

24 have any facts to dispute or disprove that NAMB

25 is classified as a publicly supported

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1 organization under the Internal Revenue Code, do

2 you?"

3 MR. PERLA: Same objections.

4 A. No.

5 Q. (By Mr. Gant) Do you?

6 A. I don't have the ability to answer that

7 based on -- I don't know the legal or the accounting

8 terms involved.

9 Q. So you're not a lawyer?

10 A. I can't say because I don't know.

11 Q. Okay. So you don't know what a supported

12 organization is, do you?

13 MR. PERLA: Objection. Calls for a --

14 Q. (By Mr. Gant) You just said you don't know.

15 You're not a lawyer. You're not an accountant. So

16 as a matter of --

17 A. You said --

18 Q. -- as a matter of the Internal Revenue

19 Code, do you know what a supported organization is?

20 MR. PERLA: Objection. Calls for a legal

21 conclusion.

22 A. As I said, I know we're a nonprofit. I

23 don't know the legal terms or the accounting terms,

24 but we're a nonprofit.

25 Q. (By Mr. Gant) So you don't know whether

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1 NAMB is a supported organization under the Internal

2 Revenue Code, do you?

3 MR. PERLA: Same objection, plus asked and

4 answered.

5 A. I don't have legal background or accounting

6 background, and I know we're a nonprofit.

7 Q. (By Mr. Gant) Are you able to answer my

8 question?

9 MR. PERLA: Same objections, plus asked and

10 answered again.

11 Q. (By Mr. Gant) I'm going to give you one

12 last chance.

13 A. We're a nonprofit. I don't have legal or

14 accounting background enough to -- I don't know the

15 code. I know we're a nonprofit.

16 (Plaintiff's Exhibit 22, Letter to Williams

17 from Smith, 11/17/2017, Bates stamped NAMB

18 Supporting Organization 1253, marked for

19 identification.)

20 Q. (By Mr. Gant) Exhibit 22 is Bates labeled

21 NAMB Supporting Organization 1253. You see on the

22 bottom of this it says Matthew T. Smith, controller?

23 MR. PERLA: Like to apply my standing

24 objection to this as well.

25 MR. GANT: The point of a standing

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1 objection is you don't have to keep asserting
 2 it.
 3 MR. PERLA: Well, every time you introduce
 4 a new document I want to make sure the record is
 5 clear. That's what I'm doing.
 6 MR. GANT: Okay. That's fine.
 7 Q. (By Mr. Gant) Do you recall we discussed
 8 Matthew T. Smith earlier?
 9 A. Matt, yes.
 10 Q. He was the controller of NAMB in
 11 November 2017?
 12 A. Yes.
 13 Q. And although this is unsigned like your --
 14 the note you had prepared for Dr. McRaney, do you
 15 have any reason to doubt that this is a true and
 16 correct copy of a letter prepared by Matthew T.
 17 Smith, controller of NAMB, to Sherry Williams on or
 18 around November 17, 2017?
 19 MR. PERLA: Objection. Foundation. Vague.
 20 Scope.
 21 A. It's a NAMB document so I have no reason to
 22 doubt.
 23 Q. (By Mr. Gant) And you acknowledge that this
 24 is an authentic document produced by NAMB?
 25 MR. PERLA: Objection. Calls for a legal

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1 conclusion.
 2 A. I recognize it as a document from NAMB.
 3 Q. (By Mr. Gant) And do you see in the second
 4 paragraph a reference to Section 509(a)(3)?
 5 A. I see it, yes.
 6 Q. Do you know what section of the Internal
 7 Revenue Code that refers to?
 8 A. No, sir.
 9 (Plaintiff's Exhibit 23, Letter from the
 10 IRS to North American Mission Board of the
 11 Southern Baptist Convention, 3/31/1999, Bates
 12 stamped NAMB 12 - 14, marked for
 13 identification.)
 14 Q. (By Mr. Gant) Exhibit 23 is Bates labeled
 15 NAMB 0012 through 14. And my question is, have you
 16 ever seen this before?
 17 A. No, sir.
 18 MR. PERLA: I'll renew my standing
 19 objection and just note this one is even further
 20 afield because it's not even within the
 21 production set identified in the topic. So do I
 22 have a standing objection?
 23 MR. GANT: You do.
 24 MR. PERLA: Thank you.
 25 A. No, sir.

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1 Q. (By Mr. Gant) Have you ever seen -- I'm
 2 sorry.
 3 You haven't seen this before?
 4 A. (Inaudible.)
 5 Q. Do you know if the first paragraph after
 6 Dear Applicant is accurate in describing NAMB?
 7 MR. PERLA: Objection. Calls for a legal
 8 conclusion.
 9 A. I'm not qualified to make a legal...
 10 Q. (By Mr. Gant) You can put that aside.
 11 (Plaintiff's Exhibit 24, Declaration of
 12 Charles R. Lindsay, CPA, marked for
 13 identification.)
 14 Q. (By Mr. Gant) Exhibit 24 is entitled
 15 Declaration of Charles R. Lindsey, CPA. It was filed
 16 in this case as Document 85-1. When you're ready,
 17 please let me know if you have ever seen this before.
 18 MR. PERLA: Objection. Scope.
 19 A. Okay. I have not.
 20 MR. GANT: Did you hear him?
 21 THE REPORTER: He said, "I have not."
 22 Q. (By Mr. Gant) Did you review this exhibit
 23 in preparation for today's deposition?
 24 MR. PERLA: Objection. Scope.
 25 A. No.

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1 Q. (By Mr. Gant) You can put that aside, then.
 2 (Plaintiff's Exhibit 25, E-mail from
 3 Davidson to Smith, 12/16/2016, Bates stamped
 4 NAMB Supporting Organization 3453, marked for
 5 identification.)
 6 Q. (By Mr. Gant) Exhibit 25 is Bates labeled
 7 NAMB Supporting Organization 3453. Tell me when
 8 you're ready for a question.
 9 A. Okay.
 10 Q. Do you know who Jamie Davidson is -- sorry,
 11 Jimmy Davidson?
 12 MR. PERLA: Objection. Scope.
 13 A. We have a David -- I don't know if it's the
 14 same -- I don't know -- the one I know is a CPC, not
 15 a pastor, so I don't know this one. I don't know if
 16 it's the same one. I just don't know.
 17 Q. (By Mr. Gant) Do you know who Debbie Smith,
 18 the recipient of this e-mail, is?
 19 MR. PERLA: Objection. Scope.
 20 A. No.
 21 Q. (By Mr. Gant) Are you familiar with any of
 22 the circumstances discussed in this e-mail?
 23 A. No.
 24 MR. PERLA: Objection. Scope.
 25 Q. (By Mr. Gant) Did you review this e-mail in

Page 194	<p>1 order to prepare to testify today regarding Topic 11?</p> <p>2 MR. PERLA: Objection. Scope.</p> <p>3 A. No.</p> <p>4 Q. (By Mr. Gant) Put that aside.</p> <p>5 Do you know who David Roach is?</p> <p>6 A. Excuse me?</p> <p>7 Q. Do you know who David Roach is, R-O-A-C-H?</p> <p>8 A. There's a journalist that's named Roach,</p> <p>9 but I don't know if it's the same one.</p> <p>10 Q. Journalist where?</p> <p>11 A. I don't remember. I just remember I talked</p> <p>12 to a Mr. Roach for an interview before.</p> <p>13 (Plaintiff's Exhibit 26, E-mail string to</p> <p>14 Roach and others from Ebert, 10/18/2018, Bates</p> <p>15 stamped NAMB 8219, marked for identification.)</p> <p>16 Q. (By Mr. Gant) Exhibit 26 is Bates labeled</p> <p>17 NAMB 8219. Have you ever seen this exhibit before?</p> <p>18 MR. PERLA: Objection. Scope.</p> <p>19 A. I have never seen this before.</p> <p>20 Q. (By Mr. Gant) I take it -- so you did not</p> <p>21 review this exhibit to prepare to testify today</p> <p>22 regarding Topic 11?</p> <p>23 MR. PERLA: Objection. Scope.</p> <p>24 A. No.</p> <p>25 Q. (By Mr. Gant) Now, you testified you did</p>	Page 196	<p>1 take a five-minute break now or --</p> <p>2 MR. PERLA: How are you doing?</p> <p>3 THE WITNESS: I'm good if you guys are.</p> <p>4 MR. PERLA: Okay. We can keep going.</p> <p>5 Q. (By Mr. Gant) Next one is Topic 2 and</p> <p>6 Tab 2. Do you have Topic 2 in front of you?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What did you do to prepare to testify today</p> <p>9 regarding Topic 2?</p> <p>10 A. In addition to my personal knowledge, I</p> <p>11 reviewed the documents under Tab 2.</p> <p>12 MR. GANT: Could you read back his answer?</p> <p>13 (WHEREUPON, the record was read back by the</p> <p>14 reporter as follows:)</p> <p>15 "Answer: In addition to my personal</p> <p>16 knowledge, I reviewed the documents under</p> <p>17 Tab 2."</p> <p>18 MR. GANT: Thank you.</p> <p>19 Q. (By Mr. Gant) Regarding your personal</p> <p>20 knowledge, is there anything that you did not testify</p> <p>21 to yesterday that you consider personal knowledge</p> <p>22 relevant to Topic 2?</p> <p>23 MR. PERLA: Objection. Do you mean in</p> <p>24 response to the questions you asked or as to the</p> <p>25 topic generally even if you didn't ask the</p>
Page 195	<p>1 not review the documents labeled as NAMB Supporting</p> <p>2 Organization 1 through 3453 to prepare to testify.</p> <p>3 My question is: Did you review any</p> <p>4 documents produced by NAMB that used the phrase</p> <p>5 "supporting organization" in order to prepare to</p> <p>6 testify today?</p> <p>7 A. I don't recall any -- those specific two</p> <p>8 words. I don't recall.</p> <p>9 Q. Do you recall ever writing to anyone using</p> <p>10 the phrase "supporting organization"?</p> <p>11 MR. PERLA: Objection. Scope.</p> <p>12 A. Using those specific two words, I just do</p> <p>13 not recall.</p> <p>14 Q. (By Mr. Gant) And I'll tell you I don't</p> <p>15 remember seeing any written documents that you</p> <p>16 authored or from you using it, so I just want to</p> <p>17 confirm. So you're not aware of any?</p> <p>18 A. I'm not.</p> <p>19 MR. PERLA: Objection. Scope. Asked and</p> <p>20 answered.</p> <p>21 A. Sorry.</p> <p>22 Q. (By Mr. Gant) You can put that aside.</p> <p>23 Thank you.</p> <p>24 MR. GANT: I'm ready to start a new one</p> <p>25 that's going to go for a bit. Would you like to</p>	Page 197	<p>1 question?</p> <p>2 MR. GANT: So are you trying to account for</p> <p>3 things I move to strike? Is that what you're</p> <p>4 doing?</p> <p>5 MR. PERLA: No. You didn't ask every</p> <p>6 conceivable question about this topic and so I</p> <p>7 can't tell if you're saying did he not, without</p> <p>8 being asked yesterday, say everything he knew?</p> <p>9 MR. GANT: Yeah, that is essentially what</p> <p>10 I'm getting at, but let me rephrase it.</p> <p>11 Q. (By Mr. Gant) We did discuss yesterday at</p> <p>12 some length the December 2nd, 2014 termination</p> <p>13 letter, marked as NAMB 001, correct?</p> <p>14 A. Yes.</p> <p>15 Q. In response to my question about what you</p> <p>16 did to prepare to testify today regarding Topic 2,</p> <p>17 you identified two things, your own personal</p> <p>18 knowledge and you reviewed the documents behind</p> <p>19 Tab 2. I'm going to ask you in a bit about the</p> <p>20 second part of that, the documents behind Tab 2.</p> <p>21 I'm focusing on your reference to personal</p> <p>22 knowledge. Topic 2 asks about the factual support</p> <p>23 for the assertions in the termination letter,</p> <p>24 correct?</p> <p>25 A. Yes.</p>

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<p>1 Q. Do you have any personal knowledge that</p> <p>2 NAMB deems factual support for the assertions in the</p> <p>3 December 2nd, 2014 termination letter that you did</p> <p>4 not discuss yesterday when testifying in your</p> <p>5 30(b)(1) deposition?</p> <p>6 MR. PERLA: Same objections before. That's</p> <p>7 impossible to answer, but go ahead.</p> <p>8 A. I answered the questions that you asked.</p> <p>9 Q. (By Mr. Gant) Sitting here, can you think</p> <p>10 of any factual support for the assertions in the</p> <p>11 December 2nd, 2014 termination letter that you did</p> <p>12 not mention or disclose yesterday?</p> <p>13 MR. PERLA: Objection. That would -- he</p> <p>14 would have to know every question he answered</p> <p>15 yesterday in order to even begin to answer that.</p> <p>16 It's an unreasonable question.</p> <p>17 MR. GANT: Well, the question was if,</p> <p>18 sitting here, he already had in mind anything</p> <p>19 that he -- NAMB deems factual support for the</p> <p>20 assertions in the letter that he didn't</p> <p>21 disclose.</p> <p>22 Q. (By Mr. Gant) Either you do have something</p> <p>23 in mind or you don't. That's what I'm trying to find</p> <p>24 out.</p> <p>25 A. You're saying if I have something in mind</p>	<p>1 A. No.</p> <p>2 Q. Did anyone take any notes for you?</p> <p>3 A. No. Not for me, no.</p> <p>4 Q. Did you record any of the preparation</p> <p>5 meetings in order to facilitate your testifying</p> <p>6 today?</p> <p>7 A. No.</p> <p>8 Q. All right. Let's talk about Tab 2, then</p> <p>9 we're going to come back to your personal knowledge.</p> <p>10 Who selected the documents that are behind</p> <p>11 Tab 2 in the notebook?</p> <p>12 A. Legal counsel.</p> <p>13 Q. Okay. Did you pick any of the documents</p> <p>14 yourself?</p> <p>15 A. I reviewed them.</p> <p>16 Q. My question was, did you pick any of them</p> <p>17 yourself?</p> <p>18 A. I did not pick them.</p> <p>19 Q. What's your understanding of what the</p> <p>20 collection of documents behind Tab 2 is supposed to</p> <p>21 represent?</p> <p>22 A. Answers to the second subject matter topic.</p> <p>23 Q. Which is the documents and factual support</p> <p>24 for the assertions in the December 2014 letter?</p> <p>25 A. Yes.</p>
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<p>1 or if I know it. There are things that I know that I</p> <p>2 don't have in mind right now I'm sure. So I answered</p> <p>3 every question you asked yesterday.</p> <p>4 Q. Okay. I understand that.</p> <p>5 Do you have anything in mind right now that</p> <p>6 you did not disclose or testify to yesterday that</p> <p>7 NAMB is contending is factual support for the</p> <p>8 assertions in the termination letter?</p> <p>9 MR. PERLA: Same objection.</p> <p>10 A. What do you mean by "in mind"?</p> <p>11 Q. (By Mr. Gant) That we didn't cover it or</p> <p>12 you forgot to mention it.</p> <p>13 MR. PERLA: Objection. Same objection.</p> <p>14 A. I'm not going to say that I've said</p> <p>15 everything I know about this. You say "in mind,"</p> <p>16 right in the forefront of my mind right now, does it</p> <p>17 come to mind? After two days of testifying, I'm not</p> <p>18 saying everything is coming to mind. Do I know other</p> <p>19 stuff? I'm sure I do. I've been doing this for</p> <p>20 13 years. But if you ask me a question, I'll answer</p> <p>21 it.</p> <p>22 Q. (By Mr. Gant) Okay. I don't think I asked</p> <p>23 you this yet: In preparing to testify today on</p> <p>24 Topics 1 through 18, did you take any notes at any</p> <p>25 time?</p>	<p>1 Q. Okay. Is it NAMB's position that all of</p> <p>2 the documents supporting the assertions in the</p> <p>3 December 14 termination letter are contained behind</p> <p>4 Tab 2?</p> <p>5 MR. PERLA: Objection. Misstates the</p> <p>6 record.</p> <p>7 MR. GANT: I don't know how I can misstate</p> <p>8 it. I'm just asking a question.</p> <p>9 Q. (By Mr. Gant) Do you need the question read</p> <p>10 back?</p> <p>11 A. That would help, yeah.</p> <p>12 (WHEREUPON, the record was read back by the</p> <p>13 reporter as follows:)</p> <p>14 "Question: Is it NAMB's position that all</p> <p>15 of the documents supporting the assertions in</p> <p>16 the December 14 termination letter are contained</p> <p>17 behind Tab 2?"</p> <p>18 MR. PERLA: Same objection, also scope.</p> <p>19 A. Is NAMB -- I included the documents that</p> <p>20 would sufficiently answer Number 2.</p> <p>21 Q. (By Mr. Gant) Thank you.</p> <p>22 Let's return to your personal knowledge.</p> <p>23 In order to prepare to testify today, did</p> <p>24 you attempt to write down, memorialize, collect your</p> <p>25 personal knowledge that NAMB contends provides</p>

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1 factual support for the assertions in the termination
 2 letter?
 3 A. No. As I said yesterday in my testimony,
 4 NAMB relies on the testimony of Jeff Christopherson
 5 and Steve Davis. They were the primary ones to deal
 6 with Maryland/Delaware.
 7 Q. Is the deposition of Steve Davis behind
 8 Tab 2?
 9 A. Jeff Christopherson -- Jeff Christopherson
 10 was the one who laid out the parameters of -- for --
 11 we felt like that breached the agreement, so...
 12 MR. GANT: Move to strike.
 13 Can you read back my question?
 14 A. Strike Steve Davidson.
 15 Q. (By Mr. Gant) I'm sorry?
 16 A. I can't strike anything, I guess.
 17 Q. No, you can't.
 18 A. I would be glad to. I'll run your life if
 19 you want me to, as I said to my nephew.
 20 MR. PERLA: I think he needs the question
 21 again.
 22 MR. GANT: Can you read it back?
 23 (WHEREUPON, the record was read back by the
 24 reporter as follows:)
 25 "Question: Is the deposition of Steve

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1 Davis behind Tab 2?"
 2 A. No.
 3 Q. (By Mr. Gant) Why not?
 4 A. Because Jeff Christopherson is the one who
 5 outlined the matter of -- subject matter two. He's
 6 the one that outlined it for us, as I said yesterday.
 7 And there was a lateral there and Steve used
 8 Jeff's -- you know, they used the same documents so
 9 I'm sure it's covered in Jeff Christopherson's.
 10 Q. Sitting here, are you able to identify on
 11 behalf of NAMB any other documents that provide
 12 factual support for the assertions in the termination
 13 letter?
 14 A. I think we've included appropriate to
 15 answer Number 2.
 16 MR. GANT: Can you read it back?
 17 (WHEREUPON, the record was read back by the
 18 reporter as follows:)
 19 "Question: Sitting here, are you able to
 20 identify on behalf of NAMB any other documents
 21 that provide factual support for the assertions
 22 in the termination letter?"
 23 A. I'm not aware of any.
 24 Q. (By Mr. Gant) Was the testimony you
 25 provided yesterday regarding the termination letter

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1 and the events leading up to it accurate and
 2 complete?
 3 MR. PERLA: Objection. Vague.
 4 A. My answers were accurate, if it's what you
 5 mean by complete.
 6 Q. (By Mr. Gant) Yesterday you testified that
 7 you did not have personal knowledge of the
 8 allegations that were made in the termination letter,
 9 is that correct? Firsthand, personal knowledge?
 10 A. Firsthand, personal, no. I relied on
 11 Mr. Christopherson, Mr. Davis.
 12 MR. GANT: Okay. We may come back to two,
 13 but I think I'm done, at least for now, so why
 14 don't we take a couple minute break.
 15 THE VIDEOGRAPHER: Off the record at 2:39.
 16 (WHEREUPON, a recess was taken.)
 17 THE VIDEOGRAPHER: Back on the record
 18 at 2:50.
 19 Q. (By Mr. Gant) Okay. All right. I'm going
 20 to turn to Topic 1 in a minute, and I'm going to mark
 21 as an exhibit a document that's in the notebook, but
 22 it's going to be a little easier, at least for me, to
 23 use the version separate from that, so I'm going to
 24 give you a copy as well.
 25 (Plaintiff's Exhibit 27, The North American

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1 Mission Board of The Southern Baptist
 2 Convention, Inc.'s Answer and Defenses to
 3 Plaintiff's Supplemental Pleading, marked for
 4 identification.)
 5 MR. GANT: Do you want one?
 6 MR. PERLA: What is it?
 7 MR. GANT: It's the Answer.
 8 MR. PERLA: No, thank you.
 9 Q. (By Mr. Gant) Exhibit 27 is NAMB's Answer
 10 and Defenses to Plaintiff's Supplemental Pleading,
 11 filed in this case as Document 198.
 12 Have you seen this document before?
 13 A. Yes.
 14 Q. Have you ever read it through in its
 15 entirety?
 16 A. I just want to make sure it's the same one.
 17 Q. I believe it's identical to the first
 18 document.
 19 A. Yeah, this one I have.
 20 Q. You've read the first document in Tab 1?
 21 A. Yes, sir.
 22 Q. I will tell you that I believe and expect
 23 they are identical to what we marked as Exhibit 27.
 24 So with that understanding, have you ever read that
 25 document before in its entirety?

<p style="text-align: right;">Page 206</p> <p>1 MR. PERLA: I think he needs to know what 2 you mean by "that document." 3 Q. (By Mr. Gant) They are the same, either 4 Exhibit 27 or the first document behind Tab 1. 5 A. I've reviewed it. Yeah, I read it. This 6 one I read in its entirety. 7 Q. Okay. When? 8 A. That was this morning, actually. 9 Q. Before this morning, had you ever read 10 NAMB's -- I'm going to call it -- just so we know 11 what we're talking about, I'm going to call it NAMB's 12 Answer, referring to Document 198. 13 Before this morning, had you read NAMB's 14 Answer in its entirety? 15 A. Not in its entirety. 16 Q. We're going to come back to that, but I -- 17 there are some other documents behind Tab 1 -- can 18 you -- maybe it's only one document. It's one 19 document. 20 A. It's interrogatory... 21 Q. The other document is NAMB's Response to 22 Plaintiff's Fourth Set of Interrogatories. 23 A. Yes. 24 Q. Do you remember we discussed that very 25 briefly earlier today?</p>	<p style="text-align: right;">Page 208</p> <p>1 he verified all documents, what do you mean by that? 2 MR. PERLA: Objection. Scope. 3 A. In here it has a verification page. And so 4 I said, you did verify each one of these? And he 5 said he did. 6 Q. (By Mr. Gant) When you asked him that, what 7 were you asking him? 8 MR. PERLA: Objection. I'm sorry. Go 9 ahead. 10 Q. (By Mr. Gant) For example, you'll see there 11 are lots of documents referred to in here by Bates 12 numbers. Were you asking him if he looked at all of 13 them and then wanted to ensure that they were 14 responsive and appropriately placed in this response? 15 MR. PERLA: Objection. Scope. Go ahead. 16 A. My question was, did you verify all the 17 documents? Did you verify -- did you verify the 18 document? 19 Q. (By Mr. Gant) You meant the document as a 20 whole, not any individual document? 21 A. There are several documents included in the 22 different tabs and I was asking if he had verified 23 all the documents in all the tabs. There are 24 verification pages for all these documents. And I 25 was asking, you did actually do -- verify all those</p>
<p style="text-align: right;">Page 207</p> <p>1 A. In summary, but yeah. 2 Q. I think you told me that you had looked at 3 it earlier this week. 4 A. Right. Uh-huh. 5 Q. I think you said Wednesday, but -- 6 A. Yes, sir. 7 Q. Have you at any point read the entirety of 8 NAMB's Responses to Plaintiff's Fourth Set of 9 Interrogatories? 10 A. I can't say in the entirety. I scanned and 11 reviewed it. 12 Q. Did you play any role in preparing it? 13 A. No, sir. 14 Q. Once again, that response was verified by 15 George McCallum. 16 Do you see that on Page 69? 17 A. Yes, sir. 18 Q. In preparing for today's deposition, did 19 you discuss with George McCallum anything about what 20 he did to verify NAMB's Response to Plaintiff's 21 Fourth Set of Interrogatories? 22 MR. PERLA: Objection. Scope. 23 A. I asked George if he'd verified all 24 documents, and he said he had. 25 Q. (By Mr. Gant) When you said -- asked him if</p>	<p style="text-align: right;">Page 209</p> <p>1 documents? He responded that he had. 2 Q. How long was the exchange between you and 3 George McCallum about his verification of NAMB's 4 Responses to Plaintiff's Fourth Set of 5 Interrogatories? 6 MR. PERLA: Objection. Scope. 7 A. I don't recall how long we were talking. 8 Q. (By Mr. Gant) Did it last 30 seconds? 9 A. Less than a minute, yeah. 10 Q. Less than a minute. Was it less than 11 30 seconds? 12 MR. PERLA: Objection. Scope. 13 A. I don't know, to be honest. 14 Q. (By Mr. Gant) You asked a question, he said 15 yes and that was the end of it? 16 MR. PERLA: Objection. Scope. 17 A. Yes. Sorry. 18 MR. PERLA: That's okay. Just slow down. 19 Q. (By Mr. Gant) With respect to NAMB's 20 Response to Plaintiff's Fourth Set of 21 Interrogatories, testifying on behalf of NAMB, I 22 asked you are there any documents that are responsive 23 to Plaintiff's Fourth Set of Interrogatories that are 24 not listed in NAMB's response? 25 A. I'm not aware of any.</p>

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1 MR. PERLA: Objection.
 2 A. Sorry.
 3 MR. PERLA: Objection. Scope. They, legal
 4 conclusion. Go ahead.
 5 MR. GANT: I think he answered.
 6 Q. (By Mr. Gant) Do you need it read back?
 7 A. If you could.
 8 (WHEREUPON, the record was read back by the
 9 reporter as follows:)
 10 "Question: With respect to NAMB's Response
 11 to Plaintiff's Fourth Set of Interrogatories,
 12 testifying on behalf of NAMB, I asked you are
 13 there any documents that are responsive to
 14 Plaintiff's Fourth Set of Interrogatories that
 15 are not listed in NAMB's response?"
 16 And he said, "Not aware of any."
 17 MR. PERLA: So is that your complete answer
 18 or do you have more to say?
 19 MR. GANT: That's a little leading, but
 20 okay.
 21 MR. PERLA: "Not aware of" isn't a
 22 sentence. If he wants to say --
 23 MR. GANT: I think he actually said "I'm
 24 not aware of," but I'm sure that would be
 25 determined when the audio was listened to.

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1 A. Not to my knowledge.
 2 Q. (By Mr. Gant) Thank you.
 3 From your perspective, testifying today on
 4 behalf of NAMB, NAMB's Response to Plaintiff's Fourth
 5 Set of Interrogatories is complete, is that right?
 6 MR. PERLA: Same objections.
 7 A. To my knowledge.
 8 Q. (By Mr. Gant) And you're testifying on
 9 behalf of NAMB today, correct?
 10 A. Yes.
 11 Q. Let's go back to Document 198. You can use
 12 the version I marked as Exhibit 27. You can use the
 13 version in your notebook, which is the first document
 14 behind the tab. They should be the same.
 15 (Pause in the proceedings.)
 16 Q. (By Mr. Gant) Turn to Page 2 of the
 17 Answers.
 18 Do you remember when we looked at the
 19 Separation Agreement yesterday during your
 20 deposition?
 21 A. Yes.
 22 Q. I don't remember if I asked you or what
 23 your answer was. Had you ever read the Separation
 24 Agreement before I showed it to you yesterday?
 25 A. Yes.

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1 Q. When did you read it?
 2 A. I don't recall the date and time, but I'm
 3 sure the first time I read it was in draft form.
 4 Q. The Separation Agreement?
 5 MR. PERLA: I think you're probably talking
 6 about different things.
 7 A. The -- help me understand which one --
 8 Q. (By Mr. Gant) Sure.
 9 A. Or show me the...
 10 Q. I'm looking for it.
 11 MR. GANT: You don't have one handy, do
 12 you?
 13 MS. HERRINGTON: Separation Agreement? Not
 14 in this room, but I can probably get one.
 15 THE REPORTER: I have the exhibits from
 16 yesterday.
 17 MR. GANT: Do you?
 18 THE REPORTER: Uh-huh.
 19 MR. GANT: Do you mind pulling them out?
 20 MR. PERLA: I just found it on my computer.
 21 If you just want him to know they're there, I'm
 22 happy to show him on my screen and I can show
 23 you --
 24 MR. GANT: I need a copy. Let's just go
 25 off the record a second. I'll find it.

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1 THE VIDEOGRAPHER: Off the record at 3:04.
 2 (WHEREUPON, there was a discussion off the
 3 record.)
 4 THE VIDEOGRAPHER: Back on the record. The
 5 time is 3:05.
 6 MR. GANT: Apologies about that. I was
 7 looking for an exhibit that I thought we used
 8 yesterday, but it was actually the second one we
 9 used this morning, which seems like yesterday.
 10 Q. (By Mr. Gant) Okay. Can you pull out
 11 Exhibit 2, please?
 12 A. I have it.
 13 Q. Okay. Can you turn to Page 7?
 14 A. Okay.
 15 Q. And can you read to yourself Paragraph 15,
 16 entitled Governing Law; Jurisdiction.
 17 A. Okay.
 18 Q. Okay. Do you see the second sentence which
 19 is on line 2, beginning "All suits"?
 20 A. Yes.
 21 Q. Can you please read that sentence aloud?
 22 A. "All suits, proceedings, and other actions
 23 relating to, arising out of, or in connection with
 24 this agreement shall be brought exclusively to the
 25 Circuit Court for Howard County or as applicable in

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1 the Federal Court of the State of Maryland."
 2 Q. Now, has NAMB invoked the Separation
 3 Agreement and Release in Maryland courts? Yes or no.
 4 A. I'm not aware.
 5 Q. Where is this lawsuit pending?
 6 A. Mississippi, I believe.
 7 Q. Do you know where in Mississippi?
 8 A. No.
 9 Q. You don't know what county?
 10 A. No.
 11 Q. Is NAMB's fourth defense, fifth defense,
 12 sixth defense, and seventh defense invoking a
 13 Separation Agreement and Release marked as Exhibit 2?
 14 MR. PERLA: Objection. Calls for a legal
 15 conclusion.
 16 A. Yeah. I would say they -- NAMB's position
 17 is there stated.
 18 Q. (By Mr. Gant) Do those four defenses, four,
 19 five, six, seven, relate to the Separation Agreement
 20 and Release?
 21 MR. PERLA: Objection. Vague. Calls for a
 22 legal conclusion.
 23 A. NAMB's position is there as they stated.
 24 I'm not legal counsel.
 25 Q. (By Mr. Gant) I know you can read them so

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1 let's just go through them. The fourth defense, do
 2 you see reference to Separation Agreement and
 3 Release?
 4 A. The Separation Agreement and Release
 5 executed by plaintiff -- can you repeat the question?
 6 Q. Do you see in NAMB's fourth defense that it
 7 is invoking the Separation Agreement and Release?
 8 It's right there on the first and second lines.
 9 A. Yeah, I know. I see it, yes.
 10 Q. In the fifth defense in NAMB's Answer, do
 11 you see it is also invoking the Separation Agreement
 12 and Release? If you would like help finding it, I'll
 13 be happy to.
 14 A. I see the words Separation Agreement and
 15 Release, yes.
 16 Q. Twice, correct?
 17 A. I'll keep reading.
 18 Yes, I see it twice.
 19 Q. In NAMB's sixth defense, do you see again
 20 Invocation of the Separation Agreement and Release?
 21 A. Yes.
 22 Q. Turn the page to the second defense. Do
 23 you see again NAMB invoking the Separation Agreement
 24 and Release?
 25 A. I see the words, yes.

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1 Q. And then turning back to Exhibit 2,
 2 Section 15, that we just looked at, this section
 3 says, governing law and jurisdiction for the
 4 Separation Agreement and Release, correct?
 5 A. Yes.
 6 Q. You can put those aside.
 7 Can you look at the 10th defense on Page 4
 8 of the Answer, and look at Page 27 at the same
 9 time -- well, if you can. Why don't you turn to
 10 Page 27 of the Interrogatory Response and you can
 11 keep open Page 4 in Exhibit 27 so you can have them
 12 open at the same time.
 13 A. Okay.
 14 Q. Do you see Interrogatory 16?
 15 A. Interrogatory 16. Yes.
 16 Q. It asks, "Describe in full all the bases
 17 for your 10th defense asserted in your Answer and
 18 Defenses to Plaintiff's Supplemental Pleading,
 19 including the source of law for your defense."
 20 Do you see that?
 21 A. Yes.
 22 Q. What is the source of law for NAMB's 10th
 23 defense?
 24 MR. PERLA: Objection. Calls for a legal
 25 conclusion. Outside the scope.

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1 A. I don't have legal expertise to respond to
 2 that.
 3 Q. (By Mr. Gant) You don't have an answer?
 4 A. I'm not a lawyer.
 5 Q. If I ask you about each of these
 6 Interrogatory Responses that concern the Answer --
 7 was asked about the source of law -- if I ask you any
 8 questions about the source of law for any of NAMB's
 9 defenses, will you be able to answer it?
 10 A. No, sir.
 11 MR. PERLA: Register my objection. Calls
 12 for a legal conclusion. Compound. Outside the
 13 scope.
 14 MR. GANT: Let's go off the record.
 15 THE VIDEOGRAPHER: Off the record at 3:13.
 16 (WHEREUPON, a recess was taken.)
 17 THE VIDEOGRAPHER: We're back on the record
 18 at 3:30.
 19 Q. (By Mr. Gant) Welcome back from the break.
 20 A. Thank you.
 21 Q. During the break, did you discuss with
 22 anyone anything related to the substance of the
 23 deposition?
 24 A. No, sir.
 25 Q. Before Dr. McRaney became executive

<p style="text-align: right;">Page 218</p> <p>1 director of BCMD, had you heard of him? 2 A. No, sir. 3 Q. And I think you mentioned -- I asked you if 4 he had a book. And what was your answer? 5 A. Yes. 6 Q. Okay. Do you know the name? 7 A. I don't. 8 Q. Have you ever read it? 9 A. No, sir. 10 Q. Can you name for me anyone who has ever 11 read it? 12 MR. PERLA: Scope. Objection. Go ahead. 13 A. I don't -- can't name some -- I can't name 14 anybody in particular, but -- 15 Q. (By Mr. Gant) Do you remember anyone ever 16 coming up to you and saying, Oh, I read this book by 17 Will McRaney? 18 MR. PERLA: Objection. Scope. 19 A. Yeah. I don't -- I remember someone 20 saying, hey, his book's actually good. 21 Q. (By Mr. Gant) You don't remember who that 22 was? 23 A. No, sir. 24 Q. That was one person? 25 A. Yeah, I remember one person saying that.</p>	<p style="text-align: right;">Page 220</p> <p>1 street here outside the window, do you think he would 2 know who he is? 3 A. I would say -- 4 MR. PERLA: Objection. Speculation. 5 Scope. 6 A. I just don't know. Help me out. I need a 7 better understanding of what your definition of 8 "famous" is. 9 Q. (By Mr. Gant) I'm pointing out the window 10 to people walking down the street. 11 A. Uh-huh. 12 Q. If we stop a hundred of them, how many do 13 you think are likely to know who Dr. McRaney is? 14 MR. PERLA: Objection. Speculation. 15 Scope. 16 Q. (By Mr. Gant) Your best guess. You're 17 under oath. I want your best guess. 18 MR. PERLA: Objection. Speculation. 19 Scope. 20 A. That's a -- I don't know. Depends on which 21 hundred you select. 22 Q. (By Mr. Gant) The first hundred I see on 23 that block I'm pointing to, what do you think? 24 MR. PERLA: Same objection. 25 A. If you're asking me if any of them would</p>
<p style="text-align: right;">Page 219</p> <p>1 I'm not limiting it to one, but one at least. 2 Q. And do you remember what year it was? 3 MR. PERLA: Objection. Scope. 4 A. I don't. 5 Q. (By Mr. Gant) Do you remember whether it 6 was before or after Dr. McRaney was terminated from 7 BCMD? 8 A. Yes. 9 MR. PERLA: Objection. Scope. 10 A. Sorry. I'll slow down. It's the coffee I 11 guess. It was after. 12 Q. (By Mr. Gant) Do you remember how long 13 after? 14 MR. PERLA: Can we just make a standing 15 objection so I don't -- 16 MR. GANT: Yes, you may. 17 MR. PERLA: Thank you. 18 A. I do not. I just remember it was after 19 because of the way they said it. 20 Q. (By Mr. Gant) Dr. McRaney is not famous, is 21 he? 22 A. Sir? 23 Q. Is he famous, Dr. McRaney? 24 A. What do you mean by "famous"? 25 Q. If he walked up to the guy walking down the</p>	<p style="text-align: right;">Page 221</p> <p>1 know him, I don't know that. 2 Q. (By Mr. Gant) If you had to bet -- the fate 3 of the world is at stake. You had to get within two 4 to save the world. What's your guess? 5 MR. PERLA: Objection. Speculation. 6 Scope. Argumentative. Asked and answered. 7 Go ahead. 8 A. The only thing I would bet on is I don't 9 know what any of them would say. 10 Q. (By Mr. Gant) All right. Shouldn't ask 11 anyone who believes in the afterlife about saving the 12 world. That's probably not as compelling to you as 13 to me. 14 A. Flew right over me, so... 15 Q. Have all the answers you've given to my 16 questions today been truthful and complete? 17 A. Yes, sir. 18 MR. GANT: As I noted earlier, due to the 19 non-production and late provision of certain 20 documents, I'm formally leaving this 30(b)(6) 21 deposition open. 22 I also believe we haven't received all the 23 documents that were owed and were responsive to 24 requests. So I hope not to have to resume the 25 deposition, but if I do, then we'll see each</p>

<p style="text-align: right;">Page 222</p> <p>1 other again.</p> <p>2 And I just also want to note for the</p> <p>3 record -- and counsel for NAMB will contradict</p> <p>4 me if they believe I'm wrong -- but we served</p> <p>5 the deposition notice on the date indicated in</p> <p>6 the document and we did not receive any</p> <p>7 objections to the notice. Am I right? Did I</p> <p>8 miss something or were there no objections?</p> <p>9 MR. PERLA: You didn't receive written</p> <p>10 objections. You've received plenty of</p> <p>11 objections to objectionable questions.</p> <p>12 MR. GANT: I just want the record to be</p> <p>13 clear, though. We did not receive any written</p> <p>14 objections prior to the deposition?</p> <p>15 MR. PERLA: That's correct.</p> <p>16 MR. GANT: All right. With that, we're</p> <p>17 done for today and I thank you again for your</p> <p>18 time. Do you have questions?</p> <p>19 MR. PERLA: Just very few. We don't even</p> <p>20 have to change seats.</p> <p>21 MR. GANT: Then I may have more questions.</p> <p>22 MR. PERLA: Understood. And also I</p> <p>23 understand you put that on the record and you</p> <p>24 understand that the defendants disagree and</p> <p>25 we're happy to meet and confer about any</p>	<p style="text-align: right;">Page 224</p> <p>1 so you need to pause just like you did for</p> <p>2 Tim --</p> <p>3 THE WITNESS: Sure.</p> <p>4 MR. GANT: -- or tried to do.</p> <p>5 THE WITNESS: I didn't do it for Tim</p> <p>6 either.</p> <p>7 MR. GANT: Well, do it for me. I don't</p> <p>8 care if you did it for Tim. For me, please</p> <p>9 pause so I can make any objections I deem</p> <p>10 appropriate.</p> <p>11 THE WITNESS: Sure. I'm sorry.</p> <p>12 MR. GANT: Thank you.</p> <p>13 Q. (By Mr. Perla) Without trying to quote you,</p> <p>14 because I didn't write it down, do you recall</p> <p>15 testifying to the effect that the documents behind</p> <p>16 Tab 2 were sufficient to answer the topic?</p> <p>17 A. Yes.</p> <p>18 Q. Did you mean to suggest that Topic -- Tab 2</p> <p>19 contains every single document relevant to Topic 2?</p> <p>20 MR. GANT: Objection. Leading.</p> <p>21 Foundation. Calls for speculation. And to the</p> <p>22 extent it calls for a legal conclusion.</p> <p>23 A. No.</p> <p>24 Q. (By Mr. Perla) Your answer was?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 223</p> <p>1 concerns you have.</p> <p>2 EXAMINATION</p> <p>3 BY MR. PERLA:</p> <p>4 Q. Sir, very, very quickly.</p> <p>5 You recall -- please direct your attention</p> <p>6 back to Exhibit 1, the deposition notice, and in</p> <p>7 particular Topic 2.</p> <p>8 A. Yes.</p> <p>9 Q. Just let me know when you're there and</p> <p>10 you've reminded yourself what Topic 2 is.</p> <p>11 A. Yes.</p> <p>12 Q. You recall you were asked some questions</p> <p>13 about Topic 2?</p> <p>14 A. Yes.</p> <p>15 Q. And you were also asked some questions</p> <p>16 about Tab 2 of your binder --</p> <p>17 A. Yes.</p> <p>18 Q. -- is that fair?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay.</p> <p>21 MR. GANT: Sorry. Before you -- I just --</p> <p>22 since we haven't done this part before, I have a</p> <p>23 right to make objections --</p> <p>24 THE WITNESS: Oh. Slow down.</p> <p>25 MR. GANT: -- after Tim asks the question,</p>	<p style="text-align: right;">Page 225</p> <p>1 Q. Does Tab 2 contain every document</p> <p>2 supporting NAMB's position concerning the breach of</p> <p>3 the SPA?</p> <p>4 MR. GANT: Same objections.</p> <p>5 A. I'm sorry. Can you repeat the --</p> <p>6 Q. (By Mr. Perla) Sure. Does Tab 2 contain</p> <p>7 every document that supports NAMB's position</p> <p>8 concerning the breach of the SPA?</p> <p>9 MR. GANT: Same objections, and also calls</p> <p>10 for speculation.</p> <p>11 A. It's NAMB's position on -- on the answers</p> <p>12 to Number 2.</p> <p>13 Q. (By Mr. Perla) Are there documents that are</p> <p>14 not in Tab 2 that support NAMB's position concerning</p> <p>15 the SPA?</p> <p>16 MR. GANT: Objection. Vague. Leading.</p> <p>17 Foundation. Calls for speculation. Calls for a</p> <p>18 legal conclusion.</p> <p>19 Q. (By Mr. Perla) Next one is my last one so</p> <p>20 give him time to object.</p> <p>21 A. The answer would be, yes, there would be</p> <p>22 additional --</p> <p>23 MR. PERLA: I'll just leave it there. If</p> <p>24 you have any redirect, please feel free.</p> <p>25 EXAMINATION</p>

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1 BY MR. GANT:
 2 Q. Do any of your counsel's questions or your
 3 answers to them lead you to conclude that any of the
 4 answers you gave to my questions were in any way
 5 inaccurate or incomplete?
 6 MR. PERLA: Objection. Vague.
 7 A. I don't recall. Again, it's been a long
 8 day. I tried to answer everything what I know. So I
 9 don't know the wording of -- you know, I just don't
 10 know. I don't recall all of it so I don't know.
 11 Q. (By Mr. Gant) At the end of my exam, I
 12 asked you if all of your answers were truthful and
 13 complete as far as you knew. You said they -- they
 14 were, yes?
 15 A. Yes.
 16 Q. Then your counsel asked you a few
 17 questions. Did that change your answer to my
 18 question about whether all of your answers to my
 19 questions were truthful and complete?
 20 A. Well, if I answered where I implied
 21 everything was represented in here, I did not mean to
 22 do that. Those were the answers to the question.
 23 There may be other documents that are not listed here
 24 that I'm not aware of.
 25 Q. When you say "here," what are you referring

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1 to?
 2 A. Two -- Number 2 or any of the tabs,
 3 actually. I mean, these were answers to these
 4 questions. And are there other documents out there
 5 that could be provided to help in any of these tabs?
 6 I don't know the answer to that.
 7 Q. Now, one of the documents behind Tab 2 is
 8 NAMB's Response to Plaintiff's Fourth Set of
 9 Interrogatories, correct?
 10 A. Yes.
 11 Q. What did I say? Tab 2. Sorry. Tab 1. I
 12 apologize.
 13 A. I'm sorry.
 14 MR. PERLA: I was going to object. Outside
 15 the scope of my examination.
 16 Q. (By Mr. Gant) Go ahead.
 17 MR. GANT: Oh, okay. Let me think. Yes,
 18 you only asked about Tab 2.
 19 MR. PERLA: I did.
 20 MR. GANT: Okay. Then I don't need to go
 21 back to Tab 1. You're right. That's fair.
 22 Q. (By Mr. Gant) So let me just ask you again,
 23 general question. Having heard your counsel's
 24 questions to you and answered them, are there any
 25 revisions to your answers to my questions you would

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1 like to make before we conclude?
 2 A. If I ever implied that it was exhaustive, I
 3 did not mean to imply that. So I don't remember the
 4 exact wording of how I answered those questions.
 5 Q. Okay. Well, a number of my questions were
 6 asking you to confirm that, for example, NAMB's
 7 Interrogatory Responses were complete and up to date.
 8 Are you changing your answer about that?
 9 A. I'm saying the interrogatory in and of
 10 themselves are up to date.
 11 MR. GANT: All right. Again, we will leave
 12 the deposition open, but nothing further today.
 13 THE WITNESS: Thank you.
 14 THE VIDEOGRAPHER: Off the record at 3:40.
 15 (Plaintiff's Exhibit 28, Binder to prepare
 16 for 18 topics, marked for identification.)
 17 (Whereupon, the proceedings were concluded
 18 at 3:40 p.m.)
 19
 20
 21
 22
 23
 24
 25

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1 CERTIFICATE
 2 STATE OF GEORGIA)
 3) ss.:
 4 FULTON COUNTY)
 5
 6 I, Robin Ferrill, Certified Court Reporter
 7 within the State of Georgia, do hereby certify:
 8 That 30(b)(6) of NAMB through Kevin Ezell,
 9 the witness whose deposition is hereinbefore set
 10 forth, was duly sworn by me and that such deposition
 11 is a true record of the testimony given by such
 12 witness.
 13 I further certify that I am not related to
 14 any of the parties to this action by blood or
 15 marriage; and that I am in no way interested in the
 16 outcome of this matter.
 17 IN WITNESS WHEREOF, I have hereunto set
 18 my hand this 20th day of March, 2023.
 19
 20
 21
 22
 23
 24
 25


 ROBIN K. FERRILL, RPR

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1 To: Mr. Perla
 Re: Signature of Deponent 30(b)(6) of NAMB
 2 through Kevin Ezell
 Date Errata due back at our offices:
 3
 Greetings:
 4 This deposition has been requested for read and sign
 by the deponent. It is the deponent's responsibility
 5 to review the transcript, noting any changes or
 corrections on the attached PDF Errata. The deponent
 6 may fill out the Errata electronically or print and
 fill out manually.
 7
 Once the Errata is signed by the deponent and
 8 notarized, please mail it to the offices of Veritext
 (below).
 9
 When the signed Errata is returned to us, we will
 10 seal and forward to the taking attorney to file with
 the original transcript. We will also send copies of
 11 the Errata to all ordering parties.
 12 If the signed Errata is not returned within the time
 above, the original transcript may be filed with the
 13 court without the signature of the deponent.
 14 Please send completed Errata to:
 15 VeritextProduction Facility
 16 20 Mansell Court
 17 Suite 300
 18 Roswell, GA 30076
 19 (770) 343-9696
 20
 21
 22
 23
 24
 25

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1 ERRATA for ASSIGNMENT # 5675825
 2 I, the undersigned, do hereby certify that I have
 3 read the transcript of my testimony, and that
 4 ___ There are no changes noted.
 5 ___ The following changes are noted:
 6
 Pursuant to Rule 30(7)(e) of the Federal Rules of
 7 Civil Procedure and/or OCGA 9-11-30(e), any changes
 in form or substance which you desire to make to your
 8 testimony shall be entered upon the deposition with a
 statement of the reasons given for making them. To
 9 assist you in making any such corrections, please use
 the form below. If additional pages are necessary,
 10 please furnish same and attach.
 11 Page ___ Line ___ Change _____
 12 _____
 13 Reason for change _____
 14 Page ___ Line ___ Change _____
 15 _____
 16 Page ___ Line ___ Change _____
 17 _____
 18 Reason for change _____
 19 Page ___ Line ___ Change _____
 20 _____
 21 Page ___ Line ___ Change _____
 22 _____
 23 Reason for change _____
 24 Page ___ Line ___ Change _____
 25 _____

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1 Page ___ Line ___ Change _____
 2 _____
 3 Reason for change _____
 4 Page ___ Line ___ Change _____
 5 _____
 6 Page ___ Line ___ Change _____
 7 _____
 8 Reason for change _____
 9 Page ___ Line ___ Change _____
 10 _____
 11 Page ___ Line ___ Change _____
 12 _____
 13 Page ___ Line ___ Change _____
 14 _____
 15 Reason for change _____
 16 Page ___ Line ___ Change _____
 17 _____
 18 _____
 19 _____
 20 _____
 30(b)(6) of NAMB through KEVIN EZELL
 21 Sworn to and subscribed before me this ___ day of
 22 _____, _____.
 23 _____
 NOTARY PUBLIC
 24
 25 My Commission Expires: _____

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate.

The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

WILL MCRANEY**PLAINTIFF****VS.****CIVIL ACTION NO. 1:17-CV-80-GHD-DAS**

**THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.**

DEFENDANT

TMS PRIVILEGE LOG

DATE & TIME	TYPE	AUTHOR	RECIPIENT	SUBJECT MATTER	PRIVILEGE ASSERTED	BATES NO.
08/03/2020 @ 11:01 a.m.	E-mail	Stephanie Taub/First Liberty obo NAMB	Andrew Bath obo TMS	Amicus Brief Overture	Common Interest	001
08/03/2020 @ 5:00 p.m.	E-mail	Andrew Bath	Stephanie Taub	Amicus Brief	Common Interest	001(A)
08/03/2020 @ 7:07 p.m.	E-mail	Stephanie Taub	Andrew Bath	Amicus Brief	Common Interest	001(B)
08/06/2020 @ 5:34 p.m.	E-mail	Stephanie Taub	Andrew Bath	Amicus Brief	Common Interest	002
08/16/2020 @ 7:42 p.m.	E-mail	Stephanie Taub	Joan Mannix obo TMS	Amicus Brief	Common Interest	003
08/18/2020 @ 3:23 p.m.	E-mail	Stephanie Taub	Andrew Bath, Joan Mannix, Travis Wussow	Amicus Brief	Attorney-Client / Work Product / Common Interest	003(A)
08/18/2020 @ 3:26 p.m.	E-mail	Travis Wussow	Stephanie Taub, Andrew Bath, Joan Mannix	Amicus Brief	Attorney-Client / Work Product / Common Interest	003(B)
08/18/2020 @ 7:19 p.m.	E-mail	Joan Mannix	Travis Wussow, Andrew Bath, Stephanie Taub, Tom Brejcha	Amicus Brief	Attorney-Client / Work Product / Common Interest	003(C)
08/20/2020 @ 7:15 a.m.	E-mail	Joan Mannix	Travis	Amicus Brief	Attorney-Client / Work Product /	004

			Wussow obo ERLC & Stephanie Taub, Andrew Bath & Steve Crampton obo TMS & Thomas Olp obo TMS		Common Interest	
08/20/2020 @ 9:14 a.m.	E-mail	Joan Mannix	Travis Wussow & Stephanie Taub & Andrew Bath & Steve Crampton & Thomas Olp	Amicus Brief	Attorney-Client / Work Product / Common Interest	005
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08/20/2020 @ 11:12 a.m.	E-mail	Joan Mannix	Steve Crampton & Travis Wussow	Amicus Brief	Attorney-Client / Work Product	013
08/20/2020 @ 11:41 a.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	014
08/20/2020 @ 11:43 a.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	015
08/21/2020 @ 11:10 a.m.	E-mail	Stephanie Taub	Joan Mannix & Travis Wussow &	Amicus Brief	Attorney-Client/	016

			Andrew Bath & Steve Crampton & Thomas Olp		Common Interest	
08/21/2020 @ 2:26 p.m.	E-mail	Steve Crampton	Travis Wussow & Joan Mannix & Stephanie Taub & Andrew Bath & Thomas Olp	Amicus Brief	Attorney-Client/ Common Interest	017
12/09/2020 @ 4:51 p.m.	E-mail	Travis Wussow	Andrew Bath	Amicus Brief	Attorney-Client / Work Product	018
12/10/2020 @ 1:53 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	019
12/10/2020 @ 2:15 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	020
12/10/2020 @ 3:09 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	021
12/10/2020 @ 3:11 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	022
12/10/2020 @ 3:20 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	023
12/10/2020 @ 3:36 p.m.	E-mail	Steve Crampton	Travis Wussow & Joan Mannix	Amicus Brief	Attorney-Client / Work Product	024
12/10/2020 @ 6:25 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	025
12/10/2020 @ 7:25 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	026
12/10/2020 @ 7:30 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	027
12/10/2020 @ 7:32 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	028
12/10/2020 @ 7:34 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	029
12/10/2020 @ 8:33 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	030

12/10/2020 @ 8:57 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	031
12/10/2020 @ 9:47 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	032
12/10/2020 @ 9:56 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	033
12/10/2020 @ 10:16 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	034
12/10/2020 @ 10:34 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	035
12/10/2020 @ 10:51 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	036
12/10/2020 @ 11:06 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	037
12/10/2020 @ 11:26 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	038
12/11/2020 @ 12:06 a.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	039
12/11/2020 @ 7:16 a.m.	E-mail	Travis Wussow	Steve Crampton & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	040
12/11/2020 @ 11:21 a.m.	E-mail	Scott Weatherford obo ERLC	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	041
12/11/2020 @ 11:25 a.m.	E-mail	Steve Crampton	Scott Weatherford	Amicus Brief	Attorney-Client / Work Product	042
12/11/2020 @ 11:29 a.m.	E-mail	Scott Weatherford	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	043
12/11/2020 @ 3:49 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	044
12/11/2020 @ 4:04 p.m.	E-mail	Steve Crampton	Travis Wussow & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	045
12/11/2020 @ 5:05 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	046

12/11/2020 @ 5:18 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	047
12/11/2020 @ 6:08 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	048
12/11/2020 @ 7:09 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	049
12/11/2020 @ 8:03 p.m.	E-mail	Travis Wussow	Steve Crampton & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	050
12/12/2020 @ 8:09 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	051
12/13/2020 @ 2:04 p.m.	E-mail	Travis Wussow	Steve Crampton & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	052
12/14/2020 @ 11:14 a.m.	E-mail	Travis Wussow	Steve Crampton & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	053
12/14/2020 @ 11:15 a.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	054
12/14/2020 @ 2:06 p.m.	E-mail	Steve Crampton	Travis Wussow & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	055
12/14/2020 @ 4:17 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	056
12/16/2020 @ 9:22 a.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	057
12/16/2020 @ 9:34 a.m.	E-mail	Steve Crampton	Travis Wussow & Andrew Bath	Amicus Brief	Attorney-Client / Work Product	058
12/16/2020 @ 9:49 a.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	059
12/28/2020 @ 12:27 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	060
12/28/2020 @ 12:51 p.m.	E-mail	Steve Crampton	Travis Wussow	Amicus Brief	Attorney-Client / Work Product	061
12/28/2020 @ 1:45 p.m.	E-mail	Travis Wussow	Steve Crampton	Amicus Brief	Attorney-Client / Work Product	062

Victoria Scordato

From: Scott Gant
Sent: Thursday, February 16, 2023 7:33 PM
To: Kat Carrington; Josh Wiener; Derek Rajavuori; timothy.perla@wilmerhale.com
Cc: Victoria Scordato; 'Harvey Barton'; Rick Culp
Subject: McRaney v. NAMB - Corrected Privilege Log from Thomas More Society
Attachments: TMS Corrected Privilege Log - 2.16.23.pdf

Attached is a corrected privilege log produced today by the Thomas More Society.

Counsel for TMS (Rick Culp, copied on this email), supplemented the log with the following information about attachments to certain emails described in the corrected log (which I've pasted into this email, without any alteration):

Bates #1 Subject: Fifth Circuit En Banc Amicus (no attachment)
Bates #1(A) Subject: Fifth Circuit En Banc Amicus (no attachment)
Bates #1(B) Subject: Fifth Circuit En Banc Amicus (attachments x4: 04/29/19 Dist. Ct. Opinion – Appellant’s Brief 07/29/19 – Appellee’s Brief 09/11/19 – 5th Cir. Opinion -7/16/20)
Bates #2 Subject: NAMB Resources (attachments x4 entitled “Amicus Briefs” from Our Lady of Guadalupe v. Agnes Morrisey-Berru)
Bates #3 Subject: McRaney v. NAMB Amicus (attachment – as filed 08/13/20 Petition for Rehearing En Banc)
Bates #3(A) Subject: McRaney v. NAMB Amicus (no attachment)
Bates #3(B) Subject: McRaney v. NAMB Amicus (no attachment)
Bates #3(C) Subject: McRaney v. NAMB Amicus (no attachment)
Bates #4 Subject: NAMB (attachment – Amicus Brief Draft)
Bates #5 Subject: NAMB (attachment – Amicus Brief Draft)
Bates #16 Subject: NAMB (no attachment)
Bates #17 Subject: NAMB (no attachment)

From: Scott Gant
Sent: Monday, February 13, 2023 3:13 PM
To: Kat Carrington <Kat.Carrington@butlersnow.com>; Josh Wiener <Josh.Wiener@butlersnow.com>; Derek Rajavuori <Derek.Rajavuori@butlersnow.com>
Cc: Victoria Scordato <vscordato@BSFLLP.COM>; 'Harvey Barton' <harvey@wbartonlaw.com>
Subject: RE: McRaney v. NAMB - Notice of Document Subpoena to the Thomas More Society

Attached is a privilege log produced today by the Thomas More Society.

From: Scott Gant
Sent: Wednesday, December 21, 2022 9:12 PM
To: Kat Carrington <Kat.Carrington@butlersnow.com>; Josh Wiener <Josh.Wiener@butlersnow.com>; Derek Rajavuori <Derek.Rajavuori@butlersnow.com>
Cc: Victoria Scordato <vscordato@BSFLLP.COM>; 'Harvey Barton' <harvey@wbartonlaw.com>
Subject: RE: McRaney v. NAMB - Notice of Document Subpoena to the Thomas More Society

Attached are additional documents produced by the Thomas More Society in response to Plaintiff’s subpoena.

From: Scott Gant

Sent: Tuesday, November 8, 2022 3:45 PM

To: Kat Carrington <Kat.Carrington@butlersnow.com>; Josh Wiener <Josh.Wiener@butlersnow.com>; Derek Rajavuori <Derek.Rajavuori@butlersnow.com>

Cc: Victoria Scordato <vscordato@BSFLLP.COM>; 'Harvey Barton' <harvey@wbartonlaw.com>

Subject: RE: McRaney v. NAMB - Notice of Document Subpoena to the Thomas More Society

Attached are documents produced by the Thomas More Society in response to Plaintiff's subpoena.

From: Scott Gant

Sent: Tuesday, September 20, 2022 8:39 AM

To: Kat Carrington <Kat.Carrington@butlersnow.com>; Josh Wiener <Josh.Wiener@butlersnow.com>

Cc: Victoria Scordato <vscordato@BSFLLP.COM>; 'Harvey Barton' <harvey@wbartonlaw.com>

Subject: McRaney v. NAMB - Notice of Document Subpoena to the Thomas More Society

This email is notice of Plaintiff's forthcoming subpoena to the Thomas More Society.

Thank you,

Scott