

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

LISA T. JACKSON,	)	
	)	
Plaintiff,	)	
v.	)	
	)	CIVIL ACTION NO.: 4:12-cv-0139
PAULA DEEN; PAULA DEEN	)	
ENTERPRISES, LLC; THE LADY &	)	
SONS, LLC; THE LADY	)	
ENTERPRISES, INC.; EARL W.	)	
“BUBBA” HIERS; and UNCLE	)	
BUBBA’S SEAFOOD AND OYSTER	)	
HOUSE, INC.,	)	
	)	
Defendants.	)	

**DEFENDANTS’ BRIEF IN REPLY TO PLAINTIFF’S RESPONSE TO DEFENDANTS’  
APPEAL TO THE ARTICLE III JUDGE OF SECTION C OF THE MAGISTRATE’S  
ORDER DATED MAY 8, 2013 AND INCORPORATED MEMORANDUM OF LAW**

COME NOW Paula Deen, Paula Deen Enterprises, LLC, The Lady & Sons, LLC, The Lady Enterprises, Inc., Earl W. “Bubba” Hiers, and Uncle Bubba’s Seafood & Oyster House, Inc., the Defendants in the above-styled action, and file this Brief in Reply to Plaintiffs’ Response to Defendants’ Appeal to the Article III Judge of Section C of the Magistrate’s Order Dated May 8, 2013. As shown in Defendants’ Appeal [Doc. 171] and further explained herein, Section C of the Magistrate’s May 8, 2013 Order [Doc.165], finding that Defendants’ counsel, James P. Gerard, acted in an “HR management role” at the defendant restaurants, is clearly erroneous and contrary to law and must be reversed.

**I. James P. Gerard’s Status Is a Reviewable Issue and the Appeal Is Timely.**

The Magistrate’s determination that James P. Gerard acted in an “HR management role” at the defendant restaurants and that communications made to him by the Defendants or their

representatives are therefore not protected by the attorney client privilege is a reviewable issue and was timely appealed. Gerard's status was not, as Jackson errantly contends, established by an April 3, 2013 Order which would render Defendants' appeal of this issue untimely.

The context in which the April 3, 2013 Order [Doc. 132] was issued and the language contained therein proves the falsity of Jackson's argument that Defendants' appeal of Gerard's status is untimely. The April 3 Order was entered in response to a Motion for Protective Order filed by Defendants [Doc. 93] and a Motion to Compel filed by Jackson [Doc. 111].<sup>1</sup> Jackson's Motion to Compel on the issue of Defendants' attorney-client privilege with Gerard was squarely based upon Defendants' assertion of the *Faragher/Ellerth* defense in their answers. [See Doc. 111 at pp. 8-9, 19-23].

Defendants did not have an opportunity to respond to Jackson's Motion to Compel [Doc. 111] before the Court issued its April 3 Order. [See Doc. 135 at p. 2, n. 1]. The April 3 Order specifically relied upon Defendants' assertions of the *Faragher/Ellerth* defenses in its finding that Defendants waived their attorney-client privilege with Gerard by asserting these defenses. However, the April 3 Order also contemplated the withdrawal of the *Faragher/Ellerth* defenses to preserve the attorney-client privilege between Defendants and Gerard:

The deposition testimony before this Court shows that defendants have affirmed the existence of a complaint mechanism which, **until the defense is formally withdrawn, plaintiff is permitted to litigate as if they will rely upon it at trial** to insist that they did everything they reasonably could do with what information Jackson presented. [Cit.]

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<sup>1</sup> In her Response Brief [Doc. 190] Jackson references a Motion to Compel [Doc. 84] and a Substitute Motion to Compel [Doc. 92] that she filed. Both of these documents concerned blooper-reel videotapes of Paula Deen and did not address the issues pertaining to Gerard. Defendants are unsure as to why Jackson cites to these documents and claims that "Plaintiff filed a Motion to Compel essentially the same documents [as Docs. 84, 92] on March 7, 2013 [Doc. 111]." Jackson's representations concerning Docs. 84 and 92 and their connection to the issue at hand are simply untrue.

[Doc. 132 at p. 19, n. 10] (emphasis added). The April 3 Order ordered Defendants to make Gerard available for four areas of inquiry:

(1) to rebut Jackson's claims that she complained to him or others in management about her claims of discrimination and sexual harassment; (2) to testify about complaints of four EEOC claimants in early 2009 who allegedly directed complaints toward Jackson, not Hiers; (3) to speak to any meetings held with Jackson, Hiers, and Schumacher (one following the 2009 EEOC mediations and one in 2010); and (4) to address any other instances involving Gerard, including discrimination complaints from other employees, **so long as they are related to his "in the loop" role in application of the defendants' Ellerth-Farragher defense machinery.**

[Doc. 132 at pp. 25-26] (emphasis added).<sup>2</sup>

Heeding the above-quoted language from the April 3 Order and having determined that the *Faragher/Ellerth* defenses would not be relied upon, Defendants formally moved to withdraw the defenses and sought reconsideration and clarification of the April 3 Order on the basis of the withdrawal of the *Faragher/Ellerth* defenses. [Docs. 133, 134, 135].

On May 8, 2013, the Order on appeal issued. [Doc. 165]. In the Order, the posture regarding the *Faragher/Ellerth* defenses, Defendants' attorney-client privilege with Gerard, and the subsequent withdrawal of the *Faragher/Ellerth* defenses is acknowledged by the Court:

As the Court's April 3rd Order noted, defendants' invocation of the *Ellerth/Faragher* defense rendered discoverable information about how management handled employee complaints against harassment. [Cit.] Defendants argued, however, that plaintiff went too far by subpoenaing records from and questioning (during a deposition) the corporate defendants' outside counsel, James P. Gerard. [Cit.] The Court for the most part ruled in favor of plaintiff to the extent defendants had fused Gerard's counsel role with a management ("Human Resources" or "HR") function.<sup>3</sup>

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<sup>2</sup> Defendants had already designated Gerard to testify regarding the first three areas of inquiry in an effort of cooperating with Jackson's counsel. [Doc. 132, p. 19-20]. Gerard had already deposed on these areas as of the entering of the April 3 Order. [Id. at p. 18]. The fourth area of inquiry was the only area of inquiry added by the April 3 Order and was specific to the Defendants' assertion of the *Faragher/Ellerth* defense. [See Id. at p. 26].

<sup>3</sup> The final sentence of this quotation is a new and errant interpretation by the Magistrate of his April 3 Order. The April 3 Order is clear that the assertion of the *Faragher/Ellerth* defenses, not any "fused" role held by Gerard, was the basis for permitting Jackson to explore Defendants' attorney-client privileges: "to address any other instances

[Doc. 165, p. 25].

The law is clear that a party has fourteen (14) days from the date of being served with a magistrate's order to appeal to the district court:

A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely object to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or contrary to law.

Fed. R. Civ. P. 72(a); see also 28 U.S.C. § 631(b)(1)(A); S.D. Ga. L.R. 72.2 ("Any party may serve and file objections to a Magistrate Judge's determination made under this rule as provided by Fed. R. Civ. P. 72(a).

The Order on Appeal [Doc. 165] made new and unsupported findings of fact that Gerard held a "fused" role of human resources and corporate counsel within the defendant entities.<sup>4</sup> The Defendants' withdrawal of their *Faragher/Ellerth* made the April 8 Order obsolete because the April 8 Order was specifically dependent upon the assertion of these defenses. The Order on Appeal made unsupported findings of fact to work around the language of the April 8 Order and still allow Jackson to explore Defendants' confidential communications with Gerard. The clearly erroneous findings of fact dovetail with the Magistrate's erroneous finding that Jackson is

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involving Gerard, including discrimination complaints from other employees, **so long as they are related to his "in the loop" role in application of the defendants' Ellerth-Farragher defense machinery.**" [Doc. 132 at p. 26] (emphasis added).

<sup>4</sup> Jackson claims in her response brief that the Magistrate made the finding of fact in the April 3 Order that Gerard acted in a management role in the defendant entities and that this finding was not timely appealed. [Doc. 190 at p. 6]. As Defendants have noted, the April 3 Order was dependent upon the *Faragher/Ellerth* defenses in permitting Jackson access to attorney-client privileged communications. Jackson's culling of this single sentence of a footnote from the April 3 Order is yet another attempt by Jackson to mislead the Court. This sentence was dicta in the Order, not a finding of fact. Further, the quote relied upon by Jackson cites to Jackson's Response to Defendants' Motion for Protective Order and Motion to Quash Subpoena. [See Doc. 190 at p. 6]. The citations referenced by the Magistrate are Jackson's arguments that the assertion of the *Faragher/Ellerth* defense constitute a waiver of the attorney-client privilege. [See Doc. 116 at p. 10-11, 14-15]. Jackson's argument that this "finding of fact" is independent of the *Faragher/Ellerth* defenses is grossly misleading.

entitled to Defendants' attorney-client privileged communications with Gerard; a finding that is undoubtedly contrary to law. The appeal of these issues is timely and Section C of the May 8 Order, which relies upon unsupported and errant findings of fact, should be reversed.

## **II. Defendants Maintain an Attorney-Client Privilege In Their Communications With Gerard.**

Gerard was unequivocal in his testimony in two separate depositions that he at all times acted as Defendants' outside legal counsel. Jackson relies upon speculative testimony, inferences, and guesses to muddle the record regarding Gerard's role. Worse, Jackson cites incomplete and therefore misleading testimony to create the confusion that Gerard acted in a management role at the defendant entities. When the complete testimony is shown, it is clear that Gerard did not occupy any management role and at all times acted as Defendants' legal counsel under which Defendants enjoy an attorney-client privilege.

Jackson first relies upon an email between Gerard and Karl Schumacher regarding communicating with HR consultants hired by the defendant entities for the proposition that the Magistrate correctly found Gerard to have a "fused" role. [Doc. 190, p. 6].<sup>5</sup> The email states in pertinent part:

The HR consultants were in town this week. Since you have been helping us in this area I suggested that they contact you. ... Some items that may need to be discussed is the employee manuals, past legal issues, our recent discussions and your thoughts and concerns.

[Doc. 190 at Ex. A]. Jackson *infers* that this email shows Gerard to have some overarching involvement in the HR functions of the defendant entities, when it only shows that the HR

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<sup>5</sup> Jackson further argues that this document was improperly withheld under a claim of attorney-client privilege. Again, Jackson misleads the Court and neglects to mention the issue of third-party waiver and that the document was produced once the Court ruled upon the issue of third-party waiver; an issue upon which Defendants believe the Magistrate errantly ruled, but decided to not appeal. Jackson's false stirring of controversy by conflating the third-party waiver issue is addressed more fully in Section III, below.

consultants potentially wanted to speak with Gerard about the specific issues of employee manuals and past legal issues and a non-specific reference to “recent discussions” and Gerard’s “thoughts and concerns.” [Id.]. The email goes no further and does not give any basis for any supposition that Gerard overstepped his role as an outside attorney of ensuring that an employee manual was legally sufficient and speaking to Defendants’ HR consultants about Defendants’ past legal issues.<sup>6</sup>

Jackson next culls an incomplete quote from Gerard as support for her position that Gerard played a human resources role in the defendant entities. [Doc. 190 at p. 7]. The recitation of Gerard’s full response indicates Jackson’s argument is not consistent with the truth:

*Q. Was there a complaint procedure within the company for – at that time, to your knowledge, for bringing complaints of harassment or discrimination?*

*A. She usually complained to Mr. Schumacher as far as any complaints that she might have had with Mr. Hiers.*

*Q. And would Mr. Schumacher then keep you in the loop and inform you of those complaints?*

*A. Yes.*

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*Q. Okay.*

*A. I – I would assume so. I – I only know as much as he told me.*

*Q. Okay.*

*A. So there might have been things that he did not share with me that I don’t know.*

[Doc, 154 at Ex. A, James P. Gerard Dep., p. 13-14] (emphasis added) (dashed line inserted to indicate where the quote culled by Jackson ended). Gerard’s full response indicates that *he does not know what is going on at the restaurants other than what he is told*. Gerard’s other

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<sup>6</sup> Jackson has deposed both of the HR consultants, Tanya Mack and David Beronet. The intrusion into attorney-client privileges on the basis of this email, when Jackson is able to obtain the information from other sources, is both unwarranted and improper.

testimony, ignored by Jackson, further explains his lack of involvement in the Defendants' HR issues other than as legal counsel:

*Q. Under the – the way that human resources operated back when Ms. Jackson was working for the company, were you an individual to whom managerial or other employees could bring complaints of misconduct or mistreatment or things of that sort?*

*A. No.*

*Q. Are you currently?*

*A. No.*

*Q. Okay. Which employees could come to you, employees or owners or officers? Who at the - the Paula Deen companies is entitled to come to you to address an issue or to raise a complaint?*

*A. I have no idea who they authorize to come to me.*

*Q. Okay. Do you know if the human resources director –*

*A. Let me – let me say this. I might correct your misconception. I don't have an ongoing relationship-*

*Q. Uh-huh.*

*A. - with this company. **When there's a problem which sporadically occurs, they give me a call.***

*Q. Okay.*

*A. It's not like I'm sitting here like when there's a – there's a permanent network between me and them –*

*Q. Right.*

*A. - and they're coming in. It's not that type of relationship. The relationship is – and this is even when Ms. Jackson was there and now –*

*is that there were months when I wouldn't hear a thing about what was going on as far as complaints. It was when something – when an incident occurred, either Karl or Lisa, maybe one or two or three times gave me a call, or there was an EEOC complaint filed, or somebody had a consumer complaint, they called me. But it was not an ongoing thing where I was getting calls every day or every week or every month.*

[Doc. 154 at Ex. A, pp. 56-57].

Finally, Jackson relies upon speculative testimony by Jody Farmer regarding who investigated Jackson's complaints to hook Gerard as being involved in a human resources capacity. [Doc. 190, p. 11]. Farmer testified:

*Q. Do you know who would have conducted the investigation?*

*A. No. I don't know for sure. In my experience, my judgment it would be that it would have either been the assistance of the Mackworks consultants, or it was Karl, or it would have been Jim Gerard or at his direction.*

[Doc. 154 at Ex. G, Farmer 30(b)(6) Dep., pp. 57-58] (emphasis added). Despite testimony from Farmer indicative of the fact that he did not know who investigated Jackson's complaints, Jackson supposes that "Mr. Gerard would likely have played a role in the investigation of specific complaints made by Lisa Jackson." [Doc. 190, p. 11]. This misleading statement ignores Farmer's testimony indicating his answer was speculative and Gerard's sworn testimony that he did not play any role in investigating Jackson's complaints. [Doc. 154 at Ex. A, Gerard Dep., pp. 11-14]. It also ignores that Farmer only started working for the company on October 26, 2010, over two months after Jackson's employment ended. [Doc. 154 at Ex. G, Farmer 30(b)(6) Dep., p. 8; Doc. 47, Para. 19].

The attorney-client privilege extends to "confidential communications between an attorney and his client relating to a legal matter for which the client has sought professional

advice.” Miccosukee Tribe of Indians of Florida v. United States, 516 F.3d 1235, 1262 (11<sup>th</sup> Cir. 2008). The purpose of this privilege “is to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice.” Upjohn Co. v. United States, 449 U.S. 383, 389 (1981). The privilege is grounded “in the interest and administration of justice, of the aid of persons having knowledge of the law and skilled in its practice, which assistance can only be safely and readily availed of when free from the consequences or the apprehension of disclosure.” United States v. Almeida, 341 F.3d 1318, 1324 (11<sup>th</sup> Cir. 2003) (quoting Hunt v. Blackburn, 128 U.S. 464, 470, 9 S.Ct. 125 (1888)). It “exists to protect not only the giving of professional advice to those who can act on it but also the giving of information to the lawyer to enable him to give sound and informed advice.” Upjohn Co., at 390. Indeed, “[t]he first step in the resolution of any legal problem is ascertaining the factual background and sifting through the facts with an eye to the legally relevant.” Id. at 390-91.

The Magistrate’s finding in the May 8 Order that Gerard acted as anything other than legal counsel is clearly erroneous, factually inaccurate, and unsupported by the record. The Magistrate, by way of his errant and unsupported fact-finding, wholly eliminated Defendants’ attorney-client privilege with Gerard when the record is clear that Gerard is outside legal counsel. The entire notion of the attorney-client privilege and the “full and frank” communications that the privilege encourages is gutted by the May 8 Order. Defendants here had an expectation that their communications with Gerard were privileged because of the long-standing notion that a client’s communications with its attorney are protected. Had Defendants not had such an expectation of privacy, they would not have spoken freely with Gerard about potential legal issues. Defendants certainly would not have conversed freely with Gerard had

they expected Jackson to later delve through their confidential communications. Defendants' communications with Gerard are protected under the attorney-client privilege and unless otherwise waived by disclosure to third-parties, the privilege must be preserved. The Magistrate's finding to the contrary is clear error and contrary to law.

Perhaps recognizing the clear error underlying the Magistrate's May 8 Order, Jackson focuses on the burden on the party asserting the attorney-client privilege. Jackson contends that Defendants have not,

offer[ed] testimony from Mr. Gerard or any other witness regarding the role Mr. Gerard played with respect to the specific communications at issue and, accordingly, there is a failure of proof by Defendants on this initial point. As a result, Defendants' claim of privilege fails irrespective of the question of waiver, as they failed to make any effort to meet their evidentiary burden.

[Doc. 190, p. 15-16]. Again, Jackson misstates the import of the Court's May 8 Order. The May 8 Order does not allow for a document-by-document review of communications between Gerard and the Defendants because it finds *ipse dixit* that Gerard occupied a fused role of attorney and human resources management. The May 8 Order eliminates that threshold matter – Gerard is Defendants' legal counsel and communications between him and Defendants or their representatives are privileged. This Court should correct the Magistrate's clear error on appeal.

### **III. Jackson Includes the Issue of Third-Party Waiver to Create Confusion and an Inference That Defendants Have Acted Improperly.**

Jackson makes repeated reference in her brief to documents that have been produced after originally being withheld under claim of attorney-client privilege. [Doc. 190, p. 6-7, 16]. Jackson claims regarding one such document, “[O]ne of the documents that they withheld demonstrates both that Defendants have an overly broad notion of what is protected by the attorney client privilege and/or attorney work product...” [Doc. 190, p. 6]. Jackson goes on to

question the integrity of Defendants and their counsel: “Defendants have withheld emails ... which are not, under any circumstances, subject to any privilege, such that the Court cannot rely on Defendants’ *claim* of privilege in the absence of *evidence* that the privilege applies. [Cit.]” [Doc. 190, p. 16] (emphasis in original).

While calling the integrity of Defendants and their counsel into question and claiming they are unworthy of belief by the Court, Jackson omits reference to the fact that the production of these documents was ordered by the Court following extensive briefing by both parties as to the application of the attorney-client privilege when consultants are involved. [See Docs. 111, 135, 143, 153]. Jackson omits to mention that the documents were produced in compliance with the Court’s Order. [Doc. 165]. Jackson’s omission of these key facts is part and parcel of an inaccurate and misleading recitation of the case all while claiming that it is Defendants and their counsel that are unworthy of belief.

**IV. The Disparity of the Magistrate’s Treatment of Defendants’ Attorney-Client Privilege and Plaintiff’s Text Messages to Uncle Bubba’s Employees Is Indicative of the Clear Error of the May 8 Order.**

The clear error of the May 8 Order is evident when the treatment of Defendants’ attorney-client privilege is juxtaposed with the treatment of Jackson’s text messages and social media activity. The Hiers’ defendants filed a Motion to Compel and Motion for Sanctions [Doc. 64] seeking the Court to compel Jackson to respond to their document requests and produce text messages between herself and employees of Uncle Bubba’s restaurant. Jackson had refused production of certain text messages between herself and/or Mr. Woolf and various Uncle Bubba’s employees on the basis of attorney work product and attorney-client privilege. [Doc. 64].

The Magistrate denied the Hiers' defendant's motion on a finding that communications between Lisa Jackson and/or Wesley Woolf and *employees of Uncle Bubba's* were protected as attorney work-product apparently upon Jackson's assurances that the text messages constituted nothing of interest to the Defendants. [Doc. 175, p. 5-6].

**Jackson assures the Court** that "[a]mid the texts of Ms. Jackson herself delivering general greetings and herself texting in an attempt gain prospective witness assistance, only one text came from the (reluctant) witness himself and a copy of that text has been produced to Defendants. **All of the other texts are communications from Ms. Jackson to this witness. The texts are exclusively "the thought processes of the party. . . ."** Doc. 169 at 4-5 (footnote, cite and brackets omitted). The only other text messages, she asserts, are from a witness who unsuccessfully sought representation from plaintiff's counsel. *Id.* at 5. Although Jackson believes she is "not required to reveal the names of these witnesses, [she] has disclosed them to minimize and focus the gravamen of her argument that the content of these texts is protected by work product and attorney-client privilege." Doc. 172 at 2.

[Doc. 175, p. 5] (emphasis added).

Defendants find it inexplicable that text messages between either Lisa Jackson or Wesley Woolf *and employees of Defendant Uncle Bubba's* would receive higher protection from the Court than communications between Defendants *and their attorney*. That is precisely what has happened here, and it is clear error.

Further insight of the disparity of treatment between the parties is also found in comparing the above-quoted language with the language from another of the Magistrate's Orders.<sup>7</sup> As quoted above, the Magistrate is willing to accept Jackson's assurances regarding the content of the communications sought by the Hiers defendants and to deny the Hiers defendants access to those documents. [Doc. 175, p. 5]. Comparatively, the Magistrate's May 8 Order states with regard to James P. Gerard, *an officer of this Court*:

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<sup>7</sup> Defendants further take issue with the Magistrate's gratuitous recitation in the May 8 Order of the results of the Court's independent internet research regarding Paula Deen. [See Doc. 165, p. 9].

And if Gerard denies such conversations occurred or did not involve any of Jackson's harassment complaints, then that factual conflict in and of itself is discoverable: **Jackson has the right to try and prove that [Gerard] is misremembering or being untruthful as to this matter.**

[Doc. 165, p. 30] (emphasis added).

**V. Defendants Have Not Waived Their Attorney-Client Privilege With Gerard.**

Yet again, Jackson omits to inform the Court of important details that stand in the way of the representations she makes to the Court. Defendants have at all times asserted their attorney-client privilege with Gerard and only made Gerard available for deposition as an accommodation to Jackson and with the express provision that there was no waiver of the attorney-client privilege. In response to Jackson's requests that Gerard be made available for deposition, counsel for Defendants asked Jackson's counsel to explain their basis behind seeking Gerard's testimony and the scope of the testimony sought from Gerard. (Ex. A, William J. Hunter letter dated February 6, 2013). Jackson's counsel, Matthew C. Billips, responded in part:

Regarding Mr. Gerard, however, we seek to depose him and to subpoena to his deposition a copy of his billing records for work done on behalf of any of the Defendants. The scope of the inquiry will be information known to him which is relevant to your Kolstad/Faragher/Elleerth affirmative defenses.

(Ex. B, Matthew C. Billips letter dated February 15, 2013). Mr. Hunter responded to Billips February 15, 2013 letter by email:

As for Jim Gerard, he was outside counsel for these defendants and that is it. While you use the term "consigliere," (which is primarily defined by on-line dictionaries as an advisor or counselor to capos or other high ranking members of American or Sicilian organized crime families), outside counsel is the only proper term to describe Mr. Gerard's relationship with any of the Defendants. He has worked on many different matters for these Defendants through the years and at no time was ever an employee of any defendant. He has at all relevant times been an equity partner in Oliver Maner and Gray LLP now Oliver Maner LLP. **However, in an effort at compromise, and without waiving any attorney client or work product privileges, Mr. Gerard will be produced to testify regarding any investigation he did with regard to any complaints made by**

**Lisa Jackson to him of discrimination or harassment.** As you know, Mr. Gerard was involved in the EEOC claim and you have those documents.

(Ex. C, William J. Hunter email dated February 18, 2013).

Jackson subpoenaed Gerard to appear for deposition and Defendants moved for a protective order and to quash the subpoena. [Doc. 93]. In their motion, Defendants expressly affirmed their attorney-client privilege with Gerard and asked the Court to issue a protective order that he not be required to testify regarding privileged matters. [Doc. 93]. It was in this motion that Defendants requested that Gerard's deposition be limited to three limited areas of inquiry to avoid intrusion into their attorney-client privilege. [Doc. 93, p. 8]. The Court did not rule on Defendants' motion in advance of Gerard's deposition being taken on February 27, 2013, but the examination was limited to the three areas set forth in Defendants' motion. [See Doc. 154 at Ex. A, Gerard Dep.]. Gerard appeared for a second deposition on May 15, 2013 at the order of the Court. [Ex. D, Gerard Dep. (Second) (May 15, 2013); Doc. 165].

Context is important, and Jackson's brief repeatedly omits to tell the context in which events occurred. The history leading up to Gerard's two depositions makes clear that at no time did Defendants waive their attorney-client privilege with regard to their communications with Gerard. Moreover, Jackson now seeks to use Defendants' efforts at compromise against them.

#### **VI. Plaintiff Attempts to Project Her Lack of Credibility Upon Defendants.**

The deposition testimony taken in this case has not supported the incendiary allegations made in Jackson's Complaint or the representations that Jackson has made in her discovery disclosures.<sup>8</sup> Despite this, Plaintiff boldly states in her brief that, "Defendants – and their counsel – have denied the truth of Plaintiff's claims, even where they were aware that these

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<sup>8</sup> Defendants complained of Jackson's witness disclosures in a previous filing. [Doc. 85]. The crux of Defendants' complaint at that time was that Jackson identified witnesses as having certain knowledge, but the witnesses, when deposed, denied that knowledge. Many of these witnesses were unavailable to Defendants outside of deposition.

denials were false.” [Doc. 190, p. 3]. A closer review of Jackson’s allegations, Defendants’ answers, the representations made by Jackson in her briefs to this Court, and the deposition testimony shows the extent to which Jackson, having grossly overreached in her Second Amended Complaint, attempts to project her own lack of credibility upon the Defendants. Defendants will address two instances raised by Jackson in her latest brief to this Court [Doc. 190]:

**A. Second Amended Complaint – Paragraph 21**

Plaintiff represents in her brief that Defendants falsely denied paragraph 21 of Jackson’s Second Amended Complaint. [Doc. 190, p. 3]. Jackson alleged:

Ms. Jackson replaced a General Manager that was allegedly having sexual relationships with servers, a matter disregarded by Bubba Hiers. In a meeting with that General Manager and Ms. Jackson, Paula Deen terminated that General Manager and stated to Bubba Hiers, “if you think I have worked this hard to lose everything because of a piece of pussy, you better think again.” Paula Deen continued, “and now I am going to do something I have never done. I am going to put a woman in a man’s job.” Paula Deen gave Ms. Jackson six months to turn the restaurant from a failure to a success.

[Doc. 47, Para. 21]. Ms. Deen’s testimony makes clear that the Deen Defendants’ denial of this paragraph of the Second Amended Complaint was appropriate:

*Q. And was there a general manager who was – in the early days who was fired from Uncle Bubba’s because he was having a relationship with –*

*A. Yes - -*

*Q. -- a server?*

*A. An underage server.*

*Q. An underage server?*

*A. Yes.*

*Q. Okay. And there’s a quote attributed to you in the Complaint about that.*

A. *Yes.*

Q. *Is that quote accurate?*

A. *That is, absolutely. Out of all of the accusations I can say that's the only one –*

*Mr. Franklin: Well, which quote? There are about three in that paragraph. I know the one you're talking about, but let's make sure the record is clear.*

*The Witness: There is one sentence.*

Q. *Okay, what sentence is that?*

A. *You don't have that in front of you?*

Q. *I'm looking for it.*

*Mr. Franklin: I do. Do you want me to show it to her?*

*Mr. Billips: Sure.*

*The Witness: I said that first sentence that's in quotes. I certainly did. I said it that day and I would say it again if it applied.*

Q. *Okay. Would you – could you read –*

A. ***That other nonsense I did not say.***

(Ex. E, Paula Deen Dep., p. 118-120) (emphasis added).<sup>9</sup>

## **B. Second Amended Complaint Paragraphs 61-62**

Jackson alleged at paragraphs 61 and 62 of her Second Amended Complaint:

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<sup>9</sup> The inclusion of this statement in and of itself should call Jackson's allegations into question. This statement has absolutely nothing to do with any type of harassment or discrimination allegedly experienced by Jackson. This statement is not indicative of the manner in which Jackson was treated by Deen or any other Defendant. The statement stands for itself – Deen was not willing to allow her work and her businesses to be compromised by a male manager's inability to control his sexual desires. Jackson's inclusion of this irrelevant statement is indicative of the litigation strategies employed in this case.

61.

The racially discriminatory attitudes pervade the workplace. An example, showing that Paula Deen holds such racist views herself, occurred after Defendant Deen placed Ms. Jackson in charge of food and serving arrangements for the wedding of her brother Bubba Hiers in February 2007. When Ms. Jackson asked Ms. Deen what the wedding should have, Ms. Deen replied, "I want a true southern plantation-style wedding."

62.

When asked by Ms. Jackson what type of uniforms she preferred servers to wear, Paula Deen stated, "Well what I would really like is a bunch of little n---s to wear long-sleeve white shirts, black shorts and black bow ties, you know in the Shirley Temple days, they used to tap dance around." Paula Deen laughed and said "Now that would be a true southern wedding, wouldn't it? But we can't do that because the media would be on me about that."

[Doc. 47, Para. 61 and 62]. Again, Paula Deen's deposition testimony shows that her denials of Jackson's outrageous allegations were appropriate:

*Q. Okay. So was Lisa ever present when you discussed with Brandon what kind of wedding you'd like to have?*

*A. I don't recall that. I recall – I do recall, once again, in my bathroom at that house, and why we would have been in the bathroom, I was probably filming and changing clothes, that's the only reason why we would have been in that bathroom, they must have run out during my lunch break or something from filming, and I remember us talking about the meal.*

*And I remember telling them about a restaurant that my husband and I had recently visited. And I'm wanting to think it was in Tennessee or North Carolina or somewhere, and it was so impressive. The whole entire wait staff was middle-aged black men, and they had on beautiful white jackets with a black bow tie. I mean, it was really impressive.*

*And I remember saying I would love to have servers like that, I said, but I would be afraid somebody would misinterpret.*

*Q. The media might misinterpret it?*

*A. Yes, or whomever –*

*Q. Okay.*

A. -- is so shallow that they would read something into it.

Q. Were they dressed in white shorts and bow ties?

A. No, they were dressed in white jackets.

Q. White jackets?

A. Dinner jackets.

Q. And a bow tie?

A. And a bow tie and black trousers, and they were incredible.

Q. Okay. And you said something –

A. These were men that had made their living off of service and people in a restaurant.

Q. Right.

A. It was – I was so impressed.

Q. Okay. And they were all black men?

A. Yes. Professional servers and waiters.

Q. And when you described it to Miss Jackson, did you mention the race of – well, you had to have mentioned the race of the servers –

A. Of course I would –

Q. -- because that's the part that –

A. -- because that's what we just experienced.

Q. Right. Do you know what word you used to identify their race?

A. I would have used just what I just told you.

Q. Black or African-American?

A. Black. I would use the word black.

Q. Okay.

A. I don't usually use African-Americans.

Q. Okay.

A. I try to go with whatever the black race is wanting to call themselves at each given time. I try to go along with that and remember that.

Q. Okay. So is there any reason that you could not have done something just like that but with people of different races?

A. Well, that's what made it.

Mr. Franklin: Objection.

Mr. Withers: Object to form.

Q You can answer.

A. That's what made it so impressive. These were professional. I'm not talking about somebody that's been a waiter for two weeks. I'm talking about these were professional middle-aged men, that probably made a very, very good living –

Q. Okay.

A. -- at this restaurant. They were trained. The – it – it was the whole picture, the setting of the restaurant, the servers, their professionalism.

Q. Is there any reason you couldn't have found middle-aged professional servers who were of different races?

Mr. Franklin: Objection, relevance.

The Witness: Listen, it was not important enough to me to even fight, to reproduce what that restaurant had. I was just simply expressing an experience that my husband and I had, and I was so impressed.

Q. Did you describe it as a – that that would be a true southern wedding, words to that effect?

A. I don't know.

Q. Do you recall using the words “really southern plantation wedding”?

A. *Yes, I did say I would love for Bubba to experience a very southern style wedding, and we did that. We did that.*

Q. *Okay. You would love for him to experience a southern style plantation wedding?*

A. *Yes.*

Q. *That's what you said?*

A. *Well, something like that, yes. And –*

Q. *Okay. And is that when you went on to describe the experience you had at the restaurant in question?*

A. *Well, I don't know. We were probably talking about the food or – we would have been talking about something to do with service at the wedding, and –*

....

Q. *Is there any possibility, in your mind, that you slipped and used the word "n----r"?*

A. *No, because that's not what these men were. They were professional black men doing a fabulous job.*

Q. *Why did that make it a – if you would have had servers like that, why would that have made it a really southern plantation wedding?*

*Mr. Franklin: Objection. Relevance.*

Q. *You can answer.*

A. *Well, it – to me, of course I'm old but I ain't that old, I didn't live back in those days but I've seen the pictures, and the pictures that I've seen, that restaurant represented a certain era in America.*

Q. *Okay.*

A. *And I was in the south when I went to this restaurant. It was located in the south.*

Q. *Okay. What era in America are you referring to?*

A. *Well, I don't know. After the Civil War, during the Civil War, before the Civil War.*

Q. *Right. Back in an era where there were middle-aged black men waiting on white people.*

A. *Well, it was not only black men, it was black women.*

Q. *Sure. And before the Civil War – before the Civil War, those black men and women who were waiting on white people were slaves, right?*

A. *Yes, I would say that they were slaves.*

Q. *Okay.*

A. *But I did not mean anything derogatory by saying that I loved their look and their professionalism.*

(Ex. E, p. 124-131). The *very specific* allegations made by Jackson are a far cry from what Paula Deen testified occurred. Jackson alleged specific quotes containing incendiary, racist words – Deen testified of how impressed she was with the professionalism of a restaurant staff at a restaurant she and her husband visited. Paula Deen specifically testified that she did not use the N-word when describing her experience and that she did not describe the wait staff as alleged by Jackson in her Second Amended Complaint. Jackson's deposition testimony further indicates the falsity of her incendiary allegations of Deen's use of the N-word during the conversation about Hiers' wedding:

Q. *Up until May 27<sup>th</sup>, 2010, you had no complaints or problems with Mrs. Deen, did you?*

A. *No.*

Q. *She had never indicated any discriminatory bias or prejudice, did she?*

A. *Yes. One remark she made at Bubba's wedding planning.*

Q. *Were you there –*

A. *Yes.*

- Q. -- at the planning? Now, you tell me, when did that occur and where?*
- A. On her back porch.*
- Q. Which house, Dogwood?*
- A. Dogwood. We were sitting on the back porch and we asked about the uniforms. And she made a remark about how she wanted them dressed.*
- Q. Who was there?*
- A. It was Bubba, and me, and Paula.*
- Q. Bubba, you, and who?*
- A. Paula.*
- Q. Okay. What did she say about how she wanted them dressed?*
- A. Like they used to dress in the Shirley Temple days with the long white shirts and the shorts. And I remember thinking when she said it that I thought about Dora.*
- And I thought, I know she loves – I know you love Dora, and it was like how could – you know, how could she say something like that. Then a fan rode by on a boat, and she said, well, we know we can't do that because the media would be on us.*
- And I just – at that moment thought – it was disappointing, but I still had respect for the position she had offered me and that I was doing there.*
- Q. And, but was her comment was that she wanted a wedding back in the Shirley Temple days with blacks wearing what?*
- A. White shirts.*
- Q. White shirts?*
- A. And black pants or black shorts.*
- Q. And that's the sum total of the conversation about that; is that correct?*
- A. Uh-huh, correct.*

[Ex. F, Jackson Dep., p. 226-227] (emphasis added). The use of the N-word by Deen is glaringly absent from Jackson's sworn testimony, but it remains in her Second Amended Complaint.

The complaints and other filings by Jackson in this case have all been calculated to create a tabloid-type hysteria. Allegations such as those recited above have nothing to do with federal employment law or gender discrimination and do not move the needle in Jackson's favor for the theories of recovery she asserts. The Court must look no further than Billips' communications with the National Enquirer regarding the release by a court reporting firm of the videotape of Paula Deen's deposition to see the effects of Jackson's efforts. (Ex. G, Email from Crites Court Reporting (Diana) to Bill Franklin dated June 12, 2013) (forwarding email from Darryl Wrobel of the National Enquirer stating in part that Billips had approved the release of the video to the National Enquirer). The Court should also consider Jackson's recent filing into the record of the videotape of Paula Deen's deposition and why it would even be necessary at this point in the litigation to file *the videotape of the deposition* of record.<sup>10</sup> [Doc. 189].

Jackson's attack on Oliver Maner LLP and Jim Gerard are improper. The Magistrate has countenanced this type of attack by allowing Jackson and her lawyers to plow ground that should otherwise be off limits because of some unsubstantiated notion that Jim Gerard has been untruthful. If not this law firm, then Jim Gerard deserves the respect any other officer of the Court maintains. Jim Gerard has not been impeached or anything close to it. He has no record of lying under oath. He has not a blemish on his professional résumé. Defendants will prove to a

---

<sup>10</sup> The constant complaint from Defendants has been that the Complaint and Jackson's other filing have been for the purpose of stirring public controversy to exert pressure on Defendants. Jackson showed her intent to follow this strategy in her pre-litigation extortion letter. [Doc. 6-2, pp. 10-11]. According to the email from the National Enquirer to Critz Court Reporting, the Clerk's office "can and will release that video deposition 90 days after it was filed." (See Ex. G). Additionally, defense counsel received word on June 12, 2013 that a reporter for the local CBS affiliate, WTOG, was at the Courthouse reviewing the video of Ms. Deen's deposition. On the same date, a member of the defense team received a call from the reporter requesting comment on the video. Defendants cannot envision any purpose behind filing the videotape of Ms. Deen's deposition other than to provide for the dissemination of the video to the media.

jury that Jackson's allegations are misrepresented, deceptive, exaggerated, or fabricated. These allegations have cost Defendants enormous sums of money, time, and heartache. The most heinous of the allegations, including the use of the N-word by a national celebrity, were brought without consideration for their truth or falsity and without consideration for whether Jackson even had standing. The Court and a jury will decide these matters based on the *evidence* Defendants have developed, of which there is plenty.

Jackson's attack on Jim Gerard has no place in this case. Jackson's willingness to disparage Gerard and this law firm with no evidence to support such allegations is instructive. It is respectfully hoped that the District Court will not countenance this approach.

WHEREFORE, Defendants respectfully request that the Court consider their appeal and that it vacate and reverse Section C of the May 8, 2013 Order.

(Signature Page Follows)

THIS 17<sup>th</sup> day of June, 2013.

OLIVER MANER LLP

/s/ I. Gregory Hodges

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I. GREGORY HODGES

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Hiers and Uncle Bubba's Seafood and  
Oyster House, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

LISA T. JACKSON,	)	
	)	
Plaintiff,	)	
v.	)	
	)	CIVIL ACTION NO.: 4:12-cv-0139
PAULA DEEN; PAULA DEEN	)	
ENTERPRISES, LLC; THE LADY &	)	
SONS, LLC; THE LADY	)	
ENTERPRISES, INC.; EARL W.	)	
“BUBBA” HIERS; and UNCLE	)	
BUBBA’S SEAFOOD AND OYSTER	)	
HOUSE, INC.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

This is to certify that I have on this day served all the parties in this case in accordance with the directives from the Court Notice Electronic Filing (“NEF”) which was generated as a result of electronic filing.

This 17th day of June, 2013.

OLIVER MANER LLP

*/s/ William P. Franklin, Jr.*  
WILLIAM P. FRANKLIN, JR.  
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I. GREGORY HODGES  
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**OLIVER  
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TWIGGS & OLIVER  
 1897 - 1905  
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 1906 - 1941  
 OLIVER, OLIVER & DAVIS  
 1942 - 1955  
 OLIVER, DAVIS & MANER  
 1955 - 1963  
 OLIVER & MANER  
 1963 - 1967  
 OLIVER MANER & GRAY LLP  
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February 6, 2013

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S. Wesley Woolf, Esq.  
 S. Wesley Woolf, P.C.  
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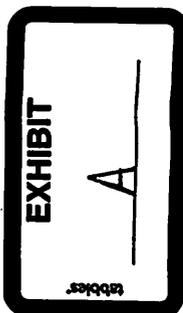
RE: Lisa Jackson v. Paula Deen et al  
 In the United States District Court, Southern District of Georgia  
 Civil Action File No. 4:12cv139

Dear Wes and Matt:

This letter is in response to your request for deposition dates and times for Jim Gerard, Barry Wiener, and a 30(b)(6) deposition of Oliver Maner LLP. As to Mr. Gerard and Mr. Wiener, please define the scope of Plaintiff's proposed depositions of these alleged witnesses. As you are aware, it is Defendants' assertion that much, if not all, of the potential testimony from these persons is privileged or otherwise not subject to discovery. We would like to flesh this out now in order to expedite the proceedings and avoid a deposition that is rife with objections and colloquy.

As to the request for a 30(b)(6) deposition of Oliver Maner LLP, we are at this time not inclined to make anyone available. I cannot determine Plaintiff's purpose behind seeking to depose this Firm. Further, I do not believe that this Firm's billing records are discoverable. However, until we have the notice or know the asserted purpose for the production of such records, we will withhold final judgment.

The timing of your request is concerning. Plaintiff has known about Jim Gerard since before this case was filed, and in fact stated Mr. Gerard's name in the Complaint. Why Plaintiff has waited until the eleventh hour to seek not only Mr. Gerard's deposition, but this firm's billing



records, places doubt on the motivation involved.

We intend to try this case on its merits and not engage in a fishing expedition through extraneous matters such as our billing records. Please articulate the reasons behind Plaintiff's pursuing of these matters.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

OLIVER MANER LLP

I. GREGORY HODGES

cc: Ms. Paula Deen  
Thomas Withers, Esq. (via U.S. Mail and email)  
William P. Franklin, Jr., Esq.  
Patricia T. Paul, Esq.  
William J. Hunter, Esq.  
George T. Major, Jr., Esq.

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OF COUNSEL  
JOHN R. ULMER

February 15, 2013

**VIA SAME-DAY EMAIL DELIVERY**

I. Gregory Hodges  
Oliver Manner LLP  
218 West State Street  
Savannah, Georgia 31412

**Re: *Lisa T. Jackson v. Paula Deen, et al.; United States District Court for the Southern District of Georgia; Civil Action No.: 4:12-CV-139***

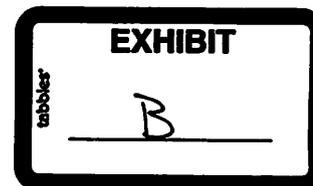
**Re: *Your Letter of February 6, 2013 Regarding Depositions of Mr. Gerard, Mr. Weiner and Oliver Maner LLP***

Dear Greg:

We received your February 6, 2013 in the U.S. Mail on February 8. We, too, seek to avoid a deposition rife with objections and colloquy.

We withdraw our request to depose, on the condition that you produce certified copies of the billing records for representation of one or more of the Defendants on matters relating to employees during Ms. Jackson's employment as General Manager. We continue to seek depositions of Mr. Gerard, who is scheduled for February 27 and for Mr. Weiner, who is not on the schedule. To our knowledge, Mr. Weiner is not an attorney nor represented by counsel to any of the Defendants so we are unaware of any privilege you seek to invoke regarding his testimony.

Regarding Mr. Gerard, however, we seek to depose him and to subpoena to his deposition a copy of his billing records for work done on behalf of any of the Defendants. The scope of the inquiry will be information known to him which is relevant to your Kolstad/Faragher/Elleerth affirmative defenses. As I told you in an email on December 18, 2010, Defendants have expressly defended this case on the basis of its good faith response to allegations of discrimination and harassment, including by Mr. Gerard. To that end, Defendant has relied on counsel's alleged actions in support of the good faith defenses set out in *Faragher*



**BILLIPS & BENJAMIN LLP**

February 15, 2013

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*v. City of Boca Raton*, 524 U.S. 775, 118 S.Ct. 2275, 141 L.Ed.2d 662 (1998); *Burlington Indus., Inc. v. Ellerth*, 524 U.S. 742, 118 S.Ct. 2257, 141 L.Ed.2d 633 (1998); and *Kolstad v. American Dental Ass'n*, 527 U.S. 526, 536, 119 S. Ct. 2118, 2125, 144 L. Ed. 2d 494 (1999). Since that time, we have had additional testimony – both from Ms. Jackson and from Mr. Hiers – showing that Mr. Gerard functioned more as a consigliere than counsel.

These affirmative defenses provide defenses to liability and/or punitive damages for certain discriminatory acts “if the employer established that its managers' actions were contrary to its ‘good-faith efforts to comply with Title VII.’ *Kolstad*, 527 U.S. at 545-46, 119 S.Ct. 2118 (citations omitted).” See *Goldsmith v. Bagby Elevator Co.*, 513 F.3d 1261 (11th Cir. 2008); *Madison v. IBP, Inc.*, 257 F.3d 780 (8th Cir. 2001); *Deffenbaugh-Williams v. Wal-Mart Stores, Inc.*, 188 F.3d 278, 286 (5th Cir.1999) (treating good-faith enforcement as affirmative defense); *Zimmermann v. Associates First Capital Corp.*, 251 F.3d 376, 385 (2nd Cir. 2001) (same); *Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493, 516-17 (9th Cir.2000); see also *Romano v. U-Haul International*, 233 F.3d 655, 670 (1st Cir.2000) (employer has burden of proof as to *Kolstad* affirmative defense). The reliance on counsel’s actions to support these defenses results in the waiver of privilege and work product protection under the subject-matter waiver doctrine. *GAB Business Services*, supra. *Pitney-Bowes, Inc. v. Mestre*, 86 F.R.D. 444, 446-47 (S.D. Fla. 1980). Since the attorney-client privilege was intended as a shield, not a sword, a party who injects into the case an issue that in fairness requires an examination of communications otherwise protected by the attorney-client privilege loses that privilege. See *GAB Business Services*, at 762 (quoting *Pitney-Bowes*, at 446).

For this reason, when these defenses are asserted, courts frequently find that the employer has waived attorney-client privilege with regard to any investigation, which it claims to have undertaken in the context of the assertion of defenses based on good faith, non-discrimination policies, investigation of complaints and appropriate remedial action. See, e.g., *Harding v. Dana Transport, Inc.*, 914 F.Supp. 1084 (D.N.J. 1996); *Peterson v. Wallace Computer Servs., Inc.*, 984 F.Supp. 821, 825 (D.Vt.1997); *Johnson v. Rauland-Borg Corp.*, 961 F.Supp. 208, 211 (N.D.Ill.1997); *Brownell v. Roadway Package System, Inc.*, 1999 WL 153121 (S.D.N.Y. 1999); *Rahn v. Junction City Foundry, Inc.*, 2000 WL 1679419 (D.Kan. 2000); *McGrath v. Nassau County Health Care Corp.*, 204 F.R.D. 240, 246 (E.D.N.Y. 2001); *Worthington v. Endee*, 177 F.R.D. 113, 116 (N.D.N.Y. 1998); 6-26 Moore's Federal Practice - Civil @ 26.49; ARTICLE: THE FARAGHER-ELLERTH AFFIRMATIVE DEFENSE AS IMPLIED WAIVER OF PRIVILEGES: IS THE DEFENSE A SHIELD OR DOUBLE-EDGED SWORD?, 14 S. Carolina Lawyer 38 (2003).

Further, given the testimony from your 30(b)(6) deponent, Mr. Farmer, that Mr. Gerard’s investigation of a discrimination complaint would have had a human resources purpose, it is questionable whether the privilege would apply. See *Fulton DeKalb Hosp. Auth. v. Miller & Billips*, 293 Ga. App. 601, 667 S.E.2d 455 (2008) (“Attorney participation, however, does not necessarily bring material within the work product protection. No claims had been made or

**BILLIPS & BENJAMIN LLP**

February 15, 2013

Page 3

lawsuits filed regarding these particular allegations. And after reviewing the materials in camera, the trial court found that the investigation was merely a routine inquiry.”)

This is particularly true where the party is interjecting an affirmative defense which requires a showing of the reasonableness of the party’s response to counsel’s investigation or advice, such as is the case here. Your 30(b)(6) deponent’s testimony regarding your complaint procedures demonstrates that Mr. Gerard was a proper person to whom one could make a complaint of discrimination and harassment. Second, Ms. Jackson asserts that she did so. Mr. Hiers’ testimony makes it a certainty. I am confident that Mr. Gerard’s deposition will confirm these facts.

The response we have encountered from your team (including Mr. Withers) has been uniformly one of objection, although counsel have been seeking a resolution of this apparent conflict. Please confirm your continuing objection and, if you are unable to agree, please let me know by close of business on Friday, February 18, 2013. Of course, this correspondence (and our previous correspondence and conferences) are intended to resolve this discovery dispute.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew C. Billips", with a large, stylized flourish extending to the right.

Matthew C. Billips

MCB/ms

c: William P. Franklin  
William Hunter  
I. Gregory Hodges  
Patty T. Paul  
Thomas A. Withers

Enclosures

**From:** Bill Hunter [<mailto:bhunter@olivermaner.com>]  
**Sent:** Monday, February 18, 2013 5:05 PM  
**To:** 'Wesley Woolf'; 'Tom Withers'; Matthew Billips  
**Cc:** 'Bill Franklin'; [ghodges@olivermaner.com](mailto:ghodges@olivermaner.com); 'George Major'; 'Malissa Sywassink'; 'Teri Hillis'; 'R Jenkins'; 'Patricia T. Paul'  
**Subject:** RE: Campbell

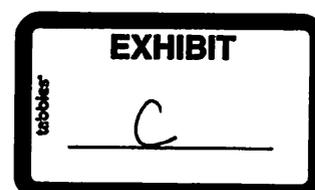
Wes and Matt: Please accept the following as a response to your letter of February 15, 2013:

First, thank you for the courtesy of explaining your position with regard to Jim Gerard and request for my firm's billing records. I will address the latter first. We will not without an order disclose our billing records. As you know, billing records may contain attorney client privileged information, work product, our billing rates, hours worked, etc. The records are confidential. Seeking billing records from this law firm for issues related to employees other than Ms. Jackson is not appropriate given the abrogation of the privileges at stake, the confidential nature of the records, and the lack of relevance to Ms. Jackson's stated claims.

As for Jim Gerard, he was outside counsel for these defendants and that is it. While you use the term "consigliere," (which is primarily defined by on-line dictionaries as an advisor or counselor to capos or other high ranking members of American or Sicilian organized crime families), outside counsel is the only proper term to describe Mr. Gerard's relationship with any of the Defendants. He has worked on many different matters for these Defendants through the years and at no time was ever an employee of any defendant. He has at all relevant times been an equity partner in Oliver Maner and Gray LLP and now Oliver Maner LLP. However, in an effort at compromise, and without waiving any attorney client or work product privileges, Mr. Gerard will be produced to testify regarding any investigation he did with regard to any complaints made by Lisa Jackson to him of discrimination or harassment. As you know, Mr. Gerard was involved in the EEOC claim and you have those documents. In addition, you know that the courts roundly find that once a formal EEOC complaint has been filed against an employer, the employer is right to assume that litigation may soon follow. You will find in Mr. Gerard's examination that he served as outside litigation counsel in this matter and nothing more. You of course can ask him about non-privileged and non-confidential matters.

Mr. Gerard will also not produce his billing records without an order from the Court. I am glad to revisit this issue with you following his deposition if you still believe you have a good faith basis to pursue the records.

Thanks and he will be made available at the time previously set aside for his



deposition which I believe is 6 pm on February 27. Your subpoena said 1:30 pm and I trust we do not have an issue there.

Bill Hunter

Oliver Maner LLP

Direct Dial: 912-238-2502

Main Line: 912-236-3311

Fax: 912-236-8725

Email: [bhunter@olivermaner.com](mailto:bhunter@olivermaner.com)

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**Transcript of the Testimony of:**

**James Gerard**

**Date: May 15, 2013**

**Case: Lisa T. Jackson v. Paula Deen, et al.  
4:12-CV-0139**

***Tom Crites & Associates International, Inc.***

***P.O. Box 9438***

***Savannah, Georgia 31412***

***Phone: 800-631-3480***

***Fax: 912-233-7777***

***critesreporting@aol.com***

***www.critesintl.com***

**EXHIBIT**

tabbles

D

James Gerard  
Lisa T. Jackson v. Paula Deen, et al.

May 15, 2013

Page 1

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**LISA T. JACKSON,  
Plaintiff,**

**CIVIL ACTION NO:**

**vs. 4:12-CV-0139  
PAULA DEEN, PAULA DEEN  
ENTERPRISES, LLC; THE LADY &  
SONS, LLC; THE LADY ENTERPRISES,  
INC.; BUBBA HIERS, and UNCLE  
BUBBA'S SEAFOOD AND OYSTER  
HOUSE, INC.,**

**Defendants.**

---

**Deposition of JAMES GERARD, taken by counsel  
for the Plaintiff, pursuant to notice and agreement of  
counsel, under the Georgia Civil Practice Act, before  
Georgia J. Winegeart, Certified Court Reporter, at the  
office of 218 West State Street, Savannah, Georgia, on  
Friday, May 15, 2013, commencing at 1:09 p.m.**

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James Gerard  
 Lisa T. Jackson v. Paula Deen, et al.

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<p style="text-align: right;">Page 2</p> <p><b>APPEARANCES OF COUNSEL:</b></p> <p><b>FOR THE PLAINTIFF:</b></p> <p><b>MATTHEW C. BILLIPS, ESQUIRE</b>  <b>BILLIPS &amp; BENJAMIN, LLP</b>          3101 Towercreek Parkway, Suite 190          Atlanta, Georgia 30339  <b>S. WESLEY WOOLF, ESQUIRE</b>  <b>S. WESLEY WOOLF, P.C.</b>          408 East Bay Street          Savannah, Georgia 31401</p> <p><b>FOR THE DEFENDANTS:</b></p> <p><b>WILLIAM FRANKLIN, ESQUIRE</b>  <b>OLIVER MANER LLP</b>          318 West State Street          Savannah, Georgia 31401</p> <p><b>THOMAS A. WITHERS, ESQUIRE</b>  <b>GILLEN, WITHERS &amp; LAKE, LLC</b>          8 East Liberty Street          Savannah, Georgia 31401</p> <p>Also present:          Bubba Hiers          Melissa McCurdy          ...</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;"><b>DOCUMENTARY EVIDENCE</b></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">No.</th> <th style="text-align: left;">Description</th> <th style="text-align: right;">Page</th> </tr> </thead> <tbody> <tr> <td>57</td> <td>8/16 Memo</td> <td style="text-align: right;">12</td> </tr> <tr> <td>58</td> <td>E-mail</td> <td style="text-align: right;">21</td> </tr> <tr> <td>59</td> <td>E-mail</td> <td style="text-align: right;">22</td> </tr> <tr> <td>60</td> <td>E-mail</td> <td style="text-align: right;">27</td> </tr> <tr> <td>61</td> <td>Cover Letter</td> <td style="text-align: right;">44</td> </tr> <tr> <td colspan="3" style="text-align: center;">---</td> </tr> </tbody> </table>	No.	Description	Page	57	8/16 Memo	12	58	E-mail	21	59	E-mail	22	60	E-mail	27	61	Cover Letter	44	---		
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<p style="text-align: right;">Page 3</p> <p style="text-align: center;"><b>INDEX</b></p> <p style="text-align: center;">PAGE</p> <p><b>OPENING STATEMENT AND STIPULATIONS</b> — 5</p> <p><b>EXAMINATION:</b></p> <p><b>DIRECT EXAMINATION</b></p> <p><b>BY MR. BILLIPS</b> — 6</p> <p><b>ATTESTATION</b> — 67</p> <p><b>ERRATA SHEET</b> — 68</p> <p><b>CERTIFICATE</b> — 69</p>	<p style="text-align: right;">Page 5</p> <p style="text-align: center;"><b>DISCLOSURE STATEMENT</b>  <b>STATE OF GEORGIA</b>  <b>COUNTY OF CHATHAM</b></p> <p style="text-align: center;">Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:</p> <p style="text-align: center;">I am a Georgia Certified Court Reporter.          I am not disqualified for a relationship of interest under the provisions of O.C.G.A 9-11-28(c).          I am an employee of Tom Crites &amp; Associates International, Inc. My office was contacted to provide court reporting services for this proceeding.</p> <p style="text-align: center;">Tom Crites &amp; Associates, International, Inc.          will not be taking this proceeding under any contract that is prohibited by Georgia law.</p> <p style="text-align: center;">This, the 20th day of May, 2013.</p> <p style="text-align: center;">_____          Georgia J. Winegeart, CCR, RPR 2848</p>																					

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1	MR. BILLIPS: This will be the	13:09:20	1	did not get to go into a great deal last time.	13:14:31
2	resumption of the deposition of Jim	13:09:35	2	MR. WITHERS: I'm sorry, I could	13:14:34
3	Gerard taken pursuant to the same	13:09:39	3	not hear what you said.	13:14:35
4	stipulations as when we began the	13:09:42	4	MR. BILLIPS: I said there was a	13:14:37
5	deposition several weeks ago.	13:09:50	5	document that we had marked that y'all	13:14:39
6	MR. WITHERS: That's agreeable.	13:09:54	6	had objected to us going into last	13:14:40
7	MR. BILLIPS: Mr. Gerard, you	13:09:57	7	time, so I'm looking for that one.	13:14:43
8	understand that you're still under	13:09:59	8	BY MR. BILLIPS:	13:15:33
9	oath?	13:10:00	9	Q Mr. Gerard, do you recall what's been	13:15:34
10	THE WITNESS: I do.	13:10:00	10	referred to as the Big Will incident?	13:15:43
11	JAMES GERARD,		11	A Yes.	13:15:47
12	having been produced and previously duly sworn as a		12	Q A conflict between Mr. Hiers and Will	13:15:48
13	witness, testified as follows:		13	Frazier, I think was his name.	13:16:03
14	DIRECT EXAMINATION		14	A I don't know of any conflict between	13:16:04
15	BY MR. BILLIPS:		15	those two.	13:16:08
16	Q And when you were -- you appeared the	13:10:02	16	Q Did Lisa Jackson call you and inform you	13:16:08
17	last time, there was a -- you had been served with a	13:10:06	17	of the incident when it occurred?	13:16:12
18	subpoena for the production of documents. Have you	13:10:12	18	A I think she did call me about that	13:16:15
19	brought with you any documents pursuant to that	13:10:16	19	incident.	13:16:17
20	subpoena?	13:10:20	20	Q And what do you recall her telling you?	13:16:18
21	MR. FRANKLIN: I think we've	13:10:20	21	A To the best of my recollection, I --	13:16:22
22	produced all of the documents that are	13:10:22	22	apparently an Uncle Bubba employee had been	13:16:28
23	not privileged ahead of his	13:10:24	23	terminated for making some remarks to a woman in the	13:16:32
24	deposition.	13:10:26	24	kitchen --	13:16:39
25	MR. BILLIPS: Well, between the	13:10:33	25	Q Uh-huh.	13:16:39
Page 7			Page 9		
1	date of the last deposition and the	13:10:33	1	A -- and Will was a witness to those	13:16:40
2	date of the present deposition, the	13:10:40	2	remarks. Mr. Hiers wanted to find out from	13:16:45
3	magistrate court has ruled a number of	13:10:43	3	Mr. Frazier exactly what had been said by the	13:16:52
4	other documents have to be produced.	13:10:46	4	employee to the women.	13:17:00
5	I understand you've taken an appeal.	13:10:48	5	Q Right.	13:17:03
6	MR. FRANKLIN: And everything not	13:10:51	6	A And Lisa's version of it was that Mr. --	13:17:03
7	subject to that appeal has been	13:10:52	7	Big Will did not want to get involved and didn't	13:17:10
8	produced.	13:10:54	8	want to tell Mr. Hiers what had been said, and in	13:17:12
9	MR. BILLIPS: Okay.		9	response to that, Mr. Hiers shook Mr. Frazier and	13:17:17
10	BY MR. BILLIPS:		10	told him to be a man and that he needed to tell him.	13:17:24
11	Q And, Mr. Gerard, do you know -- have you	13:10:55	11	That was Lisa's version of the story to the best	13:17:29
12	turned over everything that was subject to the	13:10:59	12	that I can remember.	13:17:33
13	subpoena to counsel of record in this case?	13:11:04	13	Q And did she tell you that she had been	13:17:34
14	A Yes.	13:11:06	14	there and witnessed the event?	13:17:37
15	Q Okay. And you have not had any	13:11:07	15	A I can't recall that, no.	13:17:39
16	involvement in whether things were or were not	13:11:12	16	Q So you don't remember one way or the	13:17:42
17	produced?	13:11:16	17	other?	13:17:50
18	A No.	13:11:16	18	A I don't remember one way or another.	13:17:50
19	Q Good enough.	13:11:17	19	She might -- I -- I don't remember. This happened	13:17:53
20	MR. FRANKLIN: We'll blame Hunter	13:11:19	20	three years ago.	13:17:57
21	if something was mistakenly not turned	13:11:20	21	Q Okay. Did Mr. Schumacher draft a memo,	13:18:11
22	over. Or Kellin. Flows downhill. Not	13:11:23	22	to your knowledge, to Paula Deen concerning this	13:18:20
23	really.	13:11:28	23	incident as well as other incidents involving	13:18:25
24	BY MR. BILLIPS:	13:11:32	24	Mr. Hiers?	13:18:31
25	Q There was a particular document that we	13:14:29	25	A I've seen a memo that he drafted that	13:18:34

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1	was, I think, addressed to Paula that contained a	13:18:37	1	that pretty much covers the areas that he discussed.	13:22:19
2	reference to that incident as Lisa had described it	13:18:42	2	Basically I can probably summarize that Bubba had a	13:22:24
3	to him.	13:18:45	3	lot of personal problems that were interfering with	13:22:29
4	Q Okay. And did it contain references to	13:18:46	4	his operation of the restaurant. He - I believe at	13:22:33
5	other problems concerning Mr. Hiers?	13:18:49	5	one time, he had been drunk and came in the	13:22:38
6	A Other problems as in Karl's eyes, yes.	13:18:54	6	restaurant and demanded service and there was -	13:22:41
7	Q Okay. And did you - when you read the	13:19:02	7	Bubba was miserable. He had a drinking problem. It	13:22:50
8	memo, did you disagree?	13:19:14	8	was, I believe, a reference to his not being able to	13:22:59
9	A I don't remember reading the memo. I	13:19:18	9	competently run a restaurant. There was, I think,	13:23:02
10	remember Karl telling me of the substance, which I	13:19:20	10	reference to his not making deposits to the bank	13:23:09
11	read in the memo since that time. I looked at the	13:19:28	11	with money that the operation - restaurant	13:23:20
12	memo within the last week that had been produced, I	13:19:32	12	operation was generating. There was reference to	13:23:24
13	believe, by Mr. Schumacher, and I do remember those	13:19:39	13	deposits being short. He thought that Bubba was	13:23:31
14	are the things that he had discussed with me, prior	13:19:41	14	taking some of the - some of the deposits and using	13:23:40
15	to going out to Paula Deen and discussing the	13:19:48	15	it for his own personal use. The restaurant was	13:23:43
16	contents of his memo or what he was telling me, with	13:19:53	16	doing badly financially.	13:24:03
17	Paula Deen.	13:19:59	17	Q Uh-huh.	13:24:05
18	Q Okay. And, I'm sorry, did you say that	13:20:01	18	A I mean, that's...	13:24:09
19	he went with you and discussed these incidents with	13:20:23	19	Q Okay.	13:24:12
20	Paula Deen?	13:20:26	20	MR. BILLIPS: Let's mark -	13:24:15
21	A I think as I said before - or maybe I	13:20:27	21	MR. FRANKLIN: That's the August	13:24:26
22	didn't get the chance to say before - I don't	13:20:31	22	16th memo.	13:24:27
23	remember going with Karl. I went out to Paula's	13:20:34	23	MR. BILLIPS: Yes.	13:24:29
24	house and there was a meeting between Paula - Karl	13:20:39	24	(Plaintiff's Exhibit 57,	
25	was there, to the best of my recollection, Theresa	13:20:44	25	8/16 Memo, was marked for	
Page 11		Page 13			
1	Feuger was there.	13:20:49	1	Identification.)	
2	Q Barry Weiner?	13:20:52	2	THE WITNESS: I believe the Big	13:24:29
3	A Barry Weiner was there. Paula was	13:20:53	3	Will incident was in there, too, of	13:24:31
4	there. I think that was it.	13:20:57	4	course, is what we started out with.	13:24:34
5	Q When did this meeting occur?	13:21:01	5	BY MR. BILLIPS:	13:24:35
6	A In August, I believe, of 2010.	13:21:03	6	Q Show you what's been marked as Exhibit	13:24:35
7	Q Was it before or after Lisa Jackson had	13:21:08	7	57 to your deposition. Did Karl pass this memo out.	13:24:38
8	resigned?	13:21:11	8	Exhibit 57, or did he read from it, or how did he	13:24:47
9	A It was before Lisa Jackson had resigned.	13:21:12	9	use it at this meeting?	13:24:52
10	Q What was the subject matter of that	13:21:15	10	A He - I didn't see any memo passed out	13:24:53
11	meeting?	13:21:19	11	at the meeting. Nothing was passed out at the	13:24:56
12	A Karl was informing Paula of his	13:21:21	12	meeting. He pretty much spoke his mind without the	13:24:59
13	complaints about Bubba's - or Mr. Hiers' operation	13:21:30	13	benefit of having anything in front of him.	13:25:03
14	of the restaurant. Apparently the way that he was	13:21:37	14	Q Okay. In the memo, he indicates that he	13:25:05
15	talking, a lot of the matters had not been discussed	13:21:44	15	had spoken to you and to the human resource	13:25:20
16	with her before.	13:21:48	16	consultants about the company's options on how to	13:25:25
17	Q Uh-huh.	13:21:49	17	deal with Mr. Hiers. Was that correct?	13:25:31
18	A Some probably were recent, and that's	13:21:50	18	MR. FRANKLIN: That he put it in	13:25:38
19	probably why they were not. She's not in town a	13:21:53	19	the memo you're asking him or did	13:25:40
20	lot. But that's, in essence, what happened at the	13:21:57	20	it -	13:25:42
21	meeting.	13:22:04	21	BY MR. BILLIPS:	13:25:42
22	Q What were the specific issues that he	13:22:04	22	Q No. Was it correct that he had spoken	13:25:43
23	was - or that he raised during this meeting?	13:22:08	23	with you prior to meeting with Ms. Deen?	13:25:45
24	A I can't recall. I reviewed the memo	13:22:10	24	A He had - well, of course he asked me to	13:25:50
25	that - that I - was produced a few days ago and	13:22:12	25	come out and talk with Ms. Deen. We did not have an	13:25:53

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1 answer for – or let's say I was being – he asked 13:25:56  
 2 me what – I believe he asked me what to do, and I 13:26:07  
 3 said go ahead and, you know, tell Paula Deen what – 13:26:11  
 4 what's on your mind essentially. And that's what he 13:26:16  
 5 did. 13:26:20  
 6 There weren't any options. I didn't 13:26:21  
 7 have any options. You know, I wasn't brain-storming 13:26:23  
 8 about, well, we should do this with Bubba or we 13:26:26  
 9 should do that. He hadn't – to my knowledge, a lot 13:26:29  
 10 of these things were told to him by just Lisa, and 13:26:32  
 11 they hadn't been fully investigated. And I didn't 13:26:37  
 12 know about most of these myself. 13:26:43  
 13 So it was sort of like this was on 13:26:47  
 14 Karl's mind. I didn't know what factual basis he 13:26:50  
 15 had for almost any of the things in here. In fact, 13:26:54  
 16 the Big Will incident ended up being not an incident 13:26:56  
 17 after he did some investigation after the meeting 13:27:03  
 18 and actually went to Will and asked what happened. 13:27:07  
 19 So that might have been the case with a number of 13:27:11  
 20 these things on the list. 13:27:14  
 21 And I think when we discussed it, these 13:27:16  
 22 matters with Paula Deen, she took the same approach. 13:27:21  
 23 She actually wanted people to look into these issues 13:27:25  
 24 and come up with some type of proposals, as far as 13:27:31  
 25 whether or not there was any truth to them or – I 13:27:35

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1 don't know whether she was going to address them 13:27:38  
 2 with Bubba himself. In fact, I think she asked 13:27:40  
 3 whether or not we had actually gone over these 13:27:43  
 4 things with Bubba and – because Bubba was not at 13:27:45  
 5 the meeting. 13:27:49  
 6 And Karl indicated that – I don't 13:27:50  
 7 believe – Karl indicated that Bubba didn't know 13:27:55  
 8 that there was a meeting. And, frankly, I don't 13:27:57  
 9 know what he went over with Bubba and what he 13:27:59  
 10 didn't, as far as the list here. 13:28:02  
 11 Q During this meeting with Ms. Deen, did 13:28:03  
 12 y'all discuss with her the pornography issues that 13:28:07  
 13 you had previously discussed with Mr. Hiers? 13:28:16  
 14 A No, there was – I don't – to my 13:28:18  
 15 recollection, there was no mention of sexual 13:28:20  
 16 harassment or pornography made at that meeting. 13:28:22  
 17 That's to the best of my – there's nothing in the 13:28:27  
 18 memo that seems to address any pornography or sexual 13:28:31  
 19 harassment. And I don't remember from – I wasn't 13:28:35  
 20 taking notes. I don't remember that there was 13:28:40  
 21 anything. 13:28:43  
 22 Q To your knowledge, had she already been 13:28:43  
 23 informed of those? 13:28:46  
 24 A I cannot recall whether or not that was 13:28:46  
 25 discussed with her. I probably have as much contact 13:28:49

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1 with Paula Deen as maybe you would. I very rarely 13:28:57  
 2 saw her. So she was behind gates, and probably this 13:29:02  
 3 was one of the first time in maybe months that I had 13:29:07  
 4 actually seen her. So it's – she doesn't make 13:29:12  
 5 herself available to the public very much so – and 13:29:16  
 6 I don't get the opportunity to talk with her in 13:29:19  
 7 person that much. 13:29:22  
 8 Q Let's talk about some of the issues here 13:29:24  
 9 where it's clearly not coming just from Lisa 13:29:27  
 10 Jackson. And Item No. 7 is referencing his drinking 13:29:31  
 11 problem. 13:29:38  
 12 A Uh-huh. 13:29:38  
 13 Q That John has said he has smelled 13:29:42  
 14 alcohol on his breath. Do you understand that to be 13:29:45  
 15 John Schumacher? 13:29:48  
 16 A No, I do not. 13:29:49  
 17 Q Do you know who John – 13:29:50  
 18 A I know that Karl has a brother who's 13:29:53  
 19 also an accountant. I don't know whether or not 13:29:56  
 20 that is the John that's referenced. 13:29:59  
 21 Q Okay. The HR consultant said he reeked 13:30:00  
 22 of alcohol when he met him at the restaurant. Was 13:30:03  
 23 that David Baracette or do you know? 13:30:06  
 24 A I have no idea. 13:30:08  
 25 Q That he's been walking around with a 13:30:10

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1 drink in his cup. He's come up there and drank at 13:30:13  
 2 the bar with his girlfriend. I've heard that he has 13:30:18  
 3 slurred his words when people talk to him on the 13:30:23  
 4 phone."  
 5 So it appears that there are several 13:30:26  
 6 people who had observed Mr. Hiers being at the 13:30:30  
 7 restaurant drinking and intoxicated. Is that 13:30:38  
 8 consistent with your recollection of what 13:30:43  
 9 Mr. Schumacher said? 13:30:45  
 10 A Mr. Schumacher, one of his complaints 13:30:47  
 11 was that Mr. Hiers, I think at one of these 13:30:50  
 12 occasions – I don't know whether Mr. Hiers was 13:30:57  
 13 actually a restaurant patron at the time or having 13:30:59  
 14 dinner there or whether or not he was working, but 13:31:04  
 15 yes, the – I heard about Mr. Hiers coming into 13:31:06  
 16 Uncle Bubba's in an inebriated state. 13:31:12  
 17 Q Mr. Schumacher closes his memo by saying 13:31:18  
 18 that, "It's Tonya and David's opinion that Bubba is 13:31:25  
 19 a major liability of the whole organization." And 13:31:30  
 20 do you know who Tonya and David were? 13:31:34  
 21 A I know Tonya Mack. I don't know David, 13:31:37  
 22 nor have I ever talked to him, I don't believe. 13:31:42  
 23 Q He goes on that "it's not just Uncle 13:31:48  
 24 Bubba's Seafood and Oyster House. If we allow him 13:31:51  
 25 to stay after knowing all that we do, we can become 13:31:54

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1 part of the lawsuits. The exposure would hurt PDE's 13:31:57	1 In September of 2010? 13:36:36
2 brand. We would get very negative press. All it 13:32:04	2 A Yes. I don't know whether or not - 13:36:39
3 would take is one smart employee to push us." 13:32:09	3 there probably had been some friendly touching or 13:36:44
4 Did he describe in any greater detail 13:32:13	4 nudging or something like that, that I'm just trying 13:36:48
5 the human resources or employment issues that could 13:32:16	5 to reconcile with the two stories. But I think that 13:36:52
6 give rise to the liability that he's referencing 13:32:21	6 Mr. Frazier, the bottom line is that he certainly 13:36:56
7 here? 13:32:27	7 didn't feel threatened by Bubba. I think 13:36:59
8 A No. In his memo here, it says, 'I've 13:32:27	8 Mr. Frazier is probably twice Mr. Hiers' size and 13:37:02
9 spoken to Jim Gerard and human resource consultants 13:32:32	9 It's sort of like my telling Bill, come on, tell me 13:37:08
10 David and Tonya. I, Karl, "would recommend the 13:32:35	10 what happened and just - in a nonthreatening way 13:37:12
11 following." 13:32:40	11 just put his hand on Mr. Frazier, coaxing him to say 13:37:17
12 Q Uh-huh. 13:32:40	12 something in a nonthreatening way. So I'm trying to 13:37:23
13 A So, no, we didn't - I never went over 13:32:41	13 reconcile what Karl has put down here to what 13:37:28
14 with Karl what legal issues there were if Uncle 13:32:45	14 actually happened. 13:37:31
15 Bubba's stayed in the position that he was at. His 13:32:54	15 Q Have you spoken to Will Frazier? 13:37:34
16 complaints to me, in August of this year, were 13:32:57	16 A No, I did not. 13:37:41
17 completely factual, and I did not give him advice, 13:33:02	17 Q Have you spoken to Maria Bartlett - 13:37:42
18 as far as I didn't think - I mean, I just - based 13:33:12	18 Bartley? 13:37:45
19 on what he was saying, it was more of Mr. Hiers 13:33:14	19 A I've never heard the name. 13:37:46
20 being incompetent to run a restaurant. That's what 13:33:20	20 Q Okay. Are you aware that there was a 13:37:47
21 the gist of what Karl was saying. At that time, 13:33:23	21 witness to the incident who has testified that Bubba 13:37:51
22 there was no sexual harassment mentioned to me, nor 13:33:27	22 grabbed Will by both shoulders and shook him? 13:37:56
23 racial discrimination other than a reference to this 13:33:33	23 A No. 13:37:59
24 Will incident that ended up being bogus. 13:33:39	24 Q Now, in the e-mails that were recently 13:38:09
25 Q Well, did Mr. Gerard ever tell you - 13:33:43	25 produced to us - let's mark this as 58. 13:38:41
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1 MR. FRANKLIN: He doesn't talk to 13:33:47	1 (Plaintiff's Exhibit 58,
2 himself too often. 13:33:48	2 E-mail, was marked for
3 BY MR. BILLIPS: 13:33:49	3 identification.)
4 Q I'm sorry. Did Mr. Schumacher ever tell 13:33:49	4 BY MR. BILLIPS:
5 you that Will - that Mr. Hiers had actually shaken 13:33:53	5 Q In Exhibit 58, there is a reference from 13:39:21
6 Will? 13:33:58	6 Theresa Feuger to attaching some notes that were - 13:39:32
7 A He told me that Lisa had told him that. 13:34:00	7 she and Bubba had gone over, apparently either a 13:39:43
8 Q Okay. Did he ever tell you that anyone 13:34:03	8 demand letter or a draft complaint - I think it was 13:39:49
9 else told him that? 13:34:12	9 a demand letter - paragraph by paragraph and was - 13:39:52
10 A No, not that I can recall. 13:34:15	10 and had sent those notes to you. Did you see that? 13:39:58
11 Q Show you what was marked as Exhibit 40 13:34:30	11 A Uh-huh. No, I don't, but I - Karl 13:40:06
12 previously. And this is a document attached to an 13:35:18	12 usually responded to anything that - 13:40:11
13 e-mail to you dated September 17th, 2010. And on 13:35:22	13 Q Do you see the e-mail at the - hold on, 13:40:14
14 page Bates stamped 45188 under Item G, do you see 13:35:31	14 let me see this. 13:40:21
15 the reference there that Mr. Schumacher makes? 13:35:40	15 A (Tendering document) 13:40:22
16 A I'm sorry, what page did you say? 13:35:55	16 Q There's two copies of the same. 13:40:24
17 Q The one your hand is on right there. 13:35:58	17 MR. FRANKLIN: Is that what you 13:40:26
18 Item G. 13:36:00	18 sent us some e-mails about that there 13:40:27
19 A G. 13:36:01	19 were no attachments with what we 13:40:29
20 Q He refers to the Big Will incident there 13:36:06	20 produced? 13:40:32
21 and says that Bubba did shake Will's - I think he 13:36:09	21 BY MR. BILLIPS: 13:40:36
22 said shook his shoulder or shook him, and that he 13:36:16	22 Q Here it is. It's at the end of the 13:40:37
23 confirmed this with Will directly. 13:36:22	23 e-mail string. There's an e-mail from Theresa 13:40:41
24 A I'm just reading what you're reading. 13:36:31	24 Feuger saying, "Jim, Bubba and I met yesterday to 13:40:47
25 Q Okay. Do you recall receiving this memo 13:36:33	25 review the document regarding Lisa Jackson. I have 13:40:50

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7 (Pages 22 to 25)

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1	attached all of our notes."	13:40:53	1	withheld anything. There was just	13:44:03
2	Do you recall receiving notes of this	13:40:59	2	nothing...	13:44:04
3	sort from Theresa Feuger in September of 2010?	13:41:03	3	MR. BILLIPS: Well, see, we've	13:44:05
4	A I think I received something from Karl.	13:41:08	4	never received the actual e-mail from	13:44:06
5	I don't think - I think she and Karl got together	13:41:13	5	Theresa Feuger. All we've received is	13:44:08
6	and went over the letter, which was a pretty lengthy	13:41:16	6	the response. There were no	13:44:13
7	letter we got from Mr. Woolf, responding to whatever	13:41:20	7	attachments to the response.	13:44:14
8	he said in the letter.	13:41:28	8	MR. FRANKLIN: And I understand	13:44:16
9	Q I believe you received something from	13:41:29	9	that from Kelin.	13:44:16
10	Karl the next day, which is what was marked	13:41:31	10	MR. BILLIPS: Right. But what	13:44:17
11	previously as Exhibit 40.	13:41:34	11	I'm asking about is the actual e-mail	13:44:18
12	A Oh, is that...	13:41:36	12	from Theresa Feuger which says there	13:44:21
13	Q But what I'm asking about here - now,	13:41:38	13	are attachments. In the body of the	13:44:23
14	your response - let's mark this. This is your	13:41:44	14	e-mail, she says she's attached the	13:44:25
15	response.	13:41:50	15	notes. So maybe if we could take five	13:44:28
16	(Plaintiff's Exhibit 59,		16	minutes and Mr. Gerard can check his	13:44:30
17	E-mail, was marked for		17	e-mail and see if he still has it.	13:44:32
18	identification.)		18	MR. FRANKLIN: I don't have a	13:44:34
19	BY MR. BILLIPS:		19	problem.	13:44:35
20	Q Let me show you what has been marked as	13:42:01	20	THE WITNESS: This is AOL, and I	13:44:42
21	Exhibit 59. Do you see here Exhibit 59 and your	13:42:03	21	switched from AOL to - I don't - I	13:44:45
22	response to Ms. Feuger? Did you hit "reply all"	13:42:21	22	think...	13:44:49
23	when you responded to her?	13:42:32	23	MR. FRANKLIN: We're not AOL	13:44:49
24	A I don't know. I have no idea.	13:42:37	24	THE WITNESS: I'm not - I don't	13:44:51
25	Q Ms. Feuger's e-mail, just, I think, as a	13:42:43	25	know whether it's still on my computer	13:44:52
Page 23			Page 25		
1	matter of the way the e-mail program doesn't - the	13:42:47	1	or not, but I'll check.	13:44:53
2	way the e-mail program works, does not indicate who	13:42:50	2	(Discussion off record and	13:52:08
3	it's copied to or who else is a recipient. It	13:42:53	3	recess from 1:44 p.m. to	
4	actually doesn't even indicate that you're a	13:42:57	4	1:52 p.m.)	13:52:13
5	recipient.	13:42:59	5	THE WITNESS: I checked my AOL	13:52:13
6	Your response is copied, among other	13:43:04	6	directory and my Microsoft directory,	13:52:16
7	people, to Barry Weiner. Was Ms. Feuger's e-mail to	13:43:07	7	and I did not have this e-mail. I've	13:52:20
8	you copied to Barry Weiner, or do you know?	13:43:13	8	been told by our computer technician	13:52:22
9	A I do not know.	13:43:15	9	that AOL disappears after a number of	13:52:24
10	Q Do you know if you still have this	13:43:23	10	years, and that's what I was using at	13:52:29
11	e-mail in your - on your computer?	13:43:25	11	that time to - for most of my	13:52:32
12	A I don't - I don't know.	13:43:30	12	communications. I now have a	13:52:33
13	MR. BILLIPS: Could we take a	13:43:38	13	different e-mail address, and I could	13:52:35
14	five-minute break and check? Because	13:43:39	14	not retrieve that AOL.	13:52:38
15	if this e-mail is - from Theresa	13:43:42	15	BY MR. BILLIPS:	13:52:42
16	Feuger was copied to Barry Weiner,	13:43:45	16	Q If you had - or when you received this	13:52:43
17	it's within -	13:43:48	17	e-mail from Ms. Feuger, it is true, isn't it, that	13:52:46
18	MR. FRANKLIN: Oh, I have no	13:43:48	18	you would have printed out or saved on your computer	13:52:53
19	problem producing it if we have it,	13:43:49	19	the notes that she had attached?	13:52:58
20	but it's my understanding - I think	13:43:51	20	MR. FRANKLIN: If there were any	13:53:00
21	Kelin sent you all an e-mail recently,	13:43:52	21	attached.	13:53:02
22	like a couple of hours ago when you	13:43:56	22	THE WITNESS: I don't - I would	13:53:06
23	asked about it, that on the -	13:43:57	23	have - I usually print out everything	13:53:09
24	whatever we're doing, there were no	13:43:58	24	that I - I get in an e-mail,	13:53:11
25	attachments to it. It's not that we	13:44:00	25	especially attachments, but I can't	13:53:15

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8 (Pages 26 to 29)

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1 recall in this particular instance. 13:53:18	1 that they asked me about at times. 13:57:31
2 BY MR. BILLIPS: 13:53:21	2 Q And Ms. Jackson had provided you with – 13:57:36
3 Q Okay. And anything that you had 13:53:21	3 did she provide you with a draft of a revised 13:58:05
4 received of that sort, you would have turned over to 13:53:26	4 handbook for the company and then you make some 13:58:09
5 counsel of record; is that correct? 13:53:30	5 suggestions to revise her draft? How did that work? 13:58:12
6 A Yes. 13:53:32	6 A It worked back and forth. She did most 13:58:19
7 Q Now, do you recall – I know you recall 13:54:03	7 of the work, and she finished the book and just sent 13:58:22
8 that MackWorks came in and began helping the Deen 13:54:12	8 it to me to ask me if there were any additions that 13:58:24
9 companies with their human resource functions. In 13:54:22	9 needed to be made. 13:58:30
10 what aspects of that were you involved? 13:54:27	10 Q Okay. And did you make some additions 13:58:33
11 A When? They were involved at two times. 13:54:30	11 and send them back to her? 13:58:35
12 Q The first time. 13:54:33	12 A Yes. 13:58:37
13 A I was told that Tonya Mack had been 13:54:35	13 Q Were you involved in conference calls or 13:58:39
14 hired, or her company had been hired to come in and 13:54:41	14 other more frequent discussions concerning the 13:59:52
15 do a human resource assessment of the restaurants, 13:54:44	15 operation of the restaurants? 14:00:00
16 including Lady and Sons, Paula Deen retail store, 13:54:56	16 A No. As I mentioned last time, there 14:00:04
17 and Uncle Bubba's. I had not previously talked to 13:55:01	17 were times when months would go by, and I would hear 14:00:07
18 her. I had not interviewed her. I did not know 13:55:05	18 nothing from any of Paula Deen's restaurants. It 14:00:10
19 even who she was. 13:55:08	19 was more of there wasn't an ongoing relationship 14:00:14
20 Q Okay. 13:55:10	20 between myself and the companies as far as who we're 14:00:18
21 A I was told that she was going to contact 13:55:11	21 hiring, we just hired this guy, we just fired this 14:00:22
22 me to – for an interview. 13:55:13	22 guy. Somebody came in drunk, we need to get rid of 14:00:25
23 Q Okay. And was it Karl Schumacher who 13:55:16	23 them. I had – it was not a day-to-day 14:00:28
24 contacted – who told you that she was going to 13:55:27	24 relationship. 14:00:34
25 contact you? 13:55:29	25 Whenever something was about ready to 14:00:34
Page 27	Page 29
1 A I don't remember. 13:55:30	1 hit the fan, then usually I got a call and said, How 14:00:36
2 Q Okay. Let me keep straight which one 13:55:35	2 do we address this? It was sporadic. 14:00:41
3 I'm pulling documents from. 13:55:37	3 Q Right. 14:00:44
4 (Plaintiff's Exhibit 60,	4 A And so if I didn't hear any call, I 14:00:45
5 E-mail, was marked for	5 assumed everything was A-OK. 14:00:48
6 identification.)	6 Q The one issue that I understand you were 14:00:55
7 BY MR. BILLIPS:	7 contacted about was with regard to Dustin Walls and 14:01:00
8 Q Is Exhibit 60 the e-mail from 13:56:16	8 his conduct in allegedly calling some of the 14:01:09
9 Mr. Schumacher telling you that the HR consultants 13:56:20	9 African-American employees monkeys. And do you 14:01:15
10 were in town, "that since you've been helping us in 13:56:23	10 recall being contacted? 14:01:22
11 this area, I suggested that they contact you." 13:56:27	11 A We went into that at the last 14:01:23
12 Is that what you were referring to – 13:56:35	12 deposition – 14:01:26
13 A Yes, I guess. 13:56:36	13 Q Right. 14:01:26
14 Q – when you said you were told? 13:56:37	14 A – in much depth. 14:01:26
15 A Uh-huh.	15 Q And there was one question I wasn't sure 14:01:27
16 Q And it was true that you had been 13:56:39	16 if I had asked you about that. There is a reference 14:01:29
17 helping the defendants in the HR area? 13:56:41	17 that Mr. Schumacher makes to having been told by you 14:01:33
18 A That was one of the area – one of the 13:56:49	18 that there was no need or no reason to – no point 14:01:40
19 many areas that I helped them with. I helped them 13:56:52	19 in trying to fire Dustin because Paula would prevent 14:01:48
20 with mainly at that time responding to an EEOC 13:56:55	20 it. 14:01:52
21 complaint, helping Lisa draft an employment manual, 13:57:06	21 A And we did discuss Karl's statement in 14:01:53
22 questions of that nature, as well as drafting 13:57:14	22 so many words. 14:01:58
23 contracts with vendors, as well as drafting trolley 13:57:19	23 Q Right. 14:01:58
24 agreements with our companies that wanted to use 13:57:25	24 A And my statement to him was that you 14:01:59
25 the company. So, yes, that was one of the areas 13:57:27	25 don't fire somebody who's been working in the 14:02:02

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1 restaurant in such a high position for one incident. 14:02:06	1 just reading here what you're – 14:05:35
2 and we should investigate, find out what happened, 14:02:10	2 what's in the memo. 14:05:39
3 and then consider other alternatives such as 14:02:15	3 BY MR. BILLIPS: 14:05:39
4 probation, reprimands, things of that nature. 14:02:18	4 Q Well, during the meeting, did he 14:05:40
5 Because I thought that there should be a progressive 14:02:22	5 indicate that he had personally reviewed documents 14:05:42
6 disciplinary process in place, and I thought that 14:02:24	6 demonstrating that Bubba was stealing money from the 14:05:46
7 Paula, if we discussed the issue with her, would 14:02:28	7 restaurant? 14:05:49
8 have agreed that you just don't fire somebody who's 14:02:34	8 A I think he referred to – I think he 14:05:49
9 been there as long as he has where the operation is 14:02:37	9 mentioned to Paula right out that the deposits were 14:05:52
10 actually centered around him based on that one 14:02:42	10 short and exactly what – in so many words, what's 14:05:56
11 statement. 14:02:46	11 in paragraph 2. And Ms. Deen didn't seem to be that 14:06:01
12 Q Uh-huh. 14:02:46	12 concerned about it. I don't think she considered it 14:06:08
13 A I didn't feel that she would – she 14:02:47	13 stealing, because she had – 14:06:13
14 would probably opt for a progressive disciplinary 14:02:51	14 Q Okay. 14:06:14
15 process. 14:02:53	15 A – loaned Bubba money before, I believe. 14:06:14
16 Q You don't think that that one statement 14:02:56	16 I mean, they were brother and sister. 14:06:17
17 is sufficiently bad to justify his termination? 14:02:58	17 Q Uh-huh. 14:06:19
18 A There was debate as far as intent, as 14:03:03	18 A So I guess if it didn't mean – if she 14:06:20
19 far as what he meant and what he said. 14:03:07	19 didn't find the conduct objectionable, she was the 14:06:24
20 Q Now, with regard to the August 16th memo 14:03:10	20 other 50 percent owner of the business – 14:06:28
21 speaking of conduct and progressive discipline, the 14:03:30	21 Q Uh-huh. 14:06:30
22 August 16th memo to Ms. Deen from Mr. Schumacher and 14:03:34	22 A – who would have any grounds for 14:06:31
23 the meeting that you were a participant in, 14:03:43	23 complaining about what Karl was referencing in the 14:06:36
24 Mr. Schumacher in that memo goes into – 14:03:46	24 paragraph. And she did not seem that concerned 14:06:38
25 A Let me say one thing. This – you say 14:03:51	25 about it. 14:06:42
Page 31	Page 33
1 to Paula Deen. It doesn't say to Paula, but I guess 14:03:54	1 Q Was the compensation of the employees, 14:06:43
2 you're inferring that it was addressed to her. 14:03:59	2 in any respect, based on profitability? 14:06:46
3 Q I am inferring that it was addressed to 14:04:01	3 A I don't recall. I do remember that was 14:06:52
4 her because within the body of the memo it refers to 14:04:04	4 the case for Lady and Sons. I do not believe that 14:06:53
5 Ms. Deen as if she is the recipient of this memo. 14:04:10	5 was the case for Uncle Bubba's, but I don't know. 14:06:56
6 A I don't know whether she actually ever 14:04:14	6 Q Okay. 14:07:02
7 got it. Do you? 14:04:17	7 A There was no profit-sharing plan for 14:07:06
8 Q Okay. In this memo, Mr. Schumacher goes 14:04:18	8 Uncle Bubba's at that time, I don't believe. 14:07:09
9 over in some detail the basis for his belief that 14:04:29	9 Q What was Ms. Deen's reaction to the – 14:07:14
10 Mr. Hiers was, as he referred to it, stealing money 14:04:33	10 Mr. Schumacher's description of Mr. Hiers' drinking 14:07:21
11 from the restaurant. Do you recall that? 14:04:39	11 problem? 14:07:26
12 A He mentions in here the fact that 14:04:43	12 A I think Ms. Deen did not let us talk 14:07:29
13 deposits were short and there's no explanation that 14:04:46	13 that much after she heard Karl's complaints. I 14:07:33
14 he has. I mean, this memo speaks for itself. 14:04:54	14 think she wanted to know whether or not we had 14:07:39
15 There's a – it's headed, that paragraph, stealing 14:04:58	15 discussed all of these things with Bubba, whether or 14:07:41
16 money from the business, and then he goes into, I 14:05:00	16 not Bubba had brought – had been brought into the 14:07:45
17 believe, the basis for... 14:05:05	17 group to try to devise a solution to all of this, 14:07:49
18 Q He does not appear to be relying on 14:05:10	18 because she very much wanted to find a way to keep 14:07:53
19 information or simply relying on information 14:05:15	19 him in the business. 14:07:56
20 provided to him from Lisa Jackson, does he, but 14:05:17	20 Q Uh-huh. 14:07:57
21 actually relying on information that he himself has 14:05:26	21 A And I think she wanted to address some 14:07:58
22 determined? 14:05:31	22 of these things with him personally as well as us, 14:08:01
23 MR. FRANKLIN: Objection to the 14:05:32	23 because I had not discussed most of these things 14:08:06
24 extent I'm not sure he knows. 14:05:32	24 with Bubba at all. So I think she was a little bit 14:08:10
25 THE WITNESS: I don't know. I'm 14:05:34	25 upset that people were jumping to conclusions about 14:08:17

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1 certain things, and she wanted more investigation 14:08:24	1 mean, I guess whether I do, I look at pornography, 14:11:57
2 into the background for a lot of these things, and 14:08:28	2 and said not - I can't remember what I said, but it 14:12:00
3 she wanted some more accurate picture of what was 14:08:31	3 was - the issue was discussed at that time. 14:12:04
4 going on. But she also wanted to hear what Bubba's 14:08:38	4 Q Did you say something to the effect of 14:12:07
5 side of the story on a lot of these matters was. 14:08:41	5 certainly not at work? 14:12:10
6 Q Okay. 14:08:44	6 A I don't recall. I'm not saying - no, I 14:12:13
7 A But the drinking was brought up by Karl. 14:08:47	7 don't look at pornography going to work. 14:12:16
8 Q Okay. When she asked if matters had 14:08:51	8 Q And did - how did it come up? How did 14:12:20
9 been previously addressed with Bubba, did you or 14:08:56	9 that discussion come up during this EEOC mediation? 14:12:33
10 Mr. Schumacher tell her that you had previously 14:09:01	10 A I think one of the - the EEOC mediator 14:12:37
11 addressed other issues with him? 14:09:06	11 came out and - after one of the caucuses and, Jim, 14:12:43
12 A I don't recall. You're asking me did 14:09:10	12 can I talk with you about this? And I think Bubba 14:12:47
13 we - did I ask this question or was this question 14:09:13	13 went in with me. And one of the bartenders, who had 14:12:50
14 asked. The gist of it was that this needed to be 14:09:16	14 been filling charges, had made reference to it, along 14:12:56
15 addressed with Bubba to get to the bottom of what 14:09:19	15 with a number of other things. And that's when I 14:12:59
16 was going on, because the reason that she opened up 14:09:24	16 addressed it with Bubba. 14:13:03
17 this restaurant with Bubba was so that he could 14:09:28	17 In fact, I think I looked at him. Is 14:13:06
18 operate it. That was why the restaurant was there. 14:09:31	18 this true? And - because I just didn't think 14:13:08
19 And she wanted Bubba to work productively in a 14:09:35	19 that - you know, I was concerned about it that it 14:13:14
20 restaurant. She knew how important the restaurant 14:09:41	20 had been brought up in an EEOC proceeding. 14:13:17
21 was to Bubba, so she wanted us to find a way for 14:09:44	21 Q What were the other things that had been 14:13:21
22 that to continue. 14:09:48	22 brought up? 14:13:23
23 Q Okay.	23 A There were mainly criticisms of Lisa. 14:13:23
24 A It's sort of like when people say the 14:10:10	24 Q What else besides criticisms of Lisa and 14:13:28
25 boss - you bring problems to the boss and say 14:10:10	25 pornography? 14:13:31
Page 35	Page 37
1 that's what you're hired for. You've brought me 14:10:11	1 A That was probably it. And, of course, 14:13:38
2 problems without a solution. 14:10:14	2 the charge we were talking about, the age 14:13:41
3 MR. FRANKLIN: Are you referring 14:10:19	3 discrimination charges. 14:13:44
4 to one of our firm meetings? 14:10:20	4 Q And was the comment about Hooters' girls 14:13:46
5 BY MR. BILLIPS: 14:10:22	5 brought up? 14:13:49
6 Q I mean you, had met with Bubba 14:10:49	6 MR. WITHERS: Objection. I think 14:13:50
7 previously about some of his issues; right? 14:10:51	7 that we covered this in the previous 14:13:51
8 MR. FRANKLIN: Objection to 14:10:55	8 deposition. 14:13:54
9 the - when you say some of the 14:10:57	9 THE WITNESS: Someone had made a 14:13:54
10 issues, clarify what you're asking. 14:10:58	10 remark - we went into this before. I 14:13:56
11 THE WITNESS: No. 14:10:59	11 don't remember. And I think, as I 14:13:58
12 BY MR. BILLIPS: 14:11:00	12 told you before, I don't remember who 14:14:00
13 Q Well, you met with Bubba and you asked 14:11:00	13 made it or - but I do remember 14:14:01
14 Bubba about his use of porn at the workplace. 14:11:02	14 that - a remark being made to that 14:14:02
15 A I think I testified before that my 14:11:05	15 effect. Who said it, I don't recall. 14:14:06
16 conversation with Bubba, as far as the pornography 14:11:08	16 I think some people said Lisa said it. 14:14:08
17 went, was at the EEOC mediation session, and I 14:11:12	17 BY MR. BILLIPS: 14:14:11
18 believe there might have been some reference made to 14:11:17	18 Q Do you recall the identity of anybody 14:14:12
19 it at a meeting in June of 2000 - I think it was 14:11:19	19 who said that Lisa Jackson made that remark? 14:14:14
20 June 2009. It was that meeting in this office 14:11:28	20 A No, I don't. I do remember it being 14:14:17
21 where - I can't remember whether it was mentioned 14:11:33	21 said, though. 14:14:20
22 there, to tell you the truth. No, I only recall the 14:11:35	22 Q Some people said Bubba said it; correct? 14:14:22
23 pornography being mentioned in the EEOC session when 14:11:37	23 A I don't recall. 14:14:28
24 it was - when it was brought to my attention. And 14:11:45	24 Q Did you conduct any investigation of the 14:14:32
25 I told Bubba that - he asked me whether or not - I 14:11:49	25 matters that were discussed at the meeting with 14:14:48

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1 Ms. Deen by Karl? 14:14:53  
 2 A By "Investigation," what do you mean? 14:15:03  
 3 Q Well, look into in any respect, call 14:15:06  
 4 somebody on the phone, look at some documents, 14:15:10  
 5 interview witnesses, do anything at all to see if 14:15:14  
 6 the allegations set out or that were being discussed 14:15:18  
 7 by Karl were, in fact, true. 14:15:22  
 8 A You have to understand that almost the 14:15:24  
 9 day after this occurred, after the meeting, or two 14:15:27  
 10 days, we got Lisa Jackson's resignation, about a day 14:15:30  
 11 after which, we got a threatening letter from your 14:15:35  
 12 lawyer, from Mr Woolf, with 12 pages of allegations. 14:15:39  
 13 So, yes, we did investigate what was in 14:15:47  
 14 this memo, I believe, as part of the letter we got 14:15:51  
 15 from Mr Woolf. At that time, I believe that a 14:15:55  
 16 series of events resulting in this lawsuit was 14:16:02  
 17 initiated. 14:16:05  
 18 Q At the meeting with Ms. Deen, did 14:16:11  
 19 Mr. Schumacher bring up the dinner with U.S. Food 14:16:32  
 20 Service? 14:16:46  
 21 A I don't remember that. 14:16:47  
 22 Q Okay. Do you remember when, whether it 14:16:52  
 23 was in August or in July, that the meeting with 14:16:55  
 24 Ms. Deen occurred? 14:16:58  
 25 A It was in August. It had to be 14:17:00

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1 around either - around the time of this August 16, 14:17:08  
 2 I believe. Maybe a little after. I don't know. 14:17:12  
 3 Just sometime in the latter - mid to latter part of 14:17:17  
 4 August. 14:17:21  
 5 Q Okay.  
 6 A It was actually probably a day or two 14:17:22  
 7 before Lisa provided her resignation letter. I 14:17:25  
 8 think she provided her resignation letter around the 14:17:31  
 9 17th or 18th or something like that. So it was 14:17:34  
 10 before that. 14:17:36  
 11 Q Was there any discussion at this meeting 14:17:37  
 12 about Mr. Schumacher's statement that Bubba was a 14:17:39  
 13 major liability to the organization? 14:17:47  
 14 A We didn't discuss liability. We 14:17:50  
 15 discussed that he was bad for the business in that 14:17:53  
 16 the operation was losing money, he did not make a 14:17:59  
 17 good appearance at the restaurant, he was - the 14:18:07  
 18 morale was bad, his temper was bad, he was 14:18:12  
 19 interfering - I don't remember whether - Lisa had 14:18:18  
 20 always told Karl that he was interfering with her 14:18:22  
 21 relationship with the employees. 14:18:28  
 22 Q So was that - 14:18:39  
 23 A Basically it was more factual than a 14:18:39  
 24 legal analysis of the facts. 14:18:42  
 25 Q Right. And what Mr. Schumacher was 14:18:45

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1 presenting was that Bubba was bad for the business 14:18:53  
 2 for all of the reasons that you've just given, the 14:18:56  
 3 morale, interfering with Lisa's interaction with 14:19:02  
 4 employees, relationship with the employees, the 14:19:09  
 5 financial issues, the drinking issues. All of those 14:19:12  
 6 things were discussed at this meeting? 14:19:19  
 7 A I think the mayor theme of what Bubba 14:19:20  
 8 was trying to say - 14:19:23  
 9 Q You mean Karl? 14:19:24  
 10 A - Karl was trying to say was that Bubba 14:19:25  
 11 had a drinking problem - 14:19:28  
 12 Q Uh-huh. 14:19:30  
 13 A - and it was causing problems inside 14:19:30  
 14 the restaurant. 14:19:34  
 15 Q Okay.  
 16 A And Bubba would not get help for the 14:19:37  
 17 drinking problem. That was the major theme of what 14:19:39  
 18 he had to say. 14:19:45  
 19 Q Was there any discussion of the fact 14:19:46  
 20 that Mr. Hiers had also previously had a cocaine 14:19:49  
 21 problem? 14:19:52  
 22 A That was not mentioned. And your saying 14:19:52  
 23 that to me right now is the first time I've ever 14:19:56  
 24 heard that. 14:19:59  
 25 Q Was there any implication made that the 14:19:59

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1 reason Bubba needed money was for - to satisfy some 14:20:09  
 2 substance problem? 14:20:16  
 3 A No. 14:20:17  
 4 Q So you were unaware that Mr. Hiers had 14:20:30  
 5 previously been in rehab for alcohol and cocaine 14:20:37  
 6 addiction? 14:20:43  
 7 MR. WITHERS: Object to the form. 14:20:43  
 8 MR. FRANKLIN: Objection. 14:20:45  
 9 MR. WITHERS: Object on the basis 14:20:46  
 10 of privilege. 14:20:47  
 11 THE WITNESS: You're saying that, 14:20:48  
 12 but... 14:20:49  
 13 MR. FRANKLIN: You can go ahead. 14:20:51  
 14 THE WITNESS: No. 14:20:53  
 15 BY MR. BILLIPS:  
 16 Q All right.  
 17 A It shows you how much relationship - if 14:21:00  
 18 that is true, it just indicates how much association 14:21:04  
 19 I had with them. 14:21:07  
 20 Q Were you the primary point of contact 14:21:24  
 21 for the Deen companies with this firm? I mean, if 14:21:33  
 22 they needed something, would they call you? 14:21:37  
 23 A Who? 14:21:38  
 24 MR. FRANKLIN: Call Jim, you're 14:21:40  
 25 asking? 14:21:41

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12 (Pages 42 to 45)

Page 42		Page 44	
1	MR. BILLIPS: Yes.	1	the Lady and Sons. But other than that... 14:25:23
2	THE WITNESS: Who is "they" would 14:21:42	2	Q You said Mr. - 14:25:26
3	call me? 14:21:43	3	A Nathan Kanis. I think that's - 14:25:27
4	BY MR. BILLIPS:	4	Q Right. 14:25:30
5	Q Karl Schumacher, anybody who would call 14:21:44	5	A But, no. 14:25:33
6	the firm, this firm. 14:21:46	6	Q Okay. 14:25:35
7	A No, the only person I - as I said, the 14:21:48	7	A Uh-oh, there was - well, no, I was - I 14:25:41
8	communication was sporadic, but whenever there was 14:21:53	8	believe - 14:25:43
9	communication, it usually came from Karl. 14:21:56	9	MR. FRANKLIN: Uh-oh. What's 14:25:43
10	Q Okay. And Karl would communicate with 14:22:00	10	that? 14:25:45
11	you? 14:22:09	11	THE WITNESS: No, that would 14:25:45
12	A We talked. 14:22:09	12	be - no. 14:25:47
13	Q Okay. In other words, are you aware of 14:22:10	13	MR. FRANKLIN: That's what I say 14:25:47
14	Karl ever calling anyone else here at the firm 14:22:13	14	to my grandchildren. 14:25:48
15	directly other than talking to you? 14:22:16	15	BY MR. BILLIPS: 14:25:51
16	A Yes. 14:22:18	16	Q With the Ray Parrish incident, they 14:25:53
17	Q Okay. 14:22:19	17	contacted you after they had terminated him? 14:25:59
18	A Julian Freedman did Ms. Deen's estate 14:22:19	18	A Correct. 14:26:02
19	work. I mainly did the contract work for the 14:22:24	19	(Plaintiff's Exhibit 61,
20	business, the - reviewing the - 14:22:27	20	Cover Letter, was marked
21	Q The HR stuff? 14:22:33	21	for identification.)
22	A As I said, that's a part of it. 14:22:35	22	BY MR. BILLIPS: 14:26:05
23	Q Right. 14:22:37	23	Q Show you what's been marked as Exhibit 14:26:05
24	A As well as real estate transactions. 14:22:38	24	61 to your deposition. 14:26:46
25	Q Did you negotiate real estate deals for 14:22:46	25	A Uh-huh. 14:26:47
Page 43		Page 45	
1	them? 14:22:49	1	Q Is this the cover letter where you sent 14:26:48
2	A I actually closed on the purchase of the 14:22:49	2	Ms. Jackson your revisions to the draft handbook? 14:26:56
3	restaurant, and also I was engaged in the closing of 14:22:55	3	A One of them. 14:27:03
4	the property on Hodgson Memorial when the brothers 14:23:02	4	Q One of them. Okay. 14:27:05
5	and sisters purchased it. I was also involved in 14:23:05	5	MR. FRANKLIN: The letter speaks 14:27:06
6	negotiating and purchasing the lot next door to the 14:23:08	6	for itself. 14:27:07
7	restaurant that they're using as an expanded parking 14:23:13	7	BY MR. BILLIPS: 14:27:08
8	area. 14:23:17	8	Q And the date of the letter is? 14:27:08
9	So, yes, any real estate transactions 14:23:18	9	A December 16, 2009. 14:27:09
10	the brothers and sisters did, I was involved in, as 14:23:21	10	Q Was the handbook ever actually finished 14:27:12
11	well as looking at license agreements for music that 14:23:29	11	and put into place while Ms. Jackson was employed? 14:27:20
12	was being played in the restaurant. 14:23:32	12	A I didn't even know until this lawsuit 14:27:28
13	Q Were you ever contacted - I realize you 14:24:28	13	that it had been finished. So I saw that Celia, 14:27:30
14	said for the most part what happened was that 14:24:31	14	Lisa's friend, had actually - the documents that I 14:27:36
15	somebody created a crisis, and then they called you 14:24:36	15	had reviewed - had sent the - a handbook in for 14:27:39
16	after the fact. Were you ever contacted before they 14:24:39	16	her to Ms. Feuger. So I don't know whether or not 14:27:45
17	took action against an employee other than with 14:24:45	17	it was then put into operation or not. 14:27:50
18	regard to Dustin Walls? 14:24:49	18	It's just another example of my giving 14:27:53
19	A I can't recall. I mean, usually what 14:24:58	19	them suggestions for something that might help them 14:27:56
20	would happen is - I can't recall. No, the answer 14:25:02	20	in business, and they were going to review it or put 14:28:00
21	to your question, I cannot recall of an incident 14:25:05	21	it into operation or whatever. So I couldn't tell 14:28:05
22	what should we do about this problem, as far as this 14:25:09	22	you whether or not they actually implemented it 14:28:08
23	employee, except for Mr. Kanis, which was - as I 14:25:12	23	before she left. 14:28:11
24	have mentioned in my first deposition - was 14:25:15	24	Q Okay. And one of the new policies that 14:28:12
25	sometime, I believe, in 2009 and that had to do with 14:25:18	25	you provided was a sexual harassment policy. You 14:28:46

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13 (Pages 46 to 49)

Page 46		Page 48	
1	provided a complete rewrite; is that correct? 14:28:54	1	Q Okay. And was that communicated clearly 14:34:16
2	A More comprehensive than what was in 14:29:01	2	to all of the managers of the company, maintain 14:34:20
3	there before. There was a sexual harassment 14:29:04	3	e-mails, don't delete e-mails? 14:34:24
4	provision in there prior to December 16, 2009. 14:29:08	4	A I don't recall. When you're saying 14:34:27
5	Q The version that was in there prior to 14:29:17	5	"company," are you talking about - what company? 14:34:30
6	December 16, 2009, did it have a complaint 14:29:19	6	Q Well, Uncle Bubba's. 14:34:33
7	procedure? 14:29:24	7	A Yes. 14:34:36
8	A I can't recall. 14:29:25	8	Q Okay. Were all of the managers at Uncle 14:34:37
9	Q And you don't know whether the policy 14:30:22	9	Bubba's told make sure that no e-mails get deleted? 14:34:40
10	was ever put into effect, whether the revised 14:30:24	10	A I didn't communicate to any managers. I 14:34:43
11	handbook was ever put into effect before Ms. Jackson 14:30:27	11	never talked to any managers at Uncle Bubba's. 14:34:45
12	left her employment? 14:30:31	12	Q Who did you communicate with? 14:34:46
13	A I don't know for a fact, no. 14:30:32	13	A As I told you a minute ago, about the 14:34:47
14	Q When you received notice of the EEOC 14:30:34	14	only person I talked with was Karl and at times 14:34:51
15	charge by Ms. Jackson, did you do anything or ask 14:31:32	15	sporadically with Lisa. 14:34:54
16	anybody to do anything to put into - to retain 14:31:40	16	Q When you spoke to Karl after receiving 14:34:57
17	electronically stored information like e-mails or 14:31:49	17	the demand letter from Ms. Jackson's lawyer, did you 14:35:02
18	photographs or anything of that sort? 14:31:59	18	tell Karl make sure all the managers know not to 14:35:08
19	A I usually tell clients not to destroy 14:32:03	19	destroy - 14:35:12
20	any type of communications concerning any legal 14:32:08	20	A No, I don't believe I said it like that, 14:35:12
21	matter that's pending out of fear that someone would 14:32:12	21	no. I don't recall. 14:35:14
22	interpret it as destroying evidence. 14:32:16	22	Q What did you say to them? 14:35:14
23	Q Now, you were aware at the time that you 14:32:20	23	A I don't recall. 14:35:16
24	received this EEOC charge that there had been a 14:32:24	24	Q Did you say anything about preserving 14:35:17
25	prior issue with Mr. Hiers' review of pornography on 14:32:28	25	evidence? 14:35:19
Page 47		Page 49	
1	the computer, correct? 14:32:39	1	A I don't specifically remember what I 14:35:20
2	A I don't - 14:32:42	2	said. 14:35:24
3	MR. FRANKLIN: Object to the 14:32:43	3	Q Was there any memo? 14:35:24
4	characterization of it as an issue. 14:32:44	4	A No. 14:35:26
5	THE WITNESS: I don't know what 14:32:46	5	Q Now, on how many occasions had 14:35:28
6	you're saying. 14:32:47	6	Ms. Jackson communicated with you directly about 14:35:51
7	BY MR. BILLIPS: 14:32:48	7	problems at Uncle Bubba's? 14:35:55
8	Q Were you aware that Mr. Hiers - well - 14:32:48	8	A Not that many. 14:35:59
9	A The EEOC complaint, I think, was filed 14:32:51	9	Q What does that mean? 14:36:03
10	in late 2010, and the EEOC incident happened almost 14:32:58	10	A Whenever there was an issue, I mean, 14:36:04
11	a year and three quarters earlier than that, April 14:33:14	11	there was probably a certain subject - whenever 14:36:07
12	2009. 14:33:19	12	there was an EEOC complaint filed - there was one 14:36:10
13	Q When you received the letter from 14:33:20	13	that was filed by, I believe, Sheldon Ervin and 14:36:15
14	Ms. Jackson's counsel, did you communicate with 14:33:24	14	Teresa Robinson, and EEOC complaints that were filed 14:36:21
15	employees at Uncle Bubba's or Paula Deen Enterprises 14:33:33	15	in April 2009, there were a number of e-mails 14:36:26
16	or any of the other companies and tell them not to 14:33:40	16	associated with those. We might have had a couple 14:36:31
17	delete e-mails or other electronically stored 14:33:42	17	concerning the handbook. 14:36:36
18	information? 14:33:50	18	But I would say probably in - since I 14:36:37
19	A The legal dispute occurred much earlier 14:33:51	19	knew her - in early, I don't know, March - well, 14:36:39
20	than the EEOC complaint. We had already gone 14:33:54	20	March two thousand - well, I guess we started in 14:36:48
21	through a mediation with Mr Woolf several weeks 14:33:57	21	2008 through the time she resigned, I'd say no more 14:36:53
22	before concerning the allegations in his 13- or 14:34:01	22	than probably about 50 times that we talked or maybe 14:36:57
23	14-page letter. So I think at that time, an 14:34:05	23	even less than that. 14:36:59
24	investigation had been made, and we had already told 14:34:09	24	Q And did she ever, during any of those 14:37:00
25	people to maintain e-mails. 14:34:13	25	communications, contact you about problems with 14:37:03

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14 (Pages 50 to 53)

Page 50		Page 52	
1	Bubba Hiers or complaints about Bubba Hiers? 14:37:24	1	A Not on the weekend, no. We – I think 14:41:24
2	A There might have been – well, I mean, 14:37:30	2	there was one occasion when someone had told me that 14:41:30
3	there was that – she did call me – I’ve mentioned 14:37:37	3	she had been in the hospital for one reason or 14:41:32
4	before about the Big Will incident. 14:37:40	4	another and had surgery and it was – I guess I 14:41:35
5	Q Uh-huh. 14:37:43	5	hadn’t actually spoken to her in a while, and it was 14:41:40
6	A And she might have called me around 14:37:44	6	a surprise to me that she had been in the hospital. 14:41:44
7	sometime in June of 2009 about problems concerning 14:37:47	7	And I think I did call and ask what was going on and 14:41:48
8	morale in the restaurant and Bubba being unhappy 14:37:53	8	whether she was all right, because I – I had no – 14:41:51
9	that the – things weren’t going well between the 14:37:57	9	I mean, I – you know, we went through those age 14:41:54
10	two of them. But it had nothing – there was no 14:38:03	10	discrimination complaints, which is like a war so... 14:41:59
11	mention of the types of things that – most of the 14:38:07	11	Q Right. 14:42:02
12	things that she’s raised in this lawsuit. I think I 14:38:10	12	A And so I got to know her through that 14:42:03
13	went into what her complaints were in June of 2009. 14:38:18	13	experience. And I was just checking on her, I 14:42:08
14	Q In 2010, did she contact you about 14:38:27	14	believe. I don’t think it was a weekend. I think 14:42:12
15	problems? 14:38:32	15	it was – as Bill here will tell you, this is like 14:42:14
16	A I think the Big Will conversation 14:38:32	16	my home. So I usually sometimes would call people 14:42:17
17	happened in August of 2010. I don’t remember 14:38:36	17	after five. Whether I did that particular time – 14:42:22
18	specifically any other conversation that we had 14:38:45	18	Q Right. 14:42:25
19	concerning Bubba. There might have been, but I 14:38:48	19	A – it wouldn’t surprise me, but I think 14:42:25
20	don’t recall.	20	I mainly keep my hours within nine to five. 14:42:27
21	I know we talked – whenever she sent me 14:38:55	21	MR. FRANKLIN: We will stipulate 14:42:32
22	something, she usually followed it up with a 14:39:00	22	that Mr. Gerard does not celebrate 14:42:33
23	telephone call. And I think in 2010, there was 14:39:02	23	weekends or holidays. 14:42:36
24	that – Sheldon Ervin had filed that – had filed 14:39:09	24	BY MR. BILLIPS: 14:42:40
25	that EEOC complaint. I think that was in June 2010. 14:39:14	25	Q Other than the EEOC charges, what kind 14:43:05
Page 51		Page 53	
1	But that didn’t involve Bubba. 14:39:18	1	of things did you and Ms. Jackson discuss? 14:43:13
2	And there might have been – well, just 14:39:26	2	A We discussed, I believe, the employment 14:43:17
3	about the Big Will. That’s about all I remember. 14:39:28	3	manual. We discussed she had gotten letters, as far 14:43:20
4	Q Did you ever communicate with her about 14:39:44	4	as the trolley agreements go. I had to – there 14:43:24
5	Mr. Hiers via e-mail or she with you – 14:39:47	5	were tours that were coming through there. They 14:43:27
6	A Mr. Hiers? 14:39:53	6	needed contracts. There was the Sand Gnats contract 14:43:31
7	Q – or she communicate with you about 14:39:54	7	that we discussed. 14:43:34
8	Mr. Hiers via e-mail? 14:39:58	8	Q I’m sorry, say that again. 14:43:34
9	A I can’t remember anything as far as 14:40:04	9	A Advertising at the Sand Gnats’ game. 14:43:35
10	complaints that she had that she sent me concerning 14:40:08	10	Just business, you know, contract reviews, customer 14:43:40
11	Bubba except maybe Big Will. But I just – as I 14:40:12	11	complaints. I think someone hurt their tooth biting 14:43:46
12	said, most of my – most of whatever I got 14:40:19	12	into a piece of food. I mean, things of that nature 14:43:50
13	concerning the operation of the restaurant came from 14:40:24	13	that happen in restaurants. 14:43:54
14	Karl. He usually spoke for whatever Lisa was 14:40:27	14	Q Okay. Anything else that stands out? 14:43:57
15	telling him. But I just don’t remember other than 14:40:32	15	A That stands out, no. I think – well, 14:44:01
16	what you have – what I’ve seen. 14:40:40	16	yeah, we did talk. She was concerned about – she 14:44:08
17	Q Do you recall how often you communicated 14:40:42	17	had some Fair Labor Standard Act questions 14:44:11
18	with her via e-mail at all about anything? 14:40:51	18	concerning whether she could dock people who were on 14:44:16
19	A We had e-mails concerning the EEOC 14:40:54	19	salary for not working their hours. 14:44:20
20	complaints that I just mentioned before. 14:40:58	20	Q Right. 14:44:22
21	Q Right. 14:40:59	21	A So we had some hour issues like that. 14:44:24
22	A I don’t remember that many e-mails from 14:40:59	22	wage and hour issues. 14:44:27
23	her frankly. 14:41:14	23	Q Okay. 14:44:30
24	Q Did you ever talk to her at home on the 14:41:14	24	A But as I said, I could probably in, 14:44:30
25	weekend? 14:41:24	25	what, since – in – since 2008 to – one, two, 14:44:33

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15 (Pages 54 to 57)

Page 54	Page 56
<p>1 about three years, I probably – I said less than 14:44:40 2 50. And most of those were about the EEOC and age 14:44:43 3 discrimination. Most of them are the age 14:44:49 4 discrimination complaints. 14:44:51 5 Q Okay. 14:44:52 6 A And there was another case concerning a 14:44:53 7 guy that was fired because – by her because he had 14:44:55 8 threatened to go out in the trunk of his car and get 14:45:00 9 a gun and shoot – 14:45:04 10 Q Another employee? 14:45:06 11 A – an employee that he was having a 14:45:07 12 problem with. 14:45:09 13 Q Right. 14 A That was probably about a four-year 14:45:10 15 lawsuit that went from the EEOC level to the court 14:45:14 16 of appeals. So there were, of course, discussions 14:45:18 17 about that, because she was involved and we needed 14:45:21 18 questions answered and she was the person to answer 14:45:25 19 them. 14:45:28 20 Q Did Karl Schumacher ever contact you to 14:45:36 21 relay – or contact you and relay complaints that he 14:45:48 22 had received from Ms. Jackson about Mr. Hiers? 14:45:52 23 A Other – as I indicated before, not 14:46:03 24 outside of what I've already told you as far as the 14:46:06 25 meeting with Paula in August of 2010 came mainly 14:46:09</p>	<p>1 Q Was there anything in particular that 14:47:57 2 Ms. Jackson indicated she felt was the reason why 14:48:24 3 the company needed an HR director? 14:48:28 4 A Probably because of what happened out of 14:48:35 5 the age discrimination claims. The company had to 14:48:39 6 pay out several thousands of dollars because of 14:48:42 7 things that weren't being done at the time, but – 14:48:46 8 and we met – when we met in April going forward, we 14:48:52 9 discussed the need for job descriptions. We 14:48:56 10 discussed the need for a chain of command to be 14:48:59 11 determined. 14:49:05 12 There was – apparently one of the 14:49:07 13 things that came out of the EEOC proceedings, there 14:49:10 14 was a drug problem in the restaurant that – so 14:49:18 15 there needed to be a drug policy instituted. But 14:49:21 16 there was a person that needed to be there, or that 14:49:25 17 she needed that she could call to answer some of the 14:49:28 18 questions that she had relating to human resources. 14:49:31 19 So she needed some guidance. 14:49:36 20 I was not that person since I was not 14:49:38 21 involved in a day-to-day operation. But the type of 14:49:41 22 questions had come up daily, she needed somebody 14:49:46 23 to – or I thought she needed someone to ask if she 14:49:49 24 needed – and needed that type of help. 14:49:55 25 And the Lady and Sons also had a need 14:50:00</p>
Page 55	Page 57
<p>1 from problems that she had with him. The meeting 14:46:16 2 that we had in June, I believe, 2009, which occurred 14:46:21 3 here that I discussed at the last deposition, I – 14:46:26 4 came as a result of problems which – mainly 14:46:29 5 problems of interference, chain of command issues, 14:46:34 6 that was occurring in between the time of the 14:46:38 7 resolution of the age discrimination claims and the 14:46:48 8 time of the call. 14:46:52 9 We did have – let me go back. There 14:46:57 10 was – there was an issue – there was always an 14:46:59 11 issue of whether or not there should be a human 14:47:01 12 resource director, whether she should do that, 14:47:06 13 whether Karl should do that, should we get somebody 14:47:12 14 in to do it, you know, permanently on their own, 14:47:15 15 whether there should be one for the – for all of 14:47:18 16 the companies. That was an issue that we were 14:47:21 17 always struggling with, and I think I might have 14:47:25 18 talked with her about that. 14:47:28 19 She was concerned about, I know – you 14:47:29 20 know, which option we were going – or the company 14:47:33 21 was going to go with, and that's why we brought 14:47:36 22 in – or they brought in Tonya Mack. They thought 14:47:41 23 the best thing, have the company come in here and 14:47:44 24 assess our needs and tell us what they think we 14:47:46 25 need. And that happened June of 2010. 14:47:50</p>	<p>1 for a, you know, permanent HR person. They had 14:50:05 2 someone there, but the operation was just growing so 14:50:09 3 fast that problems were getting more complicated and 14:50:12 4 they needed an agency in there to make HR decisions 14:50:15 5 on a day-to-day basis. 14:50:24 6 I think she did – she acknowledged that 14:50:37 7 there was a lot of stuff coming out of that age 14:50:39 8 discrimination matter that she just didn't know, and 14:50:42 9 she would have probably done things differently. 14:50:46 10 Q And while she was working at Uncle 14:50:53 11 Bubba's, do you know if she ever had any training on 14:51:02 12 discrimination issues prior to MackWorks being 14:51:04 13 hired? 14:51:09 14 A I don't know what training she got. 14:51:09 15 Because, as I said, I didn't talk with her that much 14:51:14 16 to know what exactly the restaurant was doing for 14:51:16 17 its employees as far as that goes. 14:51:21 18 Q You indicated that Ms. Jackson said that 14:51:23 19 there were things that were not being done that led 14:51:28 20 to the EEOC charges. What were those things? 14:51:33 21 A She didn't know how to lay off people. 14:51:36 22 She had no – when we went into the EEOC proceeding, 14:51:39 23 the question was asked – or I asked before, how do 14:51:43 24 you determine, you know, who you were laying off, 14:51:46 25 and there was no set procedure that she had in place 14:51:49</p>

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16 (Pages 58 to 61)

Page 58		Page 60			
1	that determined who would – the priority of those	14:51:52	1	MR. FRANKLIN: Objection.	15:02:44
2	people. So that was – in fact, one of the	14:51:56	2	MR. WITHERS: What he had spoken	15:02:45
3	documents I gave her afterwards was actually a	14:51:59	3	to him about would be attorney/client	15:02:46
4	layoff policy.	14:52:02	4	privilege.	15:02:48
5	Q Uh-huh.	14:52:03	5	MR. FRANKLIN: And don't answer	15:02:48
6	A That's one of the things. There weren't	14:52:04	6	it	15:02:53
7	job descriptions. She didn't know exactly at that	14:52:07	7	BY MR. BILLIPS:	15:02:55
8	time, I don't think, what she should do versus what	14:52:10	8	Q But your earlier testimony was you don't	15:02:55
9	Bubba should do. They needed to resolve those	14:52:13	9	know why she was doing that, correct?	15:02:58
10	issues. So job descriptions, that was a very	14:52:16	10	A Normally when we get a letter from an	15:03:02
11	important thing that she thought that needed to be	14:52:20	11	adverse party or an attorney, we ask a client to	15:03:06
12	nalled down, as well as what to do as far as hiring	14:52:22	12	make notes to respond to the allegations. That	15:03:12
13	and firing and things of that nature.	14:52:27	13	could have happened in this case. That's – what I	15:03:17
14	Q Okay.	14:52:31	14	normally ask, whether –	15:03:20
15	MR. WITHERS: Can we take a	14:52:52	15	MR. FRANKLIN: Don't speculate.	15:03:21
16	five-minute break, please.	14:52:53	16	MR. WITHERS: Yes.	15:03:23
17	(Discussion off record and	15:00:44	17	MR. FRANKLIN: Don't testify what	15:03:23
18	recess from 2:52 p.m. to		18	you told –	15:03:25
19	3:00 p.m.)	15:00:46	19	THE WITNESS: But I –	15:03:26
20	BY MR. BILLIPS:	15:00:46	20	MR. WITHERS: Jim, just stop.	15:03:26
21	Q Mr. Gerard, going back to this e-mail	15:00:46	21	MR. FRANKLIN: Stop. Enough.	15:03:28
22	from Theresa Feuger where she – and according to	15:00:51	22	Land the plane.	15:03:29
23	her e-mail she and Mr. Hiers had sat down and gone	15:00:56	23	The plane has landed. Next	15:03:33
24	over paragraph by paragraph and –	15:01:00	24	question.	15:03:35
25	A She and Karl. Oh, is that what you	15:01:02	25	BY MR. BILLIPS:	15:03:36
Page 59		Page 61			
1	said?	15:01:04	1	Q Now, do you know – do you recall	15:03:50
2	Q She and Mr. Hiers, Bubba Hiers.	15:01:04	2	sitting here today when – what day Lisa Jackson	15:04:58
3	A Oh, I thought it was Karl Schumacher.	15:01:07	3	called you about the Big Will incident?	15:05:05
4	Q No.	15:01:11	4	A Do I remember the specific day, no.	15:05:08
5	A Okay. I didn't...	15:01:11	5	Q Would your contemporaneous billing	15:05:12
6	Q And gone over paragraph by paragraph the	15:01:13	6	records – or do you keep contemporaneous billing	15:05:20
7	letter and made notes about it. Do you know why she	15:01:18	7	records of contacts with the Deen companies?	15:05:23
8	was doing that?	15:01:23	8	MR. FRANKLIN: This will be read	15:05:28
9	A No.	15:01:24	9	at the firm meeting, Jim.	15:05:29
10	Q To your knowledge, had anyone asked her	15:01:26	10	THE WITNESS: No, I usually	15:05:31
11	to do that?	15:01:28	11	don't.	15:05:33
12	A I don't recall.	15:01:29	12	BY MR. BILLIPS:	15:05:33
13	Q Was there anyone involved at that	15:01:30	13	Q Okay. Are you on like a monthly	15:05:33
14	junction other than you in representing the Deen	15:01:43	14	retainer, or how do you end up billing them?	15:05:37
15	companies?	15:01:50	15	A If there's a series of telephone calls	15:05:42
16	A I think Patty Paul. She had not	15:01:51	16	with a person that takes up a substantial amount of	15:05:46
17	represented the Deen – well, actually, she had.	15:01:55	17	time, I will usually bill them for that. That's	15:05:48
18	She had done – she was doing the – that first	15:01:58	18	usually the – that's how I practice. If I do a	15:05:51
19	claim, the guy that was threatening to shoot the	15:02:06	19	project, I bill them by the hour. But I do not	15:05:54
20	co-employee, she was helping with that litigation.	15:02:11	20	charge .1 for a call or .2 for a call. I just have	15:05:59
21	So she aided in responding to Mr. Woolf's letter.	15:02:15	21	never done that, and I don't do it.	15:06:05
22	Q Okay. Had you asked Ms. Feuger or	15:02:21	22	Q Okay. Do you know if you billed them	15:06:07
23	Mr. Hiers to provide you with the notes that she	15:02:37	23	for the Big Will incident?	15:06:10
24	attached to her e-mail?	15:02:42	24	MR. WITHERS: Phone call?	15:06:13
25	MR. WITHERS: Objection.	15:02:43	25	BY MR. BILLIPS:	15:06:14

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17 (Pages 62 to 65)

Page 62		Page 64	
1	Q Or for your involvement in the Big Will incident?	15:06:14	
2		15:06:16	
3	A I don't recall. There wasn't a - I don't know what you mean by bill for the incident.	15:06:17	
4		15:06:29	
5	That was one of many issues that was - had been raised. So I bill them for meeting with Paula Deen where that was mentioned. So indirectly, yes, they were billed for that.	15:06:32	
6		15:06:36	
7		15:06:41	
8		15:06:43	
9	Q Do you know if you recorded or made any record of the telephone call from Lisa Jackson?	15:06:45	
10		15:06:48	
11	A I don't - I don't think so, but I don't remember.	15:06:55	
12		15:06:58	
13	Q Okay.	15:06:58	
14	A She and I usually did talk whenever she did call for a .1 or less, maybe one minute or two. And so for a one-minute telephone conversation, it usually didn't register in my billing.	15:07:01	
15		15:07:03	
16		15:07:09	
17		15:07:12	
18	Q All right.	15:07:18	
19	MR. BILLIPS: Let's take a ten-minute break, so we can talk.	15:07:52	
20		15:07:53	
21	(Discussion off record and recess from 3:07 p.m. to 3:17 p.m.)	15:16:02	
22		15:16:02	
23	BY MR. BILLIPS:	15:16:02	
24	Q Now, one of the things that was in the subpoena that we had served was for you to produce your billing records at this - at your deposition. Have you gone through your billing records to determine whether there is - whether parts of those records would not be subject to privilege, in other words, whether there's information in the records that would - should be produced in responses to the subpoena if they do not contain privileged information?	15:17:19	
25		15:17:19	
1		15:18:30	
2		15:18:33	
3		15:18:35	
4		15:18:38	
5		15:18:40	
6	MR. FRANKLIN: Let me see. Because they went out, I believe Monday, if I'm not mistaken.	15:18:43	
7		15:18:44	
8		15:18:47	
9	MR. BILLIPS: The billing records?	15:18:48	
10		15:18:48	
11	MR. FRANKLIN: I believe so.	15:18:49	
12	MR. BILLIPS: Did they go out on the express?	15:18:50	
13		15:18:51	
14	MR. FRANKLIN: Well, you want things native or commando. I don't know how they went out.	15:18:52	
15		15:18:53	
16		15:18:56	
17	MR. BILLIPS: I don't want anything commando. Thank you.	15:18:57	
18		15:18:58	
19	MR. FRANKLIN: Well, just ask your next question. We'll figure this out.	15:19:05	
20		15:19:06	
21		15:19:08	
22	MR. BILLIPS: Okay.	15:19:08	
23	BY MR. BILLIPS:	15:19:08	
24	Q There are a number of matters that are presently -	15:19:09	
25		15:19:11	
1		15:19:16	
2		15:19:17	
3		15:19:20	
4		15:19:22	
5		15:19:24	
6		15:19:29	
7		15:19:34	
8		15:19:36	
9		15:19:38	
10	MR. FRANKLIN: Yes.	15:19:38	
11	MR. BILLIPS: - that Mr. Gerard will be brought back, and we'll be allowed to ask him additional questions based on whatever additional information is produced.	15:19:39	
12		15:19:41	
13		15:19:42	
14		15:19:44	
15		15:19:46	
16	MR. WITHERS: Yes.	15:19:47	
17	MR. FRANKLIN: Yes.	15:19:47	
18	MR. BILLIPS: So it's not necessary for me to go through the process of asking all of the questions and having you object and say, no, don't answer.	15:19:50	
19		15:19:50	
20		15:19:53	
21		15:19:55	
22		15:19:57	
23	MR. WITHERS: That's correct.	15:19:58	
24	MR. BILLIPS: Okay, good. Then let's check on those billing records	15:20:00	
25		15:20:02	
Page 63		Page 65	
1	subpoena that we had served was for you to produce your billing records at this - at your deposition. Have you gone through your billing records to determine whether there is - whether parts of those records would not be subject to privilege, in other words, whether there's information in the records that would - should be produced in responses to the subpoena if they do not contain privileged information?	15:17:24	
2		15:17:29	
3		15:17:33	
4		15:17:40	
5		15:17:44	
6		15:17:48	
7		15:17:50	
8		15:18:00	
9		15:18:03	
10	MR. FRANKLIN: Jim didn't go over any of them. He gave them to us, and we produced - it's my understanding we produced everything.	15:18:03	
11		15:18:05	
12		15:18:07	
13		15:18:09	
14	MR. BILLIPS: Billing records?	15:18:10	
15		15:18:11	
16	MR. FRANKLIN: Well, that's -	15:18:13	
17	MR. BILLIPS: We haven't gotten any billing records.	15:18:15	
18		15:18:17	
19	MR. FRANKLIN: I think you should. I looked at them after Bill looked at them - or George looked at them. Let me see.	15:18:18	
20		15:18:20	
21		15:18:22	
22		15:18:24	
23	MR. BILLIPS: We didn't get billing records, and we didn't get - and Bill Hunter had said about a month	15:18:24	
24		15:18:26	
25		15:18:28	

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18 (Pages 66 to 69)

<p style="text-align: right;"><b>Page 66</b></p> <p>1 and see if... 15:20:05                  2 MR. WITHERS: Why don't we take a 15:20:06                  3 break and run that down. 15:20:07                  4 (Discussion off record and                  5 recess from 3:20 p.m. to                  6 3:48 p.m.)                  7 MR. BILLIPS: The deposition is 15:48:25                  8 adjourned pending production of 15:48:26                  9 additional materials. 15:48:29                  10 MR. WOOLF: And issuance of a 15:48:35                  11 court order. 15:48:36                  12 MR. BILLIPS: Yes.                  13 (Witness excused)                  14 (Whereupon, the deposition                  15 was adjourned at 3:48 p.m.,                  16 sine die.)                  17                  18                  19                  20                  21                  22                  23                  24                  25</p>	<p style="text-align: right;"><b>Page 68</b></p> <p>1 ERRATA SHEET                  2 STATE OF GEORGIA )                  )                  3 COUNTY OF CHATHAM )                  4 I wish to make the following                  5 changes for the following reasons:                  6 PAGE LINE                  7 _____ CHANGE: _____                  8 REASON: _____                  9 _____ CHANGE: _____                  10 REASON: _____                  11 _____ CHANGE: _____                  12 REASON: _____                  13 _____ CHANGE: _____                  14 REASON: _____                  15 _____ CHANGE: _____                  16 REASON: _____                  17 _____ CHANGE: _____                  18 REASON: _____                  19 _____ CHANGE: _____                  20 REASON: _____                  21                  22                  23 (Signed) _____                  JAMES GERARD                  24                  25</p>
<p style="text-align: right;"><b>Page 67</b></p> <p>1 ATTESTATION                  2                  3 I, the undersigned, have read the foregoing                  4 transcript, and, with the exception of any corrections                  5 specified on the attached correction sheet, attest it                  6 constitutes a true and correct transcription of my                  7 testimony given at the time and place specified                  8 therein.                  9                  10                  11 (Signed): _____                  JAMES GERARD                  12                  13                  14 WITNESS: _____                  15                  16                  17 DATE: _____                  18                  19                  20                  21                  22                  23                  24                  25</p>	<p style="text-align: right;"><b>Page 69</b></p> <p>1 CERTIFICATE                  2 GEORGIA :                  3 SAVANNAH DIVISION :                  4 I hereby certify that the foregoing transcript                  5 was taken down, as stated in the caption, and the                  6 questions and answers thereto were reduced to                  7 typewriting under my direction; that the foregoing                  8 Pages 1 through 66 represent a true and correct                  9 transcript of the evidence given upon said hearing,                  10 and I further certify that I am not of kin or counsel                  11 to the parties in the case; am not in the regular                  12 employ of counsel for any of said parties; nor am I in                  13 anywise interested in the result of said case.                  14 This, the 20th day of March, 2013.                  15                  16 _____                  17 Georgia J. Winegeart, RPR, CCR 2848                  18                  19                  20                  21                  22                  23                  24                  25</p>

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<p style="text-align: center;"><b>A</b></p> <p>able 12:8 accountant 16:19 accurate 34:3 acknowledged 57:6 Act 1:16 53:17 action 1:6 43:17 actual 24:4, 11 addiction 41:6 additional 65:7, 13 65:14 66:9 additions 28:8, 10 address 15:1, 18 25:13 29:2 33:21 addressed 10:1 31:2, 3 34:9, 11 34:15 36:16 adjourned 66:8, 15 adverse 60:11 Advertising 53:9 advice 18:17 African-American 29:9 age 37:2 52:9 54:2 54:3 55:7 56:5 57:7 agency 57:4 ago 6:5 9:20 11:25 23:22 48:13 64:1 agreeable 6:6 agreed 30:8 agreement 1:15 agreements 27:24 43:11 53:4 ahead 6:23 14:3 41:13 aided 59:21 alcohol 16:14, 22 41:5 allegations 38:6 38:12 47:22 60:12 allegedly 29:8 allow 17:24 allowed 65:13 alternatives 30:3 amount 61:16 analysis 39:24 answer 14:1 43:20 54:18 56:17 60:5 65:22 answered 54:18 answers 69:6 anybody 37:18</p>	<p>42:5 46:16 anywise 69:13 AOL 24:20, 21, 23 25:5, 9, 14 apparently 8:22 11:14 21:7 56:12 appeal 7:5, 7 65:6 appeals 54:16 appear 31:18 appearance 39:17 <b>APPEARANCES</b> 2:1 appeared 6:16 appears 17:5 approach 14:22 April 47:11 49:15 56:8 area 27:11, 17, 18 43:8 areas 12:1 27:19 27:25 Article 5:4 asked 13:24 14:1 14:2, 18 15:2 23:23 28:1 29:16 34:8, 14 35:13, 25 57:23, 23 59:10 59:22 asking 13:19 22:13 24:11 34:12 35:10 41:25 65:20 aspects 26:10 assess 55:24 assessment 26:15 associated 49:16 Associates 5:11 5:15 association 41:18 assumed 29:5 Atlanta 2:5 attached 19:12 22:1 24:14 25:19 25:21 59:24 67:5 attaching 21:6 attachments 21:19 23:25 24:7 24:13 25:25 attention 35:24 attest 67:5 <b>ATTESTATION</b> 3:13 67:1 attorney 60:11 attorney/client 60:3</p>	<p><b>August</b> 11:6 12:21 18:16 30:20, 22 38:23, 25 39:1, 4 50:17 54:25 available 16:5 aware 20:20 42:13 46:23 47:8 <b>A-OK</b> 29:5</p> <p style="text-align: center;"><b>B</b></p> <p>back 28:6, 11 55:9 58:21 65:12 background 34:2 bad 30:17 39:15 39:18, 18 40:1 badly 12:16 bank 12:10 bar 17:2 Baracette 16:23 Barry 11:2, 3 23:7 23:8, 16 bartenders 36:13 Bartlett 20:17 Bartley 20:18 based 18:18 30:10 33:2 65:14 Basically 12:2 39:23 basis 14:14 31:9 31:17 41:9 57:5 Bates 19:14 Bay 2:7 began 6:4 26:8 belief 31:9 believe 10:13 11:6 12:4, 8 13:2 14:2 15:7 17:22 22:9 31:17 32:15 33:4 33:8 35:18 38:14 38:15 39:2 43:25 44:8 48:20 49:13 52:14 53:2 55:2 64:7, 11 benefit 13:13 <b>BENJAMIN</b> 2:4 best 8:21 9:11 10:25 15:17 55:23 Big 8:10 9:7 13:2 14:16 19:20 50:4 50:16 51:3, 11 61:3, 23 62:1 bill 20:9 52:15 61:17, 19 62:4, 6 63:20, 25 65:2</p>	<p>billed 61:22 62:8 billing 61:5, 6, 14 62:17 63:2, 3, 14 63:18, 24 64:9 65:25 <b>BILLIPS</b> 2:3, 4 3:11 6:1, 7, 15, 25 7:9, 10, 24 8:4, 8 12:20, 23 13:5, 21 19:3 21:4, 21 22:19 23:13 24:3 24:10 25:15 26:2 27:7 32:3 35:5 35:12 37:17 41:15 42:1, 4 44:15, 22 45:7 47:7 52:24 58:20 60:7, 25 61:12, 25 62:19, 24 63:14 63:17, 23 64:9, 12 64:17, 22, 23 65:1 65:11, 18, 24 66:7 66:12 bit 33:24 biting 53:11 blame 7:20 Board 5:5 body 24:13 31:4 bogus 18:24 book 28:7 boss 34:25, 25 bottom 20:6 34:15 brain-storming 14:7 brand 18:2 break 23:14 58:16 62:20 66:3 breath 16:14 bring 34:25 38:19 brother 16:18 32:16 brothers 43:4, 10 brought 6:19 33:16, 16 34:7 35:1, 24 36:20, 22 37:5 55:21, 22 65:12 <b>Bubba</b> 1:9 2:23 8:22 12:2, 7, 13 14:8 15:2, 4, 4, 7, 9 17:18 19:21 20:7 20:21 21:7, 24 32:6, 15 33:15, 16 33:24 34:9, 15, 17 34:19, 21 35:6, 13</p>	<p>35:14, 16, 25 36:12, 16 37:22 39:12 40:1, 7, 10 40:16 41:1 50:1 50:1, 8, 19 51:1 51:11 58:9 59:2 <b>Bubba's</b> 1:10 11:13 17:16, 24 18:15 26:17 33:5 33:8 34:4 47:15 48:6, 9, 11 49:7 57:11 <b>business</b> 31:16 32:20 33:19 39:15 40:1 42:20 45:20 53:10</p> <p style="text-align: center;"><b>C</b></p> <p><b>C</b> 2:3 4:3, 3 5:1 call 8:16, 18 29:1, 4 38:3 41:22, 24 42:3, 5 50:3, 23 52:7, 16 55:8 56:17 61:20, 20 61:24 62:10, 15 called 43:15 50:6 61:3 calling 29:8 42:14 calls 28:13 61:15 caption 69:5 car 54:8 case 7:13 14:19 33:4, 5 54:6 60:13 69:11, 13 caucuses 36:11 causing 40:13 CCR 5:25 69:17 celebrate 52:22 Celia 45:13 centered 30:10 certain 34:1 49:11 certainly 20:6 36:5 <b>CERTIFICATE</b> 3:17 69:1 Certified 1:17 5:8 certify 69:4, 10 chain 55:5 56:10 chance 10:22 <b>CHANGE</b> 68:7, 9 68:11, 13, 15, 17 68:19 changes 68:5 characterization 47:4</p>
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<u>9</u> 9-11-28(c) 5:10				
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**Transcript of the Testimony of:**  
**Paula Deen**

**Date:** May 17, 2013

**Case:** Lisa T. Jackson v. Paula Deen, et al.  
4:12-CV-0139

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**EXHIBIT**

E

tabbles

Paula Deen  
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

LISA T. JACKSON,                    )  
   )  
           Plaintiff,                    ) CIVIL ACTION NO:  
   ) 4:12-CV-0139  
           vs.                            )  
   )  
 PAULA DEEN, PAULA DEAN        )  
 ENTERPRISES, LLC, THE LADY    )  
  & SONS, LLC, THE LADY        )  
 ENTERPRISES, INC., BUBBA HIERS,)  
 and UNCLE BUBBA'S SEAFOOD    )  
 AND OYSTER HOUSE, INC.,        )  
   )  
           Defendant.                )

**Deposition of PAULA DEEN, taken by counsel for the Plaintiff, pursuant to notice and agreement of counsel, under the Federal Rules of Civil Procedure, before Celeste Mack, CCR, RPR, at Oliver Maner, 218 West State Street, Savannah, Georgia, on Friday, May 17, 2013, commencing at 9:40 a.m.**

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17 FOR THE DEFENDANT PAULA DEEN,	17
18 DEEN ENTERPRISES, LLC, THE LADY & SONS, LLC	18
19 and THE LADY ENTERPRISES, INC.:	19
20 WILLIAM P. FRANKLIN, JR., ESQUIRE	20
21 KELIN MURPHY, ESQUIRE	21
22 Oliver Maner	22
23 218 West State Street	23
24 Post Office Box 10186	24
25 Savannah, Georgia 31412	25
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1 APPEARANCES OF COUNSEL:	1 DISCLOSURE STATEMENT
2	2 STATE OF GEORGIA
3 FOR BUBBA HIERS and UNCLE BUBBA'S SEAFOOD	3 COUNTY OF CHATHAM
4 AND OYSTER HOUSE, INC.:	4 Pursuant to Article 10.B of the Rules and
5 THOMAS A. WITHERS, ESQUIRE	5 Regulations of the Board of Court Reporting of the
6 Gillen, Withers & Lake, LLC	6 Judicial Council of Georgia, I make the following
7 8 East Liberty Street	7 disclosure:
8 Savannah, Georgia 31401	8 I am a Georgia Certified Court Reporter.
9	9 I am not disqualified for a relationship of
10	10 interest under the provisions of O.C.G.A 9-11-28(c).
11 ALSO PRESENT: Shawn Screen, Videographer	11 I am an employee of Tom Crites & Associates
12 Bubba Hiers, Melissa McCurry	12 International, Inc. My office was contacted by
13	13 Mr. Woolf to provide court reporting services for this
14	14 proceeding.
15	15 Tom Crites & Associates, International, Inc.
16	16 will not be taking this proceeding under any contract
17	17 that is prohibited by Georgia law.
18	18 This, the 29th day of May, 2013.
19	19
20	20 _____
21	21 Celeste Mack, CCR, RPR 2738
22	22
23	23
24	24
25	25

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<p>1                  2       <b>THE VIDEOGRAPHER:</b> This is the                  3 videotape deposition of Paula Deen                  4 taken by counsel for the plaintiff in                  5 the matter of Lisa T. Jackson vs.                  6 Paula Deen, et. al., held in the                  7 offices of Oliver Maner located at 218                  8 West State Street on May 17, 2013 at                  9 the time indicated on the video                  10 screen.                  11       Celeste Mack from Tom Crites and                  12 Associates International is the court                  13 reporter. My name is Shawn Screen,                  14 and I am the videotape specialist also                  15 in association with Tom Crites &amp;                  16 Associates.                  17       If counsel would now please                  18 introduce themselves and the parties                  19 they represent, starting with the                  20 party noticing this deposition.                  21       <b>MR. BILLIPS:</b> Matthew C. Billips,                  22 representing the plaintiff.                  23       <b>MR. WOOLF:</b> Wesley Woolf,                  24 representing the plaintiff.                  25       <b>MR. FRANKLIN:</b> Bill Franklin</p>	<p>1       <b>BILLIPS - DEEN</b>                  2       <b>Q</b> Who resides there with you?                  3       <b>A</b> My husband and his son.                  4       <b>Q</b> And what are their names?                  5       <b>A</b> Michael Anthony Groover, Sr. and Jr.                  6       <b>Q</b> Where did you live prior to 818                  7 Wilmington Island?                  8       <b>A</b> 121 Dogwood.                  9       <b>Q</b> These are both in Savannah?                  10       <b>A</b> Yes.                  11       <b>Q</b> And did you say 121 Dogwood?                  12       <b>A</b> Yes.                  13       <b>Q</b> And who – how long have you lived at                  14 that address?                  15       <b>A</b> I think maybe five years.                  16       <b>Q</b> Who lived there with you?                  17       <b>A</b> My husband and our son, his son.                  18       <b>Q</b> All right. That's Mr. Groover?                  19       <b>A</b> Yes.                  20       <b>Q</b> Okay. Where did you reside prior to                  21 that?                  22       <b>A</b> Turners Cove, 73. Gosh, I can't                  23 remember the name of my little street.                  24       <b>Q</b> 73 Turners Cove?                  25       <b>A</b> Yes, number 73 Turners Cove.</p>
Page 7	Page 9
<p>1       <b>BILLIPS - DEEN</b>                  2       representing Paula Dean, Paul Deen                  3 Enterprises, Lady &amp; Sons. Maybe                  4 somebody else in there.                  5       <b>MR. WITHERS:</b> Tom Withers,                  6 representing Bubba Hiers and Uncle                  7 Bubba's Seafood &amp; Oyster House, Inc.                  8       <b>MR. FRANKLIN:</b> And there's my son                  9 Bubba Hiers sitting down at the end of                  10 the table.                  11       <b>THE VIDEOGRAPHER:</b> Please swear                  12 in the witness, please.                  13       <b>PAULA DEEN,</b>                  14 having been produced and first duly sworn as a                  15 witness, testified as follows:                  16       <b>EXAMINATION</b>                  17 <b>BY MR. BILLIPS:</b>                  18       <b>Q</b> Please state your full legal name.                  19       <b>A</b> Paula Hiers Deen.                  20       <b>Q</b> And, Miss Deen, what is your present                  21 home address?                  22       <b>A</b> 818 Wilmington Island Road, Savannah,                  23 Georgia.                  24       <b>Q</b> How long have you lived there?                  25       <b>A</b> Three and a half years.</p>	<p>1       <b>BILLIPS - DEEN</b>                  2       <b>Q</b> And how long were you there?                  3       <b>A</b> Probably three years.                  4       <b>Q</b> Is that a house or an apartment?                  5       <b>A</b> It's a row house.                  6       <b>Q</b> Okay. And who lived there with you?                  7       <b>A</b> Just myself.                  8       <b>Q</b> Where were you prior to that?                  9       <b>A</b> I lived on Abercorn Street. I don't –                  10 I can't remember the street number.                  11       <b>Q</b> Okay. For how long did you live on                  12 Abercorn?                  13       <b>A</b> I think I was there probably around                  14 three years.                  15       <b>Q</b> And who lived there with you?                  16       <b>A</b> Just me and my animals.                  17       <b>Q</b> Where did you live prior to that?                  18       <b>A</b> 622 East 60th Street.                  19       <b>Q</b> For how long?                  20       <b>A</b> Oh, my gosh. Probably five or six                  21 years.                  22       <b>Q</b> And who lived there with you?                  23       <b>A</b> When the house was first bought, it was                  24 my first husband and our children.                  25       <b>Q</b> Okay. And what was your first husband's</p>

Page 10	Page 12
<p>1 BILLIPS - DEEN                  2 name?                  3 A Jimmy.                  4 Q And his last name?                  5 A Deen.                  6 Q No relation to the sausage?                  7 A No.                  8 Q Okay. And did anyone – you said when                  9 it was – you first moved in that's who lived there                  10 with you. Did anyone else live there during the                  11 time period that you lived at that house?                  12 A Yes. Yes, my sons' girlfriends chose to                  13 move to Savannah and they lived there with us. My                  14 nephew Jay Hiers lived there with me for a while                  15 when he needed a place to stay. And this was during                  16 my divorce, so.                  17 Q Okay. Anyone else?                  18 A No.                  19 Q Okay. Do you know if those girlfriends                  20 are still in the Savannah area?                  21 A No, they're not.                  22 Q Okay. What are their names, if you                  23 remember?                  24 A Sheri Bottenfield and Jennifer McCook.                  25 Q Where did you live prior to 60th Street?</p>	<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A He moved us to Dawson, Georgia one time.                  4 He moved us to Werner Robbins one time.                  5 Q And what was the purpose of these moves,                  6 if you know?                  7 A Job.                  8 Q Okay.                  9 A They were job related for him.                  10 Q Okay. And did anyone live with you at                  11 any of these places other than you, your husband and                  12 your children?                  13 A No.                  14 Q Did your brother come and live with you                  15 at one point?                  16 A Yes, he did.                  17 Q All right. And where were you living                  18 then?                  19 A I was living at 1500 Ederly at the time                  20 of our mother's death. My brother was 16 at the                  21 time, and he was my responsibility to complete the                  22 job that mama and daddy started.                  23 Q Okay. Now, do you still feel that                  24 responsibility?                  25 A No.</p>
Page 11	Page 13
<p>1 BILLIPS - DEEN                  2 A Albany, Georgia.                  3 Q Okay. Was there an address?                  4 A It was North Davis Street. I can't                  5 remember the house number.                  6 Q That's fine. Who lived there with you?                  7 A My family, my husband and children.                  8 Q How long were you there?                  9 A I don't remember.                  10 Q Was it more or less than five years?                  11 A I would say less.                  12 Q Okay. Did anyone live there other than                  13 your husband and children?                  14 A No.                  15 Q Okay. Prior to that where did you live?                  16 A My husband moved us around a good bit.                  17 I think in 27 years of marriage he probably moved us                  18 23 times, so it's hard for me to remember.                  19 Q Okay. Were you still – of those 23                  20 times, how many of them were in Albany?                  21 A Oh, my gosh.                  22 Q In other words, did you move to other                  23 places besides Albany and Savannah?                  24 A He moved us to Columbus, Georgia one                  25 time.</p>	<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A No, I – no, I don't.                  4 Q Okay. Where – what town was 1500                  5 Ederly?                  6 A Albany.                  7 Q Okay. Were you married at the time?                  8 A Yes.                  9 Q And that was to Mr. Deen?                  10 A Yes.                  11 Q For how long did Mr. Hiers live with you                  12 at the Ederly address?                  13 A He lived with me from the age of 16 to                  14 21.                  15 Q Okay. And was – was the entire time at                  16 the Ederly address in Albany?                  17 A No.                  18 Q So he moved around with y'all?                  19 A (Witness nods head.)                  20 Q Okay. During the period of time that                  21 Mr. Hiers was living with you, was your ex-husband,                  22 did he have a drinking problem?                  23 A Yes.                  24 Q Was he physically abusive?                  25 A No.</p>

Page 14	Page 16
<p>1 BILLIPS - DEEN                  2 Q Okay. Was he abusive to Mr. Hiers?                  3 A No, he loved him like a brother.                  4 Q Okay. What led to your divorce from                  5 Mr. Deen?                  6 MR. FRANKLIN: Objection, but you                  7 can answer.                  8 (Interruption in proceedings.)                  9 BY MR. BILLIPS:                  10 Q Did either of your parents suffer from a                  11 drinking problem?                  12 A No.                  13 Q Okay. Now, your brother has – are you                  14 aware that your brother has been in rehabilitation                  15 for alcohol and cocaine addiction?                  16 MR. FRANKLIN: Objection, you can                  17 answer.                  18 THE WITNESS: Absolutely.                  19 BY MR. BILLIPS:                  20 Q And do you recall when that occurred?                  21 A Oh, my gosh, it was before I moved to                  22 Savannah; and to this day I'm convinced it was not                  23 his problem, but his wife's problem. But because                  24 Bubba was involved in it, I think he felt the right                  25 thing to do was to go with her.</p>	<p>1 BILLIPS - DEEN                  2 that he believed Bubba had a drinking problem?                  3 A Possibly. Possibly.                  4 Q Okay.                  5 A Karl had a lot to say.                  6 Q Karl had a lot to say?                  7 A Yes, he always does.                  8 Q Okay. On how many occasions did he                  9 communicate to you problems that he had heard or was                  10 aware of relating to Mr. Hiers?                  11 MR. FRANKLIN: Related to                  12 drinking, or just problems in general?                  13 What are you –                  14 MR. BILLIPS: Problems in                  15 general, anything.                  16 MR. FRANKLIN: Objection, overly                  17 broad, but go ahead.                  18 THE WITNESS: A couple of times                  19 maybe. He came to me one time to say                  20 he felt like the business would be                  21 better without Bubba, and my reply was                  22 well, that's not an option, it's my                  23 brother's business. It was funded by                  24 Deen money and the business belonged                  25 to him.</p>
Page 15	Page 17
<p>1 BILLIPS - DEEN                  2 Q Okay. And are you aware that he's                  3 currently drinking? I don't mean like right here at                  4 this second.                  5 MR. FRANKLIN: He doesn't have a                  6 styrofoam cup.                  7 THE WITNESS: Well, my brother is                  8 like every other man in my life, they                  9 drink socially.                  10 BY MR. BILLIPS:                  11 Q Okay.                  12 A But my brother does not have a drinking                  13 problem.                  14 Q Have you ever heard – reported to you                  15 that your brother was showing up at work at Uncle                  16 Bubba's Seafood while intoxicated?                  17 A No.                  18 Q No one ever told you that –                  19 A No.                  20 Q – was occurring?                  21 Did Karl Schumacher have a meeting with                  22 you in which he told you that your brother had                  23 showed up at a function intoxicated?                  24 A Not that I recall.                  25 Q Okay. Did Mr. Schumacher ever tell you</p>	<p>1 BILLIPS - DEEN                  2 BY MR. BILLIPS:                  3 Q Was there anything in your mind that                  4 your brother could do that would cause you to remove                  5 him?                  6 MR. FRANKLIN: Objection to the                  7 form.                  8 MR. WITHERS: Object to the form.                  9 THE WITNESS: Repeat that                  10 question.                  11 BY MR. BILLIPS:                  12 Q Well, let me ask you, did you feel that                  13 you have the authority to remove your brother from                  14 his position of the business?                  15 A That authority went both ways.                  16 Q Okay. In terms of practical control,                  17 isn't it true that your brother's business owed                  18 Paula Deen Enterprises hundreds of thousands of                  19 dollars?                  20 A That could be true.                  21 Q Okay.                  22 A Like I said, this was funded by Deen                  23 money.                  24 Q Okay. Did – when was it, if you                  25 recall, that Mr. Schumacher told you he thought the</p>

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1 BILLIPS - DEEN  
 2 business would be better off without Mr. Hiers?  
 3 A Oh, I don't recall.  
 4 Q Was it while Lisa Jackson was still  
 5 working there?  
 6 A Oh, without a doubt, yes.  
 7 Q Okay. And did he give you reasons why  
 8 he thought Mr. Hiers should not be in charge of the  
 9 business?  
 10 A I'm sure he did because his ear was  
 11 being filled by someone that wanted Bubba out of his  
 12 business.  
 13 Q Okay. And did those reasons include  
 14 allegations of sexual harassment?  
 15 A No.  
 16 Q Or racist conduct?  
 17 A No.  
 18 Q Are you aware of the – or how much do  
 19 you know about the evidence that has been obtained  
 20 in this lawsuit about your brother's conduct?  
 21 A I don't know. What is the evidence?  
 22 Q Well, the deposition testimony of  
 23 various employees.  
 24 MR. FRANKLIN: I'll object and  
 25 instruct her not to answer anything

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1 BILLIPS - DEEN  
 2 that I have told her –  
 3 MR. BILLINGS: Yes, I'm not –  
 4 MR. FRANKLIN: – about what's  
 5 going on in the litigation.  
 6 THE WITNESS: I was not here for  
 7 those, so I wouldn't know.  
 8 BY MR. BILLIPS:  
 9 Q Okay. Have you reviewed any of the  
 10 depositions that have been taken in this case, read  
 11 over any of them?  
 12 A If I have it's been a while.  
 13 Q Okay.  
 14 MR. FRANKLIN: I'll represent  
 15 they have not been presented to her.  
 16 BY MR. BILLIPS:  
 17 Q Okay. Are you aware – you were here  
 18 during your brother's deposition, right?  
 19 A Yes.  
 20 Q So you are aware of the things that he  
 21 admitted to?  
 22 A Absolutely.  
 23 Q Okay. Did any of those things cause you  
 24 any concern with regard to him continuing to operate  
 25 the business?

Page 20

1 BILLIPS - DEEN  
 2 MR. WITHERS: Objection.  
 3 MR. FRANKLIN: Objection. You  
 4 can answer. That's just lawyers  
 5 talking, you can answer.  
 6 THE WITNESS: One more time –  
 7 BY MR. BILLIPS:  
 8 Q Did any of the –  
 9 A – ask that question.  
 10 Q Did any of the things that your brother  
 11 admitted to doing, including reviewing – reviewing  
 12 pornography in the workplace, using the N word in  
 13 the workplace, did any of that conduct cause you to  
 14 have any concerns about him continuing to operate  
 15 the business?  
 16 A No. My brother and I, 25 years ago,  
 17 quite by accident, each started a business and we  
 18 each had \$200 to start that business. My brother  
 19 built the most successful long-service business in  
 20 Albany, Georgia with his \$200. My brother is  
 21 completely capable unless he's being sabotaged.  
 22 He sold his business the first day it  
 23 came up for sale in Albany to move over here and  
 24 help me with a business that was growing so fast I  
 25 could not do it alone. He sold his home, his rental

Page 21

1 BILLIPS - DEEN  
 2 property and his business the first day.  
 3 My brother had almost every commercial  
 4 account in Albany, Georgia, because these people  
 5 knew he would – he had integrity. And just because  
 6 he's got a sense of humor does not make him a bad  
 7 person or incapable –  
 8 Q Okay.  
 9 A – of running a business.  
 10 Q Now, does his sense of humor include  
 11 telling jokes about matters of a sexual nature?  
 12 MR. FRANKLIN: Ever, or what are  
 13 you –  
 14 BY MR. BILLIPS:  
 15 Q Sure.  
 16 A We have all told off-colored jokes.  
 17 Q Okay. Does his sense of humor include  
 18 telling jokes of a racial nature?  
 19 A I'm sure those kind of jokes have been  
 20 told. Every man I've ever come in contact with has  
 21 one.  
 22 Q Okay. Miss Deen, have you told racial  
 23 jokes?  
 24 A No, not racial.  
 25 Q Okay. Have you ever used the N word

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<p>1 BILLIPS - DEEN                  2 yourself?                  3 A Yes, of course.                  4 Q Okay. In what context?                  5 A Well, it was probably when a black man                  6 burst into the bank that I was working at and put a                  7 gun to my head.                  8 Q Okay. And what did you say?                  9 A Well, I don't remember, but the gun was                  10 dancing all around my temple.                  11 Q Okay.                  12 A I didn't - I didn't feel real favorable                  13 towards him.                  14 Q Okay. Well, did you use the N word to                  15 him as he pointed a gun in your head at your face?                  16 A Absolutely not.                  17 Q Well, then, when did you use it?                  18 A Probably in telling my husband.                  19 Q Okay. Have you used it since then?                  20 A I'm sure I have, but it's been a very                  21 long time.                  22 Q Can you remember the context in which                  23 you have used the N word?                  24 A No.                  25 Q Has it occurred with sufficient</p>	<p>1 BILLIPS - DEEN                  2 employees, of Uncle Bubba's who have testified that                  3 he frequently used the N word to refer to staff?                  4 MR. WITHERS: Objection.                  5 MR. FRANKLIN: Objection, that                  6 mischaracterizes the testimony, the                  7 word frequently.                  8 (Interruption in proceedings.)                  9 THE VIDEOGRAPHER: Time is 10:06                  10 a.m. We're off the record.                  11 (Recess.)                  12 THE VIDEOGRAPHER: The time is                  13 10:15 a.m. This is the beginning of                  14 DV tape two. We're back on the                  15 record.                  16 BY MR. BILLIPS:                  17 Q Miss Deen, you made reference to someone                  18 - that your brother was perfectly capable of                  19 operating a restaurant as long as someone wasn't                  20 sabotaging him.                  21 A Yes.                  22 Q Do you have any reason to believe that                  23 Sara Copeland would want to sabotage your brother?                  24 A I don't know who that is.                  25 Q Okay. What about Lindsay McCoy, do you</p>
Page 23	Page 25
<p>1 BILLIPS - DEEN                  2 frequency that you cannot recall all of the various                  3 context in which you've used it?                  4 A No, no.                  5 Q Well, then tell me the other context in                  6 which you've used the N word?                  7 A I don't know, maybe in repeating                  8 something that was said to me.                  9 Q Like a joke?                  10 A No, probably a conversation between                  11 blacks. I don't - I don't know.                  12 Q Okay.                  13 A But that's just not a word that we use                  14 as time has gone on. Things have changed since the                  15 '60s in the south. And my children and my brother                  16 object to that word being used in any cruel or mean                  17 behavior.                  18 Q Okay.                  19 A As well as I do.                  20 Q Are you aware that your brother has                  21 admitted to using that word at work?                  22 A I don't know about that.                  23 Q All right.                  24 A I'm not sure about that.                  25 Q Are you aware of employees, or former</p>	<p>1 BILLIPS - DEEN                  2 know her?                  3 A No.                  4 Q Do you have any reason to believe that                  5 she would want to sabotage your brother's operation                  6 of the restaurant?                  7 A I have no idea. Since I don't know her,                  8 I wouldn't have a clue.                  9 Q Okay. What about Laura Campbell, do you                  10 know who she is?                  11 A Yeah, she's a painter here in town.                  12 Q Okay. And do you know of any reason she                  13 would have to want to sabotage your brother or any                  14 of the businesses that are - that are - which                  15 you're associated?                  16 MR. FRANKLIN: Objection to the                  17 extent I don't know how she's going to                  18 know what somebody else is thinking.                  19 BY MR. BILLIPS:                  20 Q Do you have any reason to believe, any                  21 basis on which to suspect that these people might                  22 want to sabotage you or sabotage your brother?                  23 A Not to my knowledge, but as - as my                  24 success grew, I realized that people can experience                  25 an emotion called jealousy.</p>

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<p>1 BILLIPS - DEEN                  2 Q Okay. Do you think jealousy would cause                  3 Sara Copeland to testify that your brother used the                  4 N word?                  5 A I don't know Sara, so I can't - I can't                  6 predict what she's thinking.                  7 Q Okay.                  8 (Interruption in proceedings.)                  9 BY MR. BILLIPS:                  10 Q Miss Deen, among the things that                  11 Mr. Schumacher told you about, did he include any                  12 mention of Mr. Hiers displaying pornography to or                  13 including the female subordinate employees?                  14 A No, I was not aware.                  15 Q Okay. Did he ever tell you about                  16 Mr. Hiers coming in and putting some pornographic                  17 pictures down on the table at the beginning of the                  18 manager's meeting for everyone's -                  19 A I heard - I heard that Lisa Jackson had                  20 made a copy of some kind of pornographic picture for                  21 the meeting as a joke.                  22 Q Okay. You heard that it was Lisa                  23 Jackson?                  24 A Yes.                  25 Q And that Miss Jackson brought those</p>	<p>1 BILLIPS - DEEN                  2 entity that operates that restaurant; is that                  3 correct?                  4 MR. FRANKLIN: If you know.                  5 BY MR. BILLIPS:                  6 Q Do you know?                  7 A I don't know.                  8 Q Are - are you a 50% owner of the                  9 corporation?                  10 A Yes.                  11 Q Okay. Does the corporation have                  12 meetings, board meetings? Have you ever had a meet                  13 - a board meeting of a corporation?                  14 A No.                  15 Q Okay. Is that true of all of the                  16 corporations that which you were involved that y'all                  17 don't have board meetings?                  18 A No, no.                  19 Q Did there - have you ever seen any                  20 board minutes of any of the - of anything that the                  21 corporations have decided to do?                  22 A Not that I recall.                  23 Q Okay. And to your knowledge, there's                  24 never been a single official board meeting for Paula                  25 Deen Enterprises, or -</p>
Page 27	Page 29
<p>1 BILLIPS - DEEN                  2 pictures in?                  3 A Yes.                  4 Q Okay. Are you aware Mr. Schumacher                  5 testified yesterday that it was Mr. Hiers -                  6 A No.                  7 Q - who brought those pictures in?                  8 A I wasn't here yesterday.                  9 Q Okay. And from whom did you hear that                  10 it was Miss Jackson?                  11 A I don't remember.                  12 MR. FRANKLIN: And objection,                  13 don't talk about anything you got                  14 confused in listening to me about it.                  15 BY MR. BILLIPS:                  16 Q Now, Mr. Schumacher told you about                  17 Mr. Hiers taking money from the restaurant without                  18 recording or telling anyone what he was doing,                  19 correct?                  20 A Yes.                  21 Q And Mr. Schumacher actually used the                  22 word stealing?                  23 A Yes.                  24 Q Now, the corporation that actually                  25 operates Uncle Bubba's is a - there is a corporate</p>	<p>1 BILLIPS - DEEN                  2 A Oh, yes, for Paula Deen Enterprises.                  3 Q You have official board meetings?                  4 A Yes.                  5 Q Okay. What about for Uncle Bubba's                  6 Seafood and Oyster House, Incorporated?                  7 A No. They have - I think they have a                  8 weekly meeting on Thursdays, but my job is no longer                  9 - is no longer in the restaurant.                  10 Q Okay.                  11 A You know, I - I've hired capable people                  12 to do their job and I don't micromanage, I allow                  13 them to do their job. I know that they're human and                  14 not every decision they make will be good, but                  15 that's the risk of doing business.                  16 Q Other than yourself, is there anyone on                  17 the board of directors of Paula Deen Enterprises?                  18 A Yes.                  19 Q Who?                  20 A Both of my sons.                  21 Q Okay. And do they have any ownership                  22 interest in Paula Deen Enterprises?                  23 A No.                  24 Q Was it ever brought to your attention                  25 that Lisa Jackson had complained to anyone about</p>

<p>Page 30</p> <p>1 BILLIPS - DEEN                  2 racial harassment or racist comments by Mr. Hiers?                  3 A No.                  4 Q Okay. Did Miss Jackson ever complain to                  5 you about Mr. Hiers on – with regard to anything?                  6 A Not – not that I recall. I – I didn't                  7 have much contact with her.                  8 Q Okay.                  9 A But no.                  10 Q Was there any formal mechanism for                  11 people to complain to you if your brother acted                  12 inappropriately?                  13 A I knew Karl would come to me. He was –                  14 he was – would have been my earpiece.                  15 Q Okay.                  16 A Or Bubba.                  17 Q Did Mr. Hiers report to you that he had                  18 engaged in racially or sexually inappropriate                  19 behavior?                  20 A No.                  21 Q Okay. Now, if you had learned of                  22 Mr. Hiers engaging in racially or sexually                  23 inappropriate behavior in the workplace, what, if                  24 any, actions would you have taken?                  25 MR. WITHERS: Objection, vague.</p>	<p>Page 32</p> <p>1 BILLIPS - DEEN                  2 deposition in this case, correct?                  3 MR. WITHERS: Object to form.                  4 MR. FRANKLIN: Object.                  5 BY MR. BILLIPS:                  6 Q Do you think it's inappropriate to –                  7 MR. FRANKLIN: Let her answer the                  8 question you asked.                  9 THE WITNESS: Ask that question                  10 one more time, please.                  11 BY MR. BILLIPS:                  12 Q Are you aware of Mr. Hiers admitting                  13 that he engaged in racially and sexually                  14 inappropriate behavior in the workplace?                  15 MR. FRANKLIN: Objection, she's                  16 aware of what?                  17 MR. BILLIPS: Let her answer.                  18 THE WITNESS: Just what – what's                  19 being said, that's –                  20 BY MR. BILLIPS:                  21 Q Okay. What he said during his                  22 deposition?                  23 A I guess.                  24 Q Okay.                  25 A If I was sitting here I would have heard</p>
<p>Page 31</p> <p>1 BILLIPS - DEEN                  2 MR. FRANKLIN: Objection. I                  3 think you have to describe what you                  4 consider sexually inappropriate.                  5 There's a whole gambit of things from                  6 mild to over the top. It's overly                  7 broad, the question.                  8 BY MR. BILLIPS:                  9 Q You can answer.                  10 A I certainly would have addressed it.                  11 Q Have you ever addressed Mr. Hiers'                  12 racially or sexually inappropriate conduct?                  13 MR. FRANKLIN: Objection, because                  14 there's been no testimony that she was                  15 ever made aware of any.                  16 MR. BILLIPS: Is your objection                  17 as to the form?                  18 MR. FRANKLIN: I think you heard                  19 my objection.                  20 BY MR. BILLIPS:                  21 Q You can answer.                  22 A No.                  23 Q And you are aware of his – him                  24 admitting to engaging in racially and sexually                  25 inappropriate behavior in the workplace in his</p>	<p>Page 33</p> <p>1 BILLIPS - DEEN                  2 it.                  3 Q Okay. Well, have you done anything                  4 about what you heard him admit to doing?                  5 A My brother and I have had conversations.                  6 My brother is not a bad person. Do humans behave                  7 inappropriately? At times, yes. I don't know one                  8 person that has not. My brother is a good man.                  9 Have we told jokes? Have we said things                  10 that we should not have said, that – yes, we all                  11 have. We all have done that, every one of us.                  12 Q Have you had any conversations with your                  13 brother about his conduct in the workplace and that                  14 he should not engage in such conduct in the future?                  15 A Yes.                  16 Q Okay. When – when you first – when                  17 did you first – strike.                  18 You said you have had such conversations                  19 with him. When did you do so?                  20 A Oh, my goodness, Mr. Billips.                  21 Q Over the years, or recently, or what?                  22 A When Karl told me he was stealing, I                  23 addressed that with Bubba.                  24 Q And as a result of Mr. Hiers stealing,                  25 he received a pay increase and the money he had</p>

<p>Page 34</p> <p>1 BILLIPS - DEEN                  2 taken was recharacterized as wages; is that correct?                  3 A I – I don't know how it was settled. I                  4 know that Karl was paying Lisa Jackson more than my                  5 brother was being paid; so if there was a salary                  6 increase, it would have been long overdue.                  7 Q Okay. Did Karl set Lisa Jackson's                  8 salary?                  9 A I would say yes.                  10 Q Okay. And Mr. Hiers did not have any                  11 involvement in setting that salary?                  12 A I would not know.                  13 Q Okay.                  14 A I would not know that.                  15 Q Did Karl generally set salaries for                  16 managerial employees at the restaurants?                  17 A Yes.                  18 Q Okay.                  19 A My – my answer would be yes on that.                  20 Whether he collaborated with Bubba or either of my                  21 children, I – I wouldn't know the answer to that.                  22 Q Okay. But it was within his ballywig to                  23 actually set the salary?                  24 A Yes, yes.                  25 Q Did you ever feel like – did you ever</p>	<p>Page 36</p> <p>1 BILLIPS - DEEN                  2 BY MR. BILLIPS:                  3 Q Oh, I'm sorry, I thought she was.                  4 A Karl is the most judgmental person I                  5 know. And out of every team member on our team, he                  6 is certainly the most prejudice.                  7 Q Prejudice against who?                  8 A You name it.                  9 Q African-Americans?                  10 A Gays, you name it. If you drink, you're                  11 a bad person. If you use four letter words, you're                  12 a bad person. If you don't think like he thinks,                  13 you're a bad person.                  14 Q Is he –                  15 A He is a one-man jury.                  16 Q Is he prejudice against                  17 African-Americans?                  18 A I – no, I don't – no. I would say the                  19 answer to that one would be no.                  20 Q What about women, does he feel like                  21 women should not be in the workplace?                  22 A No, I don't think he feels that way.                  23 Q So –                  24 A Morally he's very judgmental.                  25 Q Okay.</p>
<p>Page 35</p> <p>1 BILLIPS - DEEN                  2 feel that Karl Schumacher was trying to sabotage                  3 Mr. Hiers?                  4 MR. FRANKLIN: At what point in                  5 time? Any point in time?                  6 BY MR. BILLIPS:                  7 Q Ever.                  8 A You know, hindsight is 20/20. When                  9 Bubba and I opened Uncle Bubba's Oyster House, he                  10 and I debated about giving Karl Schumacher a                  11 percentage of the business, just to have a third                  12 party, and Karl was aware of this.                  13 And Bubba and I continued to have                  14 conversation about it, and Bubba and I decided that                  15 there was – we would not need a third party, that                  16 he and I could come to terms with anything that we                  17 disagreed on, so we opted not to give Mr. Schumacher                  18 any percentage, and I think Karl always resented                  19 that. And like I said, this is me looking back.                  20 Q When did you first come to that                  21 conclusion?                  22 MR. WITHERS: Objection.                  23 MR. FRANKLIN: Objection.                  24 MR. WITHERS: I don't think she                  25 was finished.</p>	<p>Page 37</p> <p>1 BILLIPS - DEEN                  2 A And who's without sin cast that first                  3 stone.                  4 Q Did you ever talk to Mr. Hiers about                  5 inappropriate behavior other than stealing?                  6 A No.                  7 Q Okay.                  8 A Because I was not aware of it.                  9 Q All right. Now – and if – and it's                  10 your testimony that Mr. Schumacher never brought to                  11 your attention Mr. Hiers displaying pornography in                  12 the workplace?                  13 MR. FRANKLIN: Asked and                  14 answered.                  15 BY MR. BILLIPS:                  16 Q Is that correct?                  17 A I don't recall him ever.                  18 Q Okay. Were you ever aware from any                  19 other – other source prior to – or excuse me, or                  20 during Miss Jackson's employment that Mr. Hiers was                  21 viewing pornography in the workplace?                  22 A No. I know that men are really, really                  23 guilty of sending inappropriate jokes to each other.                  24 My husband would be under the jail if that were a                  25 sin right now.</p>

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<p>1 BILLIPS - DEEN                  2 Q Do you understand that there is some                  3 conduct that one can engage in outside the workplace                  4 that is not appropriate to inflict on your                  5 subordinate employees in the workplace?                  6 A One more time, please.                  7 Q Are you aware that there is some conduct                  8 that is allowed under the law outside the workplace                  9 that supervisors and managers cannot inflict on                  10 their subordinates employees inside the workplace?                  11 A Yes. I think I understand what you're                  12 asking, and yes.                  13 Q Okay. And are you aware that Mr. Hiers,                  14 in addition to receiving these pornographic images                  15 and sexual jokes, would display them to his                  16 subordinate employees?                  17 MR. WITHERS: Object to form.                  18 MR. FRANKLIN: Objection. You                  19 can answer, Paula.                  20 THE WITNESS: I know that that                  21 computer's in the office and anybody                  22 can come in and snoop. What I know                  23 about a computer, Mr. Billips, you                  24 could slip through an eye of a needle                  25 because I think when people sit at</p>	<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A And he relayed it to me.                  4 Q And what did he relay to you?                  5 A He relayed to me that Miss Jackson told                  6 Karl that Karl – that Bubba went into the kitchen                  7 and put his hands on Big Will and shook him and said                  8 vile things to Big Will. And Karl was walking into                  9 Bubba's office that morning, and Bubba could tell by                  10 the look on Karl's face that he had a problem. And                  11 Bubba said, Karl, are you all right? And he said,                  12 no, I'm not all right. Lisa just told me what your                  13 brother did. And Bubba was shocked.                  14 Q Lisa just told me what your brother did?                  15 A Yes.                  16 Q Who did he say Karl said that to?                  17 A To Bubba. No, Bubba asked Karl what was                  18 the matter. Karl said Lisa just told me what you                  19 did to Big Will. And Bubba said, what are you                  20 talking about? Karl relayed everything Lisa had                  21 said to Bubba, and Bubba said, well, Karl, that's                  22 not true. Come to the kitchen with me right now and                  23 let's go see Big Will.                  24 Q Okay.                  25 A And Big Will confirmed Bubba's telling</p>
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<p>1 BILLIPS - DEEN                  2 that keyboard they become rich, brave                  3 and invisible, and it's just a                  4 situation that I never wanted to put                  5 myself in.                  6 BY MR. BILLIPS:                  7 Q Did – now, did you hear of an incident                  8 involving an employee referred to as Big Will?                  9 A Oh, yes.                  10 Q And as you – the incident was first                  11 described to you, it involved a – essentially an                  12 attack on Mr. Frazier?                  13 MR. FRANKLIN: Objection.                  14 MR. WITHERS: Objection.                  15 MR. BILLIPS: I'm sorry?                  16 MR. WITHERS: Objection.                  17 BY MR. BILLIPS:                  18 Q Did it, as first described to you,                  19 involve what was described as an attack on                  20 Mr. Frazier by Mr. Hiers?                  21 A No. The first time I heard about the                  22 story Bubba relayed it to me.                  23 Q Okay.                  24 A And he said, you know, you're not going                  25 to believe this.</p>	<p>1 BILLIPS - DEEN                  2 of what happened.                  3 Q Okay.                  4 A It was nothing like Miss Jackson said it                  5 was; but one more time she had his ear, and Karl was                  6 perfectly willing to eat up every word she said                  7 without checking.                  8 Q Okay. So Mr. Schumacher – this is                  9 according to what Mr. Hiers has told you at the                  10 time, Mr. Schumacher –                  11 A Yes.                  12 Q – showed up at the restaurant, came up                  13 to Mr. Hiers, and said I heard – Lisa Jackson told                  14 me what you did; and did he say to Big Will, what                  15 you did to Big Will?                  16 A Yes.                  17 Q Okay. And he then – Mr. Schumacher                  18 then explained to Mr. Hiers exactly what he had                  19 heard.                  20 A Yes.                  21 Q And told him he had heard it from Lisa                  22 Jackson.                  23 A Yes.                  24 Q And that then Mr. Hiers denied it and                  25 took Mr. Schumacher with him to go and talk to</p>

Page 42	<p>1 BILLIPS - DEEN</p> <p>2 Mr. Frazier.</p> <p>3 A Yes.</p> <p>4 Q Okay. So the two of them went and</p> <p>5 talked to Mr. Frazier together, and Mr. Hiers told</p> <p>6 you what he had heard Big Will say to</p> <p>7 Mr. Schumacher, correct?</p> <p>8 They went – they went to Big Will</p> <p>9 together, right?</p> <p>10 A Yes.</p> <p>11 Q Mr. Schumacher asked Big Will what had</p> <p>12 happened.</p> <p>13 A Big Will confirmed Bubba's description</p> <p>14 of what happened.</p> <p>15 Q Okay. And –</p> <p>16 A And Bubba put his hand on his shoulder</p> <p>17 and he said, please, Big Will –</p> <p>18 Q Okay.</p> <p>19 A – I need to know if this young man</p> <p>20 indeed insulted a young woman in that way. And –</p> <p>21 Q And my question is –</p> <p>22 MR. WITHERS: Well, let her</p> <p>23 finish.</p> <p>24 MR. FRANKLIN: Yeah, she's still</p> <p>25 talking.</p>	Page 44	<p>1 BILLIPS - DEEN</p> <p>2 because Bubba wanted to – for Karl to hear what</p> <p>3 really happened.</p> <p>4 Q Okay. Mr. Schumacher did not go and</p> <p>5 interview Mr. Frazier outside of Mr. Hiers presence?</p> <p>6 A I don't think so, but again, I was not</p> <p>7 there.</p> <p>8 Q Right. But according to what Mr. Hiers</p> <p>9 told you, they interviewed Mr. Frazier together,</p> <p>10 correct?</p> <p>11 A To my knowledge.</p> <p>12 Q Okay. Now, are you aware that there are</p> <p>13 cameras in the restaurant?</p> <p>14 A Yes.</p> <p>15 Q And the cameras would have picked up</p> <p>16 what actually happened –</p> <p>17 MR. WITHERS: Object to form.</p> <p>18 MR. FRANKLIN: Object to form.</p> <p>19 BY MR. BILLIPS:</p> <p>20 Q – on this occasion?</p> <p>21 MR. WITHERS: Same objection.</p> <p>22 BY MR. BILLIPS:</p> <p>23 Q You can answer.</p> <p>24 A I don't know where the cameras are</p> <p>25 located in the kitchen. I know that we do have</p>
Page 43	<p>1 BILLIPS - DEEN</p> <p>2 BY MR. BILLIPS:</p> <p>3 Q Go ahead.</p> <p>4 A So what Lisa described as Bubba hitting</p> <p>5 and pushing Big Will, was actually a hand on Big</p> <p>6 Will's shoulder saying, Big Will, please, please,</p> <p>7 tell me the truth, this is important. And Bubba had</p> <p>8 to get to the bottom, if indeed there was verbal</p> <p>9 abuse in the kitchen.</p> <p>10 Q Okay. So if I'm understanding</p> <p>11 correctly, Mr. Schumacher and Mr. Hiers went</p> <p>12 together to talk to Mr. Frazier?</p> <p>13 A Ah-ha.</p> <p>14 Q And Mr. Hiers asked Mr. Frazier to</p> <p>15 confirm what he had just said to Mr. Schumacher.</p> <p>16 A He asked Big Will to tell Karl what</p> <p>17 happened.</p> <p>18 Q Okay.</p> <p>19 A And he did, and his story matched up</p> <p>20 with Bubba's.</p> <p>21 Q Okay.</p> <p>22 A It did not match up with Lisa Jackson's.</p> <p>23 Q Okay. So when Mr. Schumacher talked to</p> <p>24 Mr. Frazier, Mr. Hiers was present, correct?</p> <p>25 A Yes, the two of them went to the kitchen</p>	Page 45	<p>1 BILLIPS - DEEN</p> <p>2 cameras, but I don't know where they're located.</p> <p>3 And I don't know where the conversation took place,</p> <p>4 so.</p> <p>5 Q Okay. Now, you were – you're aware</p> <p>6 that Miss Jackson had claimed to have witnessed this</p> <p>7 incident, right?</p> <p>8 A Yes, apparently, because that's how the</p> <p>9 story she told –</p> <p>10 Q Right.</p> <p>11 A – apparently came about.</p> <p>12 Q And did you consider confronting Miss</p> <p>13 Jackson with the videotape evidence to see – to ask</p> <p>14 her, you know –</p> <p>15 A No.</p> <p>16 Q – if it – if it was contrary to the</p> <p>17 videotape evidence, why she would tell such a story?</p> <p>18 A I never saw Lisa Jackson again after</p> <p>19 that point. I remember one day coming by the</p> <p>20 restaurant to see how Lisa was doing. She was out</p> <p>21 with some kind of sickness. And seems like she had</p> <p>22 been out for a while, so I dropped in to find out</p> <p>23 how she was feeling, how she was doing, and I never</p> <p>24 – I never saw her – she never came back to work,</p> <p>25 so I never, never saw her again.</p>

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<p>1 BILLIPS - DEEN                  2 Q Okay. Now, were you aware that there                  3 was another witness to the incident between                  4 Mr. Hiers and Mr. Frazier?                  5 A No. No, I wasn't. I was not worried                  6 about witnesses after Big Will relaying the story.                  7 You know, there was – there was no need to doubt                  8 his word and rely on anyone besides himself.                  9 Q Because, of course, there's no                  10 possibility he could fear for his job?                  11 A Oh, no, no. He's – he's been with us.                  12 In fact, I call him handsome. He – he is – he's                  13 secure in his job. He does a good job.                  14 Q He – are you aware of a videotape of a                  15 witness to the event describing it?                  16 A Seems like I heard something.                  17 MR. FRANKLIN: Yeah, don't talk                  18 about anything I told you about.                  19 That's attorney/client privilege.                  20 BY MR. BILLIPS:                  21 Q Have you seen the videotape?                  22 A No.                  23 Q Okay. Now, so let me ask you something,                  24 the first you heard about this incident involving                  25 Big Will was from your brother.</p>	<p>1 BILLIPS - DEEN                  2 fired, that's – that's just not something you                  3 remember hearing?                  4 A No.                  5 MR. WITHERS: Object to –                  6 MR. FRANKLIN: Objection.                  7 MR. WITHERS: – that                  8 characterization.                  9 MR. FRANKLIN: Yeah.                  10 BY MR. BILLIPS:                  11 Q Okay. So – now, we have had testimony                  12 from Mr. Schumacher and Mr. Gerard both of a meeting                  13 at which you were present, and which Mr. Weiner was                  14 present.                  15 A Can you tell me where the meeting was                  16 held?                  17 Q Ma'am, I don't – I don't know that it                  18 was – anybody said, I think at your house, at which                  19 the Big Will incident was described to you?                  20 A I don't know, Mr. Billips, because by                  21 the time I heard about it there was no problem.                  22 Q Okay.                  23 A I heard about this after the fact.                  24 Q Did Karl Schumacher ever talk to you                  25 about the Big Will incident?</p>
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<p>1 BILLIPS - DEEN                  2 A Yes.                  3 Q So prior to your brother coming and                  4 talking to you about it, wasn't there a meeting                  5 between you and Karl Schumacher and Barry – it's                  6 Weiner or Wiener?                  7 A Weiner.                  8 Q – Barry Weiner and Jim Gerard at which                  9 you all went over what was alleged to have happened                  10 during the Big Will incident?                  11 A Oh, my gosh, Mr. Billips, I don't                  12 recall. I stay extremely busy and I'm probably in                  13 town half a year.                  14 Q Well, if somebody reported –                  15 A And –                  16 MR. FRANKLIN: Let her finish the                  17 answer.                  18 BY MR. BILLIPS:                  19 Q I'm sorry, go ahead. I thought she was                  20 done.                  21 A And I have a lot on my plate, and –                  22 Q Okay. If somebody reported to you that                  23 this valued employee, Will Frazier, had been                  24 physically shaken by your brother and that he's                  25 afraid of your brother because he thinks he'll get</p>	<p>1 BILLIPS - DEEN                  2 A I just – I don't recall. I don't ever                  3 recall it being a topic of conversation, but that                  4 doesn't mean that it didn't happen just because I                  5 can't remember.                  6 Q Okay. Well, you remember when Karl came                  7 and talked to you about your brother stealing,                  8 right?                  9 A Yes.                  10 Q Okay. And was it – where was that                  11 meeting?                  12 A It was probably in my bathroom.                  13 Q Okay. Was anyone else – was anyone                  14 else present?                  15 A No, just –                  16 MR. FRANKLIN: Perhaps on the                  17 record she ought to explain, her                  18 bathroom is a little different than                  19 bathrooms in most of our houses.                  20 BY MR. BILLIPS:                  21 Q She can if she'd like.                  22 A Well, my bathroom is off of my bedroom                  23 and there's a sofa and two chairs, and it's a                  24 bathroom/den combination.                  25 Q Okay. Let me show you what has</p>

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<p>1 BILLIPS - DEEN                  2 previously been marked as Exhibit 57. It's an                  3 August 16, 2010 memo from Karl Schumacher, and ask                  4 you to read this over and tell me if you've seen it                  5 before.                  6 A No, I have not seen this.                  7 Q Have you seen it in preparation for your                  8 testimony?                  9 A No.                  10 Q Okay. So you've never seen it before at                  11 all?                  12 A No.                  13 Q Okay.                  14 A No, never seen it.                  15 Q And did – when Mr. Hiers came and told                  16 you about the incident where he was confronted by                  17 Mr. Schumacher about allegedly assaulting Big Will,                  18 it's your testimony that it was a complete surprise                  19 to you that that allegation had been made, correct?                  20 A Yes. That would – that would surprise                  21 me –                  22 Q Right.                  23 A – if someone said my brother physically                  24 assaulted someone, yes.                  25 Q Okay. And you had never heard that</p>	<p>1 BILLIPS - DEEN                  2 A Not to my knowledge, no.                  3 Q Okay. Have you ever invited him?                  4 A No.                  5 Q Okay. Now, do you recall the incident                  6 involving Dustin Walls and Ray Parrish?                  7 A Yes.                  8 Q Okay. And did you –                  9 A I'm aware of that.                  10 Q All right. And Mr. Walls was found to                  11 have called Mr. –                  12 A Allegedly.                  13 Q – Parrish –                  14 A I was not there, so.                  15 Q Right.                  16 A Mine is through hearsay.                  17 Q And the investigation that was conducted                  18 by Mr. Schumacher of that incident, he found that                  19 Mr. Walls had, in fact, called Mr. Parrish a monkey,                  20 you're aware of that?                  21 A I'm aware of that accusation. I was                  22 never given a tape or any proof of what exactly was                  23 said, but when Karl called that to my attention, my                  24 words to Karl was we're not going to tolerate name                  25 calling, and so to handle it. Write him up, do</p>
Page 51	Page 53
<p>1 BILLIPS - DEEN                  2 allegation prior to your brother coming to you.                  3 A No.                  4 Q Okay.                  5 A No. I've never known – I'm 66 years                  6 old, I'm seven years older than my little brother,                  7 and to my knowledge he has never been in a physical                  8 fight in his life.                  9 Q Okay. Have you – on how many                  10 occasions, if at all, have you met with Jim Gerard,                  11 Karl Schumacher and Barry Weiner to discuss problems                  12 relating to your brother's conduct or alleged                  13 conduct?                  14 A None that I know of.                  15 Q Okay. Now, did you ever suggest having                  16 Big Will out to your house, or did he ever – has                  17 Big Will ever come out to your house?                  18 MR. FRANKLIN: Objection,                  19 compound question.                  20 BY MR. BILLIPS:                  21 Q Has Will Frazier ever come to your                  22 house?                  23 A Not while I was there.                  24 Q Okay. Has he ever come there, to your                  25 knowledge, when you weren't there?</p>	<p>1 BILLIPS - DEEN                  2 something.                  3 Q Did you suggest bringing Mr. Parrish out                  4 to your house to massage him or make him feel                  5 better?                  6 A Absolutely not, no.                  7 Q Okay. And I don't mean physically                  8 massage.                  9 A I wouldn't physically or mentally do                  10 either.                  11 Q Have you ever used that term as a way of                  12 describing making someone feel better, to massage                  13 them?                  14 A No, I massage my meat and I massage my                  15 husband sometimes, but that's about the only time I                  16 use that word.                  17 Q Okay. Now, did you ever have a                  18 discussion with Theresa Feuger about Miss Jackson or                  19 Miss Jackson's truthfulness?                  20 A I would say yes.                  21 Q When was that, while she was still                  22 employed or afterwards?                  23 A It was probably afterwards.                  24 Q Okay. And –                  25 A Yeah, Theresa – Theresa told me that</p>

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<p>1 BILLIPS - DEEN</p> <p>2 she found, in trying to work with Lisa, that she</p> <p>3 always blew things up, and when Theresa would go out</p> <p>4 there, it was – would be like nothing.</p> <p>5 Q Did she give any examples?</p> <p>6 A No. I just remember Lisa (sic) telling</p> <p>7 that she'd take a little grain of the truth and then</p> <p>8 she would write her own story –</p> <p>9 Q Okay.</p> <p>10 A – to it –</p> <p>11 Q Okay.</p> <p>12 A – is what I was told.</p> <p>13 Q And you can't recall any specific</p> <p>14 incident to which she was referring?</p> <p>15 A No, I just remember Theresa saying that.</p> <p>16 Q Okay. Did you talk to any of the other</p> <p>17 employees at Uncle Bubba's about Miss Jackson,</p> <p>18 either during her employment or afterwards?</p> <p>19 A No. I would not do that, but I have had</p> <p>20 a lot come up to me. I met a young woman Friday</p> <p>21 night at dinner, and she introduced herself and she</p> <p>22 said she used to work at Uncle Bubba's. And she</p> <p>23 said I was actually a manager, but Lisa fired me.</p> <p>24 She said there was just no getting along with her.</p> <p>25 Q What was her name?</p>	<p>1 BILLIPS - DEEN</p> <p>2 A This was at South Beach Food and Wine.</p> <p>3 Robert Irvine is a good friend of mine, and I was on</p> <p>4 stage and he – he usually comes out.</p> <p>5 Q Okay. And was it in front of a live</p> <p>6 audience?</p> <p>7 A Yes.</p> <p>8 Q All right.</p> <p>9 A Eighteen and older, no children allowed.</p> <p>10 Q Why is that?</p> <p>11 A Because it's a food and wine.</p> <p>12 Q Okay.</p> <p>13 A It's alcohol –</p> <p>14 Q All right.</p> <p>15 A – involved, and it's for charity.</p> <p>16 Q Have you made appearances in front of</p> <p>17 live audiences that were not 18 and older?</p> <p>18 A On occasion.</p> <p>19 Q Okay. Have you ever had any – received</p> <p>20 any complaints about your conduct being</p> <p>21 inappropriate?</p> <p>22 A I haven't, but I'm sure that some have</p> <p>23 been made because I found out that I am not capable</p> <p>24 of pleasing everyone all the time.</p> <p>25 Q Okay. Well, I'm – I'm talking more</p>
Page 55	Page 57
<p>1 BILLIPS - DEEN</p> <p>2 A You know, I don't remember. I could</p> <p>3 find out through my daughter.</p> <p>4 MR. FRANKLIN: We are trying to</p> <p>5 locate her.</p> <p>6 THE WITNESS: I just said, well,</p> <p>7 I'm sorry, we're finding that out a</p> <p>8 lot now, but she's gone so you can</p> <p>9 come back and apply.</p> <p>10 BY MR. BILLIPS:</p> <p>11 Q Okay.</p> <p>12 MR. FRANKLIN: Do you want to</p> <p>13 take a break for a second?</p> <p>14 THE VIDEOGRAPHER: The time is</p> <p>15 11:04 a.m. We're off the record.</p> <p>16 (Recess.)</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 11:16 a.m. This is beginning of DV</p> <p>19 tape 3. We're back on the record.</p> <p>20 BY MR. BILLIPS:</p> <p>21 Q Miss Deen, I'd like to show you what has</p> <p>22 previously been marked Exhibits 54 and 55.</p> <p>23 A Okay.</p> <p>24 Q And ask you, first of all, where were</p> <p>25 those pictures taken?</p>	<p>1 BILLIPS - DEEN</p> <p>2 about allegations or complaints that your use of</p> <p>3 obscenities and off-color jokes were considered</p> <p>4 inappropriate for the children who were in the</p> <p>5 audience?</p> <p>6 A No. I wouldn't – I wouldn't do that</p> <p>7 around children. I wouldn't – I wouldn't tell some</p> <p>8 jokes around children.</p> <p>9 Q Okay. Would complaints about your</p> <p>10 appearances come directly to you, or would they go</p> <p>11 to someone else?</p> <p>12 A They would probably – excuse me, they</p> <p>13 would probably go to my corporate office.</p> <p>14 Q Okay. And who – to whom would they be</p> <p>15 directed once they arrived at your corporate office?</p> <p>16 Karl?</p> <p>17 A Probably.</p> <p>18 Q Okay. Now, you indicated a moment ago</p> <p>19 that you have come to the conclusion that Karl, I</p> <p>20 forget exactly how you phrased it, but that he was</p> <p>21 jealous or resentful of the fact that he was not a</p> <p>22 part owner of Uncle Bubba's.</p> <p>23 A Like I said, that's – that's my</p> <p>24 conclusion in hindsight, Mr. Billips. I had never</p> <p>25 thought that up until recently in – in looking back</p>

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<p>1 BILLIPS - DEEN                  2 and trying to figure out why he was so resentful of                  3 Bubba on every turn.                  4 Q Okay. And what made you draw that                  5 conclusion recently?                  6 A Well, it's the only thing that makes                  7 sense to me.                  8 Q No. I mean, what - did some new                  9 information come to you that caused you to draw that                  10 conclusion?                  11 A No. No, not new information, just -                  12 just -                  13 Q Did he do something different?                  14 MR. FRANKLIN: Let her -                  15 MR. WITHERS: I object to you                  16 continuing to cut her off when she                  17 stops with an interjection.                  18 BY MR. BILLIPS:                  19 Q Go ahead.                  20 A It - it's just the only conclusion I                  21 can come to that makes any kind of sense.                  22 Q Okay.                  23 A You know, I just - it's the only thing                  24 that makes sense. It's the only thing that I can                  25 come up with that can make any semblance of sense in</p>	<p>1 BILLIPS - DEEN                  2 Lisa and Karl had their ear.                  3 Q Okay.                  4 A Every information they got was from Karl                  5 and Lisa, the two people that wanted to see my                  6 brother out of his very own business.                  7 Q Okay. So -                  8 A Do I believe a word they said? No, I do                  9 not.                  10 Q Okay. So they were conspiring with Karl                  11 and Lisa?                  12 A Listen, they - they - they fell for                  13 everything Lisa and Karl told them.                  14 Q Okay.                  15 A Spent very little time with my brother                  16 and almost none with me.                  17 Q Okay. Well, were you available to spend                  18 time with them?                  19 A For something that important, I make                  20 time.                  21 Q Okay. Well, what do you mean for                  22 something that important?                  23 A Well, we were spending a lot of money                  24 hiring this company.                  25 Q Okay. So did you make time to come out</p>
Page 59	Page 61
<p>1 BILLIPS - DEEN                  2 my mind as to why he would -                  3 Q Why he would what?                  4 A Why he would be so quick to believe                  5 things.                  6 Q What things?                  7 A That was reported to him about Bubba.                  8 Q Like what?                  9 A Well, like, didn't he say Bubba was a                  10 drunk? Didn't he say he was a thief? Didn't he say                  11 he didn't have sense enough to run a business? Why                  12 would he say those things? Why would he be so                  13 willing to fall for somebody's lies only because                  14 that's what he wanted to believe.                  15 Q Whose lies?                  16 A Lisa's.                  17 Q Okay. Are you - now, y'all hired a                  18 consulting firm to come in and evaluate the -                  19 A Oh, yes, we did.                  20 Q Okay. And do you think they did a good                  21 job?                  22 A No, I do not.                  23 Q Do you think they were jealous or                  24 resentful?                  25 A No, I do not. I know for a fact that</p>	<p>1 BILLIPS - DEEN                  2 and meet with them?                  3 A I met with them at the very, very end.                  4 Q Okay. And did you hear their report                  5 when they made their report?                  6 A I don't know that I read it,                  7 Mr. Billips. I knew that they had been massaged                  8 into what Lisa and Bubba wanted them to - I mean,                  9 Lisa and Karl wanted them to think.                  10 Q Ma'am, how much time had you spent at                  11 your brother's restaurant in the year preceding the                  12 conclusion of the MackWorks first consultant?                  13 A I don't know. I felt real bad because I                  14 was there the first six weeks of the opening of our                  15 business in the kitchen, and then I had to start                  16 filming or it was book tours, I don't remember, but                  17 I had to leave - I had to leave and I felt so                  18 guilty and so bad about having to - to leave my                  19 brother in this new business.                  20 And it's funny how people think if they                  21 can cook, they can be in the restaurant business,                  22 and that's as far from the truth as you can get.                  23 It's one of the hardest ways that a person could                  24 choose to make a living because of people that are                  25 available to work.</p>

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1 BILLIPS - DEEN  
 2 Q Do you remember my question?  
 3 A No. Did I not answer it?  
 4 Q No, ma'am.  
 5 MR. FRANKLIN: You had a  
 6 question?  
 7 THE WITNESS: Okay.  
 8 BY MR. BILLIPS:  
 9 Q In the year prior –  
 10 A Oh, oh yes, so I will finish trying to  
 11 answer your question.  
 12 Q Okay.  
 13 A So I have not worked in Uncle Bubba's  
 14 since the first six weeks of opening the business.  
 15 Q Okay. So were you even present in Uncle  
 16 Bubba's throughout the time period that MackWorks  
 17 was performing –  
 18 A No.  
 19 Q – the consulting work?  
 20 A No, sir.  
 21 Q Okay. And you were present for  
 22 MackWorks, kind of the wrap up where they gave their  
 23 report?  
 24 A Right. I remember Tonya coming out to  
 25 my house and meeting with me, yes, sir.

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1 BILLIPS - DEEN  
 2 Q Okay. And you recall that in that  
 3 report one of the things they said was that Miss  
 4 Jackson probably had foddered for her own EEOC  
 5 charge, do you recall that?  
 6 A You know, I didn't find out that until  
 7 way after the fact, but I could certainly understand  
 8 how they would come to that opinion because it was  
 9 Lisa's mouth that was doing the talking, so I'm sure  
 10 that they would come to that conclusion.  
 11 Q Okay. You were given a copy of the  
 12 report by Miss Mack, correct?  
 13 A Probably.  
 14 Q Okay. And in order to determine that it  
 15 was the opinion of these high-priced consultants  
 16 that Miss Jackson had been the victim of  
 17 discrimination sufficient to give her cause to file  
 18 an EEOC, all you would have had to do was read that  
 19 report, correct?  
 20 MR. FRANKLIN: Objection. You  
 21 can answer.  
 22 THE WITNESS: I knew she had –  
 23 by this time I knew that – I didn't  
 24 read the report.  
 25 BY MR. BILLIPS:

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1 BILLIPS - DEEN  
 2 Q By this time what, you knew that she had  
 3 been complaining about sexual harassment?  
 4 A No, I didn't know about that.  
 5 Q What did you know?  
 6 A I'm embarrassed to say, but not a lot.  
 7 Q Okay. The report was put in front of  
 8 you, Miss Mack came to your house and she verbally  
 9 gave you a report, correct?  
 10 A We spent about 15 minutes together.  
 11 Q Okay. And during that time, did she  
 12 tell you about the issues that Miss Jackson was  
 13 alleging that she was suffering from –  
 14 A No.  
 15 Q – at the restaurant?  
 16 A No, no, I don't recall that.  
 17 Q And she – but she handed you your own  
 18 copy of the report.  
 19 A I can't – I can't say she did that day.  
 20 It may have been left at corporate.  
 21 Q Okay.  
 22 A So I would be guessing.  
 23 Q You certainly had every opportunity to  
 24 read it if you so desired, correct?  
 25 A Yes. In my spare time, yes.

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1 BILLIPS - DEEN  
 2 Q Okay. And what, if any, investigation  
 3 have you done to determine if it is your brother who  
 4 is lying, as opposed to Miss Jackson and  
 5 Mr. Schumacher and the people at MackWorks?  
 6 A I've never said Mr. Schumacher was a  
 7 liar.  
 8 Q Okay.  
 9 A What I'm saying is he has been very  
 10 gullible.  
 11 Q He's been gullible, okay.  
 12 A Yes.  
 13 Q What, if any, investigation –  
 14 A I'm –  
 15 MR. FRANKLIN: Let her answer.  
 16 BY MR. BILLIPS:  
 17 Q I'm sorry, I thought she was done.  
 18 A I'm sorry, I'm getting old, I'm slow.  
 19 I know my brother. I know his  
 20 character. If I ask him something, he would not lie  
 21 to me, nor would I to him. There was nothing to  
 22 investigate.  
 23 Is he perfect? No. Am I perfect? No.  
 24 Could somebody out there run my business better than  
 25 myself? Absolutely, but it's my business.

Page 66	<p>1 BILLIPS - DEEN</p> <p>2 Q Prior to Mr. Hiers' deposition, had you</p> <p>3 ever asked him if he had engaged in the use of</p> <p>4 racial slurs in the workplace?</p> <p>5 A No.</p> <p>6 MR. FRANKLIN: Objection.</p> <p>7 MR. WITHERS: I'm going to</p> <p>8 object, by the way, to the</p> <p>9 characterization that you have</p> <p>10 represented to the witness that she</p> <p>11 was present for his deposition. You</p> <p>12 know, I don't have that deposition in</p> <p>13 front of me, but I do not recall the</p> <p>14 deponent being present for Mr. Hiers's</p> <p>15 deposition.</p> <p>16 MR. BILLIPS: I believe she was</p> <p>17 present for part of it. I think she</p> <p>18 came in late. But whether she was or</p> <p>19 not, I was putting a time frame on</p> <p>20 whether she had asked him a question</p> <p>21 prior to the deposition. I was not</p> <p>22 implying that she was present by my</p> <p>23 question.</p> <p>24 BY MR. BILLIPS:</p> <p>25 Q Prior to his deposition, did you ever</p>	Page 68	<p>1 BILLIPS - DEEN</p> <p>2 several times.</p> <p>3 BY MR. BILLIPS:</p> <p>4 Q You can answer.</p> <p>5 A No, that – no, it just –</p> <p>6 Q Would you see anything wrong with him</p> <p>7 doing that? I mean, since it's his business?</p> <p>8 A You know, each situation can – can be</p> <p>9 different. It's not black and white. There's a lot</p> <p>10 of gray in that.</p> <p>11 Q So if Mr. Hiers was showing pornographic</p> <p>12 videos to his subordinate staff, would you consider</p> <p>13 that to be appropriate workplace conduct?</p> <p>14 A I would not –</p> <p>15 MR. FRANKLIN: Objection.</p> <p>16 MR. WITHERS: Objection to form.</p> <p>17 BY MR. BILLIPS:</p> <p>18 Q Go ahead.</p> <p>19 A I would not recommend that.</p> <p>20 Q Okay. Is that something that you would</p> <p>21 consider consistent with the Bubba Hiers that you</p> <p>22 know?</p> <p>23 MR. FRANKLIN: Is what</p> <p>24 consistent?</p> <p>25 BY MR. BILLIPS:</p>
Page 67	<p>1 BILLIPS - DEEN</p> <p>2 ask him if he had engaged in sexually harassing</p> <p>3 conduct in the workplace?</p> <p>4 A No, because he – he – he's not that</p> <p>5 kind of person. He may kid and joke and –</p> <p>6 Q Okay.</p> <p>7 A But no.</p> <p>8 Q And the kidding and joking, do you know</p> <p>9 whether the kidding and joking included sexually</p> <p>10 explicit jokes?</p> <p>11 A I wouldn't know –</p> <p>12 Q Do you know if –</p> <p>13 A – having not been there.</p> <p>14 Q Do you know if it included showing</p> <p>15 pornographic videos on the computer and asking women</p> <p>16 to come in and watch them?</p> <p>17 MR. WITHERS: Objection.</p> <p>18 MR. FRANKLIN: Objection.</p> <p>19 MR. WITHERS: You can answer.</p> <p>20 THE WITNESS: I would not know</p> <p>21 because I was not there.</p> <p>22 BY MR. BILLIPS:</p> <p>23 Q Okay. Well, did you ever ask him if he</p> <p>24 had engaged in any of that kind of conduct?</p> <p>25 MR. FRANKLIN: Asked and answered</p>	Page 69	<p>1 BILLIPS - DEEN</p> <p>2 Q Showing pornographic videos in the</p> <p>3 workplace?</p> <p>4 A No.</p> <p>5 Q Okay.</p> <p>6 A No.</p> <p>7 Q And you've never asked him if he's done</p> <p>8 that?</p> <p>9 MR. FRANKLIN: Asked and</p> <p>10 answered. You can answer.</p> <p>11 BY MR. BILLIPS:</p> <p>12 Q Right.</p> <p>13 A No, no. I – I know all the men in my</p> <p>14 family at one time or another they'll tell each</p> <p>15 other, look what so and so sent me on my phone, you</p> <p>16 know. It's just men being men.</p> <p>17 Q When you and Mr. Hiers started Uncle</p> <p>18 Bubba's Seafood, was a decision made to hire only</p> <p>19 whites to work in the front of the restaurant?</p> <p>20 A No.</p> <p>21 Q Okay.</p> <p>22 A Bubba and I, neither one of us, care</p> <p>23 what the color of your skin is or what is between</p> <p>24 your legs, it's what's in your heart and in your</p> <p>25 head that matters to us.</p>

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<p>1 BILLIPS - DEEN                  2 Q Okay. And do you have any reason, and                  3 if you don't, that's fine, but do you know of any                  4 reason why an employ – a former employee named                  5 Lindsay McCoy would falsely testify that Bubba told                  6 Lisa Jackson in her presence to keep the front light                  7 when hiring –                  8 MR. FRANKLIN: Objection.                  9 BY MR. BILLIPS:                  10 Q – and looked at her and told her she                  11 didn't hear that?                  12 MR. FRANKLIN: Objection.                  13 MR. WITHERS: Object to form. By                  14 the way, I'm just going to go ahead                  15 and object to this continuous line of                  16 questioning about what one witness                  17 thinks about what another witness may                  18 say as an improper form of question                  19 and format of question.                  20 BY MR. BILLIPS:                  21 Q Do you have any facts, any knowledge,                  22 any reason at all to – that would indicate a reason                  23 for Miss McCoy to lie?                  24 A I don't know who that is.                  25 Q Okay. Now, I was asking you earlier</p>	<p>1 BILLIPS - DEEN                  2 you can't talk – say anything that                  3 you and I talked about. Outside of                  4 that, if there's anything, I think                  5 that's what he's entitled to.                  6 THE WITNESS: Well, just it's                  7 things that have come to light that                  8 Karl has said about my brother.                  9 BY MR. BILLIPS:                  10 Q You mean like some of the emails?                  11 A Yes.                  12 Q Okay.                  13 A I know he's very judgmental, but –                  14 Q How did –                  15 A Karl is very loyal to me, to me. He had                  16 incredible value to my business.                  17 Q And do you feel that Karl was attempting                  18 to protect you from your brother – to protect your                  19 business from your brother?                  20 A I don't know, possibly.                  21 Q Okay.                  22 A I don't know, but I – I don't – in                  23 looking back I don't think Karl's ever really liked                  24 Bubba. And the only thing that makes sense to me is                  25 maybe because we – we had talked about giving him a</p>
Page 71	Page 73
<p>1 BILLIPS - DEEN                  2 about why you believe that Karl Schumacher, and I                  3 forget exactly how you said it, is jealous or                  4 resentful of the fact that he's – he was not given                  5 a part ownership in Bubba's, and you indicated that                  6 is something that – that's an opinion you've come                  7 to recently, did I understand you correctly?                  8 A I've tried to make sense of it in my                  9 head, Mr. Billips.                  10 Q Okay.                  11 A And that's the only thing I can come up                  12 with. It's –                  13 Q Is there – what, if anything, has                  14 caused you to re-examine Mr. Schumacher's attitude                  15 toward Mr. Hiers or toward you that caused you to                  16 come to that conclusion?                  17 MR. FRANKLIN: And I would object                  18 to the extent that it may call for her                  19 to divulge attorney/client – matters                  20 protected by the attorney/client                  21 privilege.                  22 MR. BILLIPS: Okay.                  23 BY MR. BILLIPS:                  24 Q You can answer.                  25 MR. FRANKLIN: In other words,</p>	<p>1 BILLIPS - DEEN                  2 percentage and did not. I don't – I don't know                  3 what he – what he feels.                  4 Everything would be speculation on my                  5 part, but like I said, when people behave in certain                  6 ways, I try to look at it from their side, what                  7 would make them think and say. I try to make it                  8 make reason –                  9 Q Okay.                  10 A – in my head, and I – I just – I                  11 don't know.                  12 Q You said Karl was very judgmental.                  13 A Yes.                  14 Q In what ways has he shown judgmental                  15 behavior in your presence?                  16 A Well, his body language.                  17 Q Okay.                  18 MR. FRANKLIN: Let her finish.                  19 THE WITNESS: You know, you can                  20 look at someone when they're judging                  21 somebody.                  22 BY MR. BILLIPS:                  23 Q Okay. Well –                  24 A And he's made it clear how he feels                  25 about gays and pornography. You know, he's just</p>

Page 74	<p>1 BILLIPS - DEEN                  2 made it clear.                  3 Q Okay. And in – in what context was he                  4 exhibiting this body language that made you feel he                  5 was judgmental? What was happening when he would do                  6 this?                  7 A Well, gosh, I have been affiliated with                  8 Karl for 22 years.                  9 Q Okay.                  10 A So after that many years, you – you                  11 about know what a person is thinking.                  12 Q Right. Is this – are you talking about                  13 behavior, for example, when somebody would tell an                  14 off-color joke, or when someone –                  15 A Yes, it could be that, or a comment                  16 made.                  17 Q What kind of comment?                  18 A He had some things to say about my                  19 personal assistant, who I love like he's my child,                  20 and he's gay.                  21 Q And what did Karl say about that?                  22 A I – I don't – I don't know. I'm not                  23 sure, but.                  24 Q Did he say it to you?                  25 A No.</p>	Page 76	<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A I would never answer him.                  4 Q Other than being judgmental against                  5 gays, is there any other way in which – and                  6 pornography, is there any other way in which Karl                  7 has displayed this judgmental conduct?                  8 A Yes. Like I said, if you drink, if you                  9 curse. You know, he's the judge and jury in his –                  10 in his mind. Is Karl a good man? Yes, he's a good                  11 man. But we – it's my opinion that we have to be                  12 very tolerant of the fellow men that we live with                  13 because none of us are perfect.                  14 Q Okay.                  15 A And as fine a Christian man as he is, he                  16 – he is not perfect either.                  17 Q Okay. He – Mr. Schumacher has                  18 criticized you for gambling.                  19 A Oh, he's criticized everybody for                  20 everything. It's his job. He's the judge, he's the                  21 jury.                  22 MR. BILLIPS: I'll tell you what,                  23 this is a good time to take a break.                  24 Why don't we go ahead and take a lunch                  25 break?</p>
Page 75	<p>1 BILLIPS - DEEN                  2 Q Okay. Who did he say it to?                  3 A I don't know. I think it was in an                  4 email, I don't – I don't know.                  5 Q Okay.                  6 A I don't know, but –                  7 Q Has Karl ever expressed to you –                  8 A – in my eyes it's not acceptable.                  9 Q Has Karl ever expressed to you this kind                  10 of bigotry? I mean, like actually said it to you                  11 personally that he is –                  12 A Like I said, after 22 years of being                  13 with someone, if you had paid any attention at all                  14 to that person, you know.                  15 Q Okay. I'm not questioning that, but I                  16 am asking whether he has ever made a statement                  17 directly indicating bigotry against gays?                  18 A I'm sure he has.                  19 Q Okay.                  20 A I'm sure he has at some point. Karl                  21 does most of his conversing on that thing.                  22 Q Via email?                  23 A Yes.                  24 Q Okay. Does Karl email to you?                  25 A No, I don't know how to get an email.</p>	Page 77	<p>1 BILLIPS - DEEN                  2 THE VIDEOGRAPHER: The time is                  3 11:47 a.m. we're off the record.                  4 (Recess.)                  5 (Attorney Kelin Murphy enters                  6 room.)                  7 THE VIDEOGRAPHER: The time is                  8 12:57 p.m. This is the beginning of                  9 DV tape four. We're back on the                  10 record.                  11 BY MR. BILLIPS:                  12 Q Miss Deen, earlier in your testimony you                  13 indicated that one of the things that you had tried                  14 to – that you and your husband tried to teach your                  15 children was not to use the N word in a mean way, do                  16 you recall that testimony?                  17 A Yes.                  18 Q Okay. And could you give me an example                  19 of how you have demonstrated for them a nice way to                  20 use the N word?                  21 MR. FRANKLIN: Objection.                  22 BY MR. BILLIPS:                  23 Q Or a non-mean way?                  24 MR. FRANKLIN: Objection.                  25 THE WITNESS: We hear a lot of</p>

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<p>1 BILLIPS - DEEN                  2 things in the kitchen. Things that                  3 they – that black people will say to                  4 each other. If we are relaying                  5 something that was said, a problem                  6 that we're discussing, that's not said                  7 in a mean way.                  8 BY MR. BILLIPS:                  9 Q What about jokes, if somebody is telling                  10 a joke that's got –                  11 A It's just what they are, they're jokes.                  12 Q Okay. Would you consider those to be                  13 using the N word in a mean way?                  14 MR. FRANKLIN: Objection.                  15 Depends on how it's used in a joke.                  16 MR. WITHERS: Object to form,                  17 vague.                  18 BY MR. BILLIPS:                  19 Q You can answer.                  20 A That – that's – that's – pardon?                  21 Q He was talking to me, go ahead.                  22 A That's – that's kind of hard. Most –                  23 most jokes are about Jewish people, rednecks, black                  24 folks. Most jokes target – I don't know. I didn't                  25 make up the jokes, I don't know. I can't – I don't</p>	<p>1 BILLIPS - DEEN                  2 constantly telling me jokes.                  3 Q Okay. And have – are you offended at                  4 all by those jokes?                  5 A No, because it's my husband.                  6 Q Okay. What about your brother, does he                  7 tell those jokes?                  8 A I'm sure he has. Bubba's not good at                  9 joke telling, but I'm sure he's tried to repeat                  10 some.                  11 Q Okay. He just does it badly?                  12 A Yeah, he don't – he doesn't tell 'em                  13 good.                  14 Q Okay.                  15 A Barry Weiner will ruin a funny joke.                  16 You know, some people can tell jokes in a funny way                  17 and some can't.                  18 Q Okay. And would you consider telling                  19 jokes, racial jokes, to be an example of using the N                  20 word in a way that's not mean?                  21 A Not for me personally. It would not –                  22 Q It wouldn't be mean for you personally?                  23 A No, it wouldn't – I wouldn't tell it.                  24 Q Okay.                  25 A I mean, that's – that's not my style of</p>
Page 79	Page 81
<p>1 BILLIPS - DEEN                  2 know.                  3 Q Okay.                  4 A They usually target, though, a group.                  5 Gays or straights, black, redneck, you know, I just                  6 don't know – I just don't know what to say. I                  7 can't, myself, determine what offends another                  8 person.                  9 Q Okay. Well –                  10 A I can feel out that person pretty good                  11 on what would offend them, but I'm not sure,                  12 Mr. Billips, what – what the question even means.                  13 Q Well, if you were sitting around at home                  14 just with you and your family, would you feel any                  15 hesitation in telling a joke that you thought was                  16 funny if it had the N word in it?                  17 A I don't tell jokes, not at my house.                  18 That's –                  19 Q Do the other members of your family tell                  20 jokes at home?                  21 A Yes.                  22 Q Okay.                  23 A Yes.                  24 Q And they told jokes using the N word?                  25 A I'm sure they have. My husband is</p>	<p>1 BILLIPS - DEEN                  2 joke.                  3 Q Okay. Your style of joke generally has                  4 some sexual component to it; is that fair?                  5 A Yeah, lots of times.                  6 Q Okay.                  7 A I poke fun at myself and other women.                  8 Q Now, do you have, in your own mind, any                  9 kind of a working definition of what sexual                  10 harassment in the workplace would mean?                  11 A I think I do.                  12 Q Okay. Tell me what your definition of                  13 sexual harassment would be.                  14 A I would think coming on to a person. I                  15 would think holding one back because of their sex.                  16 Q You mean holding them back in their job?                  17 A Yeah.                  18 Q Okay.                  19 A Oh, no, that – that would be                  20 discrimination. But I would think just coming on to                  21 someone or – I don't know.                  22 Q Okay.                  23 A I've never experienced it in my                  24 business. I've never been the recipient or the                  25 giver of it, so I just think I know in my head.</p>

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<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A I think I would recognize it if I saw                  4 it.                  5 Q What about racial harassment?                  6 A We don't tolerate that.                  7 Q Okay. Well, what is it in your mind?                  8 A I would think that - racial                  9 discrimination, was that the question?                  10 Q Harassment.                  11 A Harassment. I would think that that                  12 would be picking out a certain race and never                  13 cutting them any slack. I don't know, verbally                  14 abusing them maybe, I'm not sure.                  15 Q Okay. Using racial slurs in a                  16 workplace, would you -                  17 A To them. If you were doing it against a                  18 Jewish person and constantly talking about - bad                  19 mouthing Jews or lesbians or homosexuals or Mexicans                  20 or blacks, if you continually beat up on a certain                  21 group, I would think that that would be some kind of                  22 harassment.                  23 Q Okay.                  24 A I don't know. We don't - we don't do                  25 that, I don't know.</p>	<p>1 BILLIPS - DEEN                  2 Karl Schumacher. When did you first come to that                  3 conclusion?                  4 A I felt like that while they were there.                  5 Q During their audit you felt that way?                  6 A Ah-ha.                  7 Q Before they had any results whatsoever?                  8 A Ah-ha. I knew that -                  9 Q What made you feel that way?                  10 A Well, I knew that the voices that they                  11 were - that they were hearing every day was the                  12 voices of two people.                  13 Q Well -                  14 A Mainly two people.                  15 Q What makes you believe that?                  16 A Because those were the two leaders in                  17 the business at Uncle Bubba's.                  18 Q Well, they're also at Lady &amp; Sons,                  19 right?                  20 A Yes, yes.                  21 Q Okay.                  22 A And they would have probably spent a lot                  23 of time with Dus - no, they didn't spend much time                  24 with Dustin. Who did they spend most of the time?                  25 Could have been Cookie Espinoza.</p>
Page 83	Page 85
<p>1 BILLIPS - DEEN                  2 Q Did you consider what Dustin Walls was                  3 accused of doing to constitute racial harassment?                  4 A I understand - I understand the                  5 pressure that goes along with the restaurant                  6 business. When that dinner bell rings at 11:00,                  7 it's like you and your team go to war. You're                  8 fighting a war to get everybody fed, every customer                  9 happy, and I know in the heat of the moment you can                  10 say things that would ordinarily not be said. The                  11 restaurant business is just so stressful, so                  12 stressful.                  13 Q Okay. Do you recall my question?                  14 A Yes.                  15 Q Okay.                  16 A No. Maybe.                  17 MR. FRANKLIN: All of the above.                  18 BY MR. BILLIPS:                  19 Q My question was, would you consider what                  20 Dustin Walls was accused of to constitute racial                  21 harassment?                  22 A Yes.                  23 Q Okay. Earlier you had indicated that                  24 you felt that the - that the MackWorks people had                  25 not - that they had been misled by Lisa Jackson and</p>	<p>1 BILLIPS - DEEN                  2 Q They did spend some time with Dustin.                  3 A Not long.                  4 Q Okay.                  5 A Not long, but I think a little.                  6 Q How do you know?                  7 A Because I was told.                  8 Q By Dustin?                  9 A No.                  10 Q By who?                  11 A I think Tonya.                  12 Q Okay. That she didn't spend much time                  13 with Dustin?                  14 A No, they felt like the source of our                  15 problems were at Uncle Bubba's.                  16 Q Okay.                  17 A So that's what they were - I think they                  18 were mainly hired to concentrate on Uncle Bubba's.                  19 Q Okay.                  20 A The best memory serves me.                  21 Q All right. And what were the problems                  22 that they felt y'all had at Uncle Bubba's that                  23 needed to be fixed?                  24 A I don't know. This is - I think Karl                  25 made arrangements. Like I said -</p>

Page 86	<p>1 BILLIPS - DEEN</p> <p>2 Q Was one of the problems that they felt</p> <p>3 needed to be fixed the fact that Mr. Hiers had</p> <p>4 operational influence at the restaurant?</p> <p>5 MR. FRANKLIN: Had what kind of</p> <p>6 influence?</p> <p>7 BY MR. BILLIPS:</p> <p>8 Q Operational. That he actually had</p> <p>9 decision making authority at the restaurant?</p> <p>10 A Yeah, I think they had a problem with</p> <p>11 that. They both had a hard time understanding that</p> <p>12 the sign said Uncle Bubba's Oyster House, it didn't</p> <p>13 say Karl Schumacher's House or Lisa Jackson's House.</p> <p>14 And like I said, those two were -</p> <p>15 Q Did - did they also, as you understand</p> <p>16 it, speak to the employees at the restaurants?</p> <p>17 A Lisa gave strict instructions that no</p> <p>18 one at Uncle Bubba's was allowed to talk with Karl,</p> <p>19 Bubba or me.</p> <p>20 Q My question was about Tonya Mack and</p> <p>21 David Beroset. Tonya Mack and David Beroset spoke</p> <p>22 to the employees at Uncle Bubba's.</p> <p>23 A Yes, I know that they interviewed</p> <p>24 people.</p> <p>25 Q Okay. And they interviewed them about</p>	Page 88	<p>1 BILLIPS - DEEN</p> <p>2 A You know, I don't - I don't - I don't</p> <p>3 remember. I'm not involved on a daily basis in</p> <p>4 either restaurants.</p> <p>5 Q Well, my question is you indicated that</p> <p>6 you felt during their - the time they were working</p> <p>7 there, before they issued their report, that they</p> <p>8 were - seemed to have some kind of bias.</p> <p>9 A I know that there was two people feeding</p> <p>10 them information on a daily basis -</p> <p>11 Q Okay.</p> <p>12 A - while they were here.</p> <p>13 Q And at the time they were here, you felt</p> <p>14 that Lisa Jackson was an excellent employee, right,</p> <p>15 at that time period?</p> <p>16 A I thought - I thought she had good</p> <p>17 intentions.</p> <p>18 Q Okay.</p> <p>19 A I thought she had good intentions.</p> <p>20 Q Okay. So the fact that they were</p> <p>21 getting their information from Lisa Jackson, would</p> <p>22 not have given you any concerns about their</p> <p>23 reliability, would it? Not at that time?</p> <p>24 A You know, I just - it was not my idea</p> <p>25 to call these people in and I didn't - I'm so busy</p>
Page 87	<p>1 BILLIPS - DEEN</p> <p>2 whatever problems they felt might exist, correct?</p> <p>3 Is that your understanding?</p> <p>4 A That would be my understanding.</p> <p>5 Q Okay. And did Miss Mack tell you what</p> <p>6 those employees told her first about Lisa Jackson?</p> <p>7 A I don't remember.</p> <p>8 Q Okay.</p> <p>9 A I don't remember.</p> <p>10 Q Miss Mack has testified that the</p> <p>11 employees, that the primary complaint about Miss</p> <p>12 Jackson was that she worked very hard and expected</p> <p>13 everyone else to work at the same level. Does that</p> <p>14 refresh your recollection?</p> <p>15 A Yes, you know, I understand, because</p> <p>16 I've - that was my original thought as well.</p> <p>17 Q Okay. And that's what Miss Mack told</p> <p>18 you she had heard from the employees at the</p> <p>19 restaurant, is that correct?</p> <p>20 A You know, I just can't say, Mr. Billips,</p> <p>21 because I don't remember.</p> <p>22 Q Well, who was it during the course of</p> <p>23 their - of their visit, when they're doing their</p> <p>24 audit, for want of a better word, who was it that</p> <p>25 was coming to you and telling you what was going on?</p>	Page 89	<p>1 BILLIPS - DEEN</p> <p>2 working outside those restaurants that -</p> <p>3 Q Well -</p> <p>4 A - you know, I just wasn't sure about</p> <p>5 anything. But -</p> <p>6 Q I'm still trying to get to what it was</p> <p>7 that made you feel that they were unreliable during</p> <p>8 the time they were doing the audit, and from what</p> <p>9 source you were getting information that led you to</p> <p>10 come to that conclusion?</p> <p>11 A Apparently it was - excuse me for</p> <p>12 interrupting. Apparently it was something that Karl</p> <p>13 had relayed to me.</p> <p>14 Q Okay.</p> <p>15 A That they had said.</p> <p>16 Q Okay. And do you recall what that was?</p> <p>17 A That all the problems were - was Bubba.</p> <p>18 Q Okay. And that's something they relayed</p> <p>19 to you after they had - or excuse me, relayed to</p> <p>20 Karl -</p> <p>21 A Yes.</p> <p>22 Q - while they were doing their audit?</p> <p>23 A Yes, I think so.</p> <p>24 Q Okay.</p> <p>25 A I think that's the way it happened.</p>

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<p>1 BILLIPS - DEEN                  2 Q And this is, as you understand it, after                  3 they had interviewed the employees at Uncle Bubba's                  4 and spoken to Lisa and Karl?                  5 A I'm - I'm assuming so.                  6 Q Okay. So everybody on the scene who                  7 would have information about what the problems were                  8 at Uncle Bubba's had been interviewed by the                  9 MackWorks people, so far as you know?                  10 A I would not know who they interviewed.                  11 Q Okay. You do know they were                  12 interviewing employees other than Lisa Jackson and                  13 Karl Schumacher?                  14 A Oh, of course, yes.                  15 Q And they came to the conclusion that the                  16 problem at the restaurant was Mr. Hiers, correct?                  17 MR. FRANKLIN: Object to the                  18 form.                  19 MR. WITHERS: Object to the form.                  20 MR. FRANKLIN: The report speaks                  21 for itself.                  22 BY MR. BILLIPS:                  23 Q I'm talking about what Karl told you.                  24 Karl told you that they - the MackWorks people had                  25 come to the conclusion that the problem was Bubba.</p>	<p>1 BILLIPS - DEEN                  2 THE WITNESS: Am I supposed to                  3 respond?                  4 MR. FRANKLIN: Yeah. No, you can                  5 respond, I'm sorry.                  6 THE WITNESS: Okay. And let me                  7 see if I got your question correctly                  8 in my mind. Did I ever think that                  9 maybe they were right?                  10 BY MR. BILLIPS:                  11 Q Yes.                  12 A No. Did I think Bubba was doing                  13 everything spot on? No. No, I didn't think that.                  14 But was he as bad as what they were trying to make                  15 out? No, I know my brother better than that.                  16 Q You hadn't been in that restaurant in                  17 nearly five years?                  18 A I know it, but I've known my brother for                  19 66 years.                  20 Q Right. And during -                  21 A That goes a lot deeper.                  22 Q During the time you've known your                  23 brother, he spent time in rehab for alcohol and                  24 cocaine addiction?                  25 A Absolutely.</p>
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<p>1 BILLIPS - DEEN                  2 A Yes.                  3 Q Okay.                  4 A Yes, I think - I think that would be                  5 fair.                  6 Q Okay. And that's before the report came                  7 out? Before Tonya Mack had her meeting with you out                  8 at your house?                  9 A Yes, I would say it would be. She came                  10 to my house right before she was flying out.                  11 Q Okay. And the reason that - strike.                  12 Did you ever consider the possibility                  13 that they were correct?                  14 MR. WITHERS: Well -                  15 MR. FRANKLIN: Objection.                  16 MR. WITHERS: - I object to the                  17 form because that's based upon an                  18 improper premise.                  19 BY MR. BILLIPS:                  20 Q Did you ever consider the possibility                  21 that what the MackWorks people had told Karl, that                  22 the problem at the restaurant was Bubba Hiers, that                  23 they were correct in that assessment?                  24 MR. WITHERS: Same objection.                  25 MR. FRANKLIN: Same objection.</p>	<p>1 BILLIPS - DEEN                  2 MR. WITHERS: Objection.                  3 MR. FRANKLIN: Objection, asked                  4 and answered.                  5 BY MR. BILLIPS:                  6 Q Correct?                  7 A You know, absolutely.                  8 Q Did you know he was using cocaine before                  9 he went into rehab?                  10 A No, I did not.                  11 MR. FRANKLIN: Objection.                  12 BY MR. BILLIPS:                  13 Q Okay. So that's one thing you didn't                  14 know about your brother that he was doing.                  15 A No. I knew something was wrong, but I                  16 didn't know what it was.                  17 Q Okay. And over the past five years or                  18 so, you've been a lot busier -                  19 A Yes.                  20 Q - than back in those days, right?                  21 A Ah-ha.                  22 Q And your business has expanded greatly.                  23 A Yes.                  24 Q And it has taken you into where you                  25 film -</p>

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<p>1 BILLIPS - DEEN</p> <p>2 A Other arenas, yes.</p> <p>3 Q Okay.</p> <p>4 A I film here in Savannah.</p> <p>5 Q And you travel a lot, right?</p> <p>6 A Ah-ha.</p> <p>7 Q You need to say yes, rather than –</p> <p>8 A Louder?</p> <p>9 MR. FRANKLIN: Yes or no?</p> <p>10 BY MR. BILLIPS:</p> <p>11 Q You have to say yes or no, rather than</p> <p>12 –</p> <p>13 A Yes, I travel a lot.</p> <p>14 Q Okay. Rather than ah-ha or huh-uh.</p> <p>15 A Oh, sorry.</p> <p>16 Q Everybody does it, don't worry about it.</p> <p>17 If I point to my mouth, that will remind you.</p> <p>18 A Okay.</p> <p>19 Q The – so you have had less – you've</p> <p>20 been around your brother less over the last five</p> <p>21 years than you had before then; is that true?</p> <p>22 A Well, I was with him every day the first</p> <p>23 six weeks that we opened –</p> <p>24 Q Right.</p> <p>25 A – but no. My family gets together</p>	<p>1 BILLIPS - DEEN</p> <p>2 A I don't know.</p> <p>3 Q Okay.</p> <p>4 A If he would have said it to Barry</p> <p>5 Weiner, Barry would have been the one privy to that.</p> <p>6 Karl's never said anything to me directly, but I</p> <p>7 have heard that he has said to others through</p> <p>8 emails.</p> <p>9 Q Okay. And to whom has he said those</p> <p>10 kind of things?</p> <p>11 A I – I don't know. I guess whoever</p> <p>12 would pick up and read it.</p> <p>13 Q Okay.</p> <p>14 A I don't know who he was talking to.</p> <p>15 Q Okay. Have you ever spoken to Karl</p> <p>16 about that?</p> <p>17 A I don't remember.</p> <p>18 Q Okay.</p> <p>19 A I remember it shocking me.</p> <p>20 Q Well, you knew he was judgmental.</p> <p>21 A Yeah.</p> <p>22 MR. WITHERS: Objection –</p> <p>23 MR. FRANKLIN: Objection.</p> <p>24 MR. WITHERS: – Mr. Billips to</p> <p>25 continuously interrupting her. I know</p>
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<p>1 BILLIPS - DEEN</p> <p>2 every – every weekend. We are a very close knit</p> <p>3 family.</p> <p>4 Q Okay.</p> <p>5 A But I was not in the restaurant working.</p> <p>6 Q Right. And he wasn't in your restaurant</p> <p>7 working?</p> <p>8 A No.</p> <p>9 Q Okay. Now, did he ever come on the road</p> <p>10 with you or come with you to – to various events?</p> <p>11 A Yes.</p> <p>12 Q Okay. Did any of the employees at Uncle</p> <p>13 Bubba's ever come and watch you when you were</p> <p>14 filming?</p> <p>15 A No, it's – my – it's a closed set.</p> <p>16 Q Okay.</p> <p>17 A Just –</p> <p>18 Q Did Karl Schumacher come ever?</p> <p>19 A He might have popped in if he had papers</p> <p>20 for me to sign or something like that; but no, it's</p> <p>21 just me and the production company.</p> <p>22 Q Okay. Did Mr. Schumacher ever speak</p> <p>23 critically of your use of colorful or sexual</p> <p>24 innuendo – colorful language or sexual innuendos to</p> <p>25 Barry Weiner?</p>	<p>1 BILLIPS - DEEN</p> <p>2 that she, like some of us, talks</p> <p>3 slower.</p> <p>4 BY MR. BILLIPS:</p> <p>5 Q I'm sorry, Miss Deen, I did not intend</p> <p>6 to interrupt you.</p> <p>7 A That is all right, Mr. Billips.</p> <p>8 MR. FRANKLIN: It's not all</p> <p>9 right.</p> <p>10 BY MR. BILLIPS:</p> <p>11 Q You knew he was judgmental.</p> <p>12 A Yes.</p> <p>13 Q So it wasn't that much of a shock to</p> <p>14 find out that he was –</p> <p>15 A I was – sorry, now I'm interrupting</p> <p>16 you.</p> <p>17 MR. FRANKLIN: It's asked and</p> <p>18 answered anyway.</p> <p>19 BY MR. BILLIPS:</p> <p>20 Q It wasn't that much of a shock to find</p> <p>21 out that he disapproved?</p> <p>22 A No, that was not a shock. What I find a</p> <p>23 shock is that you would discuss something like that</p> <p>24 outside of our team. That shocks me.</p> <p>25 Q Okay. And who – who was it outside the</p>

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<p>1 BILLIPS - DEEN</p> <p>2 team that he was discussing it with?</p> <p>3 A I don't know.</p> <p>4 Q Okay. Tell me who the team is and maybe</p> <p>5 I can figure it out that way.</p> <p>6 A The team is PDE, Uncle Bubba's Oyster</p> <p>7 House and The Lady &amp; Sons.</p> <p>8 Q Okay. Does that include all the</p> <p>9 employees thereof?</p> <p>10 A Well, we're - we're supposed to all be</p> <p>11 on the same team, so yes, I refer to anybody that</p> <p>12 gets paid by PDE, Uncle Bubba's Oyster House, or The</p> <p>13 Lady &amp; Sons to be a team member.</p> <p>14 Q Okay. Well, was it - did he discuss it</p> <p>15 with MackWorks?</p> <p>16 A I don't know.</p> <p>17 Q Okay. I'm just trying to figure out who</p> <p>18 it was that - because you indicated he sent emails</p> <p>19 to somebody.</p> <p>20 A I heard he sent an email out.</p> <p>21 Q Okay. Who did you hear that from?</p> <p>22 A I don't know because it's been years.</p> <p>23 Q Okay. Do you - sitting here today, do</p> <p>24 you think that it was a mistake to hire MackWorks?</p> <p>25 A I think it was unnecessary.</p>	<p>1 BILLIPS - DEEN</p> <p>2 correct?</p> <p>3 A Ah-ha. Yes.</p> <p>4 Q Now, there - did you feel that both</p> <p>5 Tonya Mack and David Beroset had a bias against your</p> <p>6 brother?</p> <p>7 A I think they got a - I think they</p> <p>8 formed their opinion on the information that was</p> <p>9 given to them.</p> <p>10 Q Okay. And did you ever seek to find out</p> <p>11 exactly what information was given to them? What</p> <p>12 they were told by, for example, the employees at the</p> <p>13 restaurant?</p> <p>14 A Repeat, please.</p> <p>15 Q Did you ever try to find out what they</p> <p>16 were told by the employees other than Lisa Jackson?</p> <p>17 A We discussed that maybe a little bit.</p> <p>18 Q Okay.</p> <p>19 A But I can't remember -</p> <p>20 Q Okay.</p> <p>21 A - you know, exactly what was said.</p> <p>22 Q All right. And you're talking about in</p> <p>23 this meeting with Tonya Mack -</p> <p>24 A Yes.</p> <p>25 Q - you discussed it? Okay.</p>
Page 99	Page 101
<p>1 BILLIPS - DEEN</p> <p>2 Q Okay. Do you think that it was a</p> <p>3 mistake to bring in a human resources director?</p> <p>4 A No.</p> <p>5 Q Okay.</p> <p>6 A No.</p> <p>7 Q Why do you feel that a human resources</p> <p>8 director was necess - or is necessary?</p> <p>9 A We realized that we had so many</p> <p>10 employees and they needed a place to take a grief</p> <p>11 to, because there is just no way that I can listen</p> <p>12 to all of the problems, or Bubba, or Rance Jackson,</p> <p>13 who is the GM at The Lady &amp; Sons. There's no way,</p> <p>14 we're not qualified to give them the proper ear that</p> <p>15 they need.</p> <p>16 Q Okay. Especially if somebody had a</p> <p>17 grievance about Bubba, for example, at Uncle</p> <p>18 Bubba's, they would need somebody they could go</p> <p>19 to -</p> <p>20 A Right.</p> <p>21 Q - other than him?</p> <p>22 A Right.</p> <p>23 Q And the only other person would be</p> <p>24 either Karl Schumacher, who doesn't have any</p> <p>25 authority over Mr. Hiers, or yourself; is that</p>	<p>1 BILLIPS - DEEN</p> <p>2 A Like I said, I knew that different</p> <p>3 people had different opinions. There was some</p> <p>4 complaints about Lisa, there was some complaints</p> <p>5 about Bubba. I don't know if there was complaints</p> <p>6 about Karl or not, I don't remember that, but I</p> <p>7 think these people were allowed to speak</p> <p>8 anonymously, so.</p> <p>9 Q Were you aware that when Miss Jackson</p> <p>10 met with Miss Mack and was given an opportunity to</p> <p>11 discuss what was going on at Uncle Bubba's, that she</p> <p>12 broke down in tears?</p> <p>13 A Yes, but that was not unusual.</p> <p>14 Q It was not unusual for Miss Jackson to</p> <p>15 break down in tears?</p> <p>16 A Yeah. I think she -</p> <p>17 Q Why do you say that?</p> <p>18 A Well, because we realized over time that</p> <p>19 that was the way she operated.</p> <p>20 Q When - did you realize that before or</p> <p>21 after she left?</p> <p>22 A I was coming to realize that she blew</p> <p>23 everything way out of proportion while she was still</p> <p>24 there.</p> <p>25 Q Okay.</p>

<p>Page 102</p> <p>1 BILLIPS - DEEN                  2 A I didn't realize though just how                  3 extremely good she was at it until after she left.                  4 Q Okay. Can you give me any examples of                  5 anything that Miss Jackson blew out of proportion?                  6 A No, I can't give you exact examples. I                  7 think I testified earlier that Theresa Feuger had                  8 told me that, you know, she would go out there, and                  9 come to find out it was, like, very, very minute.                  10 I know when I would go to Uncle Bubba's,                  11 I would always go look for Lisa and speak to her and                  12 see how she was doing and thank her. I thanked her                  13 for everything she was doing. I thanked her. How                  14 absurd -                  15 Q How often -                  16 A - on my part.                  17 Q How often did you go out to Uncle                  18 Bubba's?                  19 A I - I don't know. There's no set time.                  20 When I'd have a minute I would pop in. I know I                  21 popped in one day just to check on Bubba and the                  22 restaurant and Lisa, because Bubba told me that she                  23 was out sick. And I knew this was becoming well                  24 over a period of time.                  25 And I stopped by to see about 'em, and</p>	<p>Page 104</p> <p>1 BILLIPS - DEEN                  2 A - in the area.                  3 Q Did she ever relate to you during any of                  4 those occasions that she was in - having any                  5 problems with Mr. Hiers?                  6 A No.                  7 Q Did she ever hint at there being any                  8 problems she needed to talk to you about?                  9 A No.                  10 Q Okay. Do you feel or did you feel that                  11 Miss Jackson was doing a good job in running the                  12 restaurant?                  13 A You know, I really, Mr. Billips, thought                  14 that she was. I knew that she had Bubba's trust and                  15 she eased pressure off of him, which was important                  16 to me. If I'd only been able to be there every day                  17 and work there, things would be different.                  18 Q In what way?                  19 A Hopefully I would have been able to see                  20 things very clear. Sometimes it takes a third party                  21 to come in and step back. When you're so close to a                  22 situation, sometimes it's the hardest to see.                  23 Q And what do you think you would have                  24 seen if you had been there?                  25 MR. FRANKLIN: Objection. I'm</p>
<p>Page 103</p> <p>1 BILLIPS - DEEN                  2 Bubba said she's still out, Paula, she's still out.                  3 And he said I don't - I don't know when she's                  4 coming back. So, like I said, I saw her no more. I                  5 don't - I don't know.                  6 Q Okay. And this is at the end of Miss                  7 Jackson's employment?                  8 A Yes.                  9 Q Okay.                  10 A After - after that day I stopped by to                  11 check on everybody, she never did come back.                  12 Q Okay.                  13 A I think she finally called Bubba and                  14 told him over the phone that she wasn't coming back.                  15 Q All right. Can you give me a number of                  16 times after that six weeks that you popped in and                  17 said hello to Lisa? Five? Ten? Fifteen? After                  18 the first six weeks that you worked at the                  19 restaurant, after she was hired, became general                  20 manager.                  21 A Oh, I don't know. Probably a dozen                  22 times -                  23 Q Okay.                  24 A - I would just stop by if I was -                  25 Q Okay.</p>	<p>Page 105</p> <p>1 BILLIPS - DEEN                  2 not sure how you can answer something                  3 like that.                  4 BY MR. BILLIPS:                  5 Q Go ahead.                  6 A I think it would have been more                  7 difficult for her to say the things that she has                  8 said and behave the way she's behaved. I think I                  9 would have caught on to her -                  10 Q Okay.                  11 A - if I had been there with her on a                  12 daily basis.                  13 Q If you had been there on a daily basis,                  14 it's unlikely your brother would have been looking                  15 at pornography on the work computers too, would you                  16 agree?                  17 A No, not necessarily.                  18 Q Would you have a problem with it if he's                  19 sitting there at work looking at pornography?                  20 A If somebody sent him something and he                  21 pulled it up and looked at it, no, I would not                  22 persecute him for that.                  23 Q What if there were other employees in                  24 the office at the time that he pulled it up and                  25 looked at it?</p>

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1 BILLIPS - DEEN  
 2 A You know, that's not black or white.  
 3 It's – that's – it's not a black and white answer.  
 4 Q So it's okay sometimes to look at  
 5 pornography in a workplace in the presence of other  
 6 employees?  
 7 A No.  
 8 MR. FRANKLIN: Objection to form.  
 9 THE WITNESS: Now you are – you  
 10 are –  
 11 BY MR. BILLIPS:  
 12 Q Is that what you're saying?  
 13 A No, you are misinterpreting my words.  
 14 Q Well, then, please explain.  
 15 A Bubba, I don't think, would ever do that  
 16 if he thought there was somebody in the room that he  
 17 – it would insult.  
 18 Q Okay. What would it take to convince  
 19 you otherwise?  
 20 MR. FRANKLIN: Object to the form  
 21 of that.  
 22 THE WITNESS: Bubba would never  
 23 force somebody to read the crap that  
 24 comes up on that computer.  
 25 BY MR. BILLIPS:

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1 BILLIPS - DEEN  
 2 Q Are you aware there's testimony from  
 3 third party witnesses that he would regularly read  
 4 the sexual jokes that were offensive to them?  
 5 MR. WITHERS: Objection.  
 6 MR. FRANKLIN: Objection.  
 7 MR. WITHERS: Object to form.  
 8 BY MR. BILLIPS:  
 9 Q You can answer. You're not aware of  
 10 that?  
 11 Would it matter to you if somebody not  
 12 seeking anything from your company came in under  
 13 oath and swore that he read sexually offensive jokes  
 14 to them when they didn't want him to on a regular  
 15 basis?  
 16 MR. WITHERS: Object to form.  
 17 MR. FRANKLIN: Objection.  
 18 MR. WITHERS: Complete  
 19 mischaracterization, but you can  
 20 answer.  
 21 THE WITNESS: I can't imagine  
 22 Bubba forcing anybody to participate  
 23 in something. I just – I just can't  
 24 imagine.  
 25 BY MR. BILLIPS:

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1 BILLIPS - DEEN  
 2 Q Okay.  
 3 MR. FRANKLIN: Let's take just a  
 4 five minute break.  
 5 THE VIDEOGRAPHER: The time is  
 6 1:40 p.m. We're off the record.  
 7 (Recess.)  
 8 THE VIDEOGRAPHER: The time is  
 9 1:52 p.m. This is the beginning of DV  
 10 tape five. We're back on the record.  
 11 BY MR. BILLIPS:  
 12 Q Miss Deen, when you first opened your  
 13 business it was called The Bag Lady; is that right?  
 14 A Ah-ha.  
 15 Q And it was just you and your sons that  
 16 were working there?  
 17 A It was actually – yes. It was actually  
 18 myself and my oldest son. And we went in operation  
 19 a few months before Bobby decided that he – he  
 20 would come help us.  
 21 Q Okay. And then the next business was  
 22 called what?  
 23 A We operated The Bag Lady exclusively for  
 24 a year and a half, and then I had the opportunity to  
 25 move into a space in the Best Western on Eisenhower.

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1 BILLIPS - DEEN  
 2 It was a turn key operation, all I had to do was  
 3 bring in my groceries and pay my first and last  
 4 month's rent. And thank goodness I had saved up  
 5 enough money to do that.  
 6 And so in order for people to make the  
 7 connection between The Bag Lady and the restaurant,  
 8 I decided to call it The Lady.  
 9 Q Okay.  
 10 A The Lady worked the front door, The Bag  
 11 Lady worked the back door.  
 12 Q Okay. And how long was that business in  
 13 operation?  
 14 A I was there five years.  
 15 Q Okay. And then what was your next?  
 16 A My next move was to 311 West Congress.  
 17 Q Okay. And that was the Lady & Sons?  
 18 A The Lady & Sons. I put my sons name up  
 19 there, and –  
 20 Q Okay. And how did you go from there to  
 21 being on television, having a TV show?  
 22 A Well, I could – I could talk to you all  
 23 afternoon about that.  
 24 MR. FRANKLIN: Please don't.  
 25 THE WITNESS: But I do have

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<p>1 BILLIPS - DEEN 2 dinner guests. 3 A lot of things that I can only 4 attribute it to being miracles. The 5 day that I took responsibility for my 6 own self, which was June the 19th, 7 1989, I made a commitment to work, and 8 work very hard to do whatever it took. 9 And God has not missed a day 10 blessing me since that day. And 11 they're only short of being a miracle 12 as to how I came and to where I am 13 today. 14 I can give you one example. 15 There was teams of Random House here 16 in town. Clint Eastwood was here in 17 town filming Midnight and the Garden 18 of Good and Evil. And like I said, a 19 lot of people from the publishing 20 house. 21 And I had saved up enough money, 22 once we got opened downtown, to write 23 a cookbook. I really, really wanted 24 to have people able to take my 25 recipes, if they enjoyed their visit</p>	<p>1 BILLIPS - DEEN 2 doing so good. I probably sold 25 3 copies, and it was good. And she 4 said, well, would you send me two 5 copies? 6 And I didn't know who Random 7 House was or what they was, what they 8 were. And I went and found my oldest 9 son and asked him if he was familiar 10 with somebody called Random House. 11 And I saw the color drain out of his 12 face, and he said, yes, mama, they're 13 one of the three big publishing houses 14 in America. And I said, well, son, 15 they want copies of our cookbook. 16 And within 20 minutes he had 17 those books charged to the credit card 18 that she had given him – or given me 19 and had those cookbooks in the mail. 20 And three days later my son and I were 21 sitting there, we were closed for a 22 private group, and we was sitting 23 there and the candlelights were lit. 24 And I was the cook, and he was the 25 server, there was just the two of us</p>
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<p>1 BILLIPS - DEEN 2 there, and go home and repeat it. So 3 I saved up my \$20,000, I went right 4 down to the next block and had the 5 printing company turn it into a book 6 for me. 7 It had been out two weeks and 8 this woman and her boyfriend was 9 walking down Congress Street, and all 10 of a sudden the bottom fell out, so 11 she ducked in my place to get out of 12 the rain. And she said that I came 13 and served them hoecakes and biscuits. 14 I was the hoe girl that day. 15 And she didn't tell me who she 16 was. And a few days later I got a 17 call from her, and she said this is 18 Pamela Cannon, I'm an editor with 19 Random House in New York City. I was 20 in your place last week and she said 21 the food was just wonderful. Did I 22 notice – was I correct, did I notice 23 a cookbook on your side board? 24 And I said, honey, yes, you did. 25 It's been out two weeks and it's been</p>	<p>1 BILLIPS - DEEN 2 there. 3 And the phone rang and I answered 4 it, and she said, hello, Paula, this 5 is Pamela Cannon. And I said, well, 6 hey. By then I knew who she was. And 7 she said I just wanted to call and say 8 congratulations. Random House feels 9 like your cookbook has merit and we'd 10 like to buy it. 11 And I remember Jamie and I 12 getting up and dancing. We danced all 13 over the restaurant, and hugged and 14 cried. That's just one of the little 15 miracles. Just one of the little 16 miracles. 17 BY MR. BILLIPS: 18 Q How long – how long after that was it 19 before Uncle Bubba's was opened? 20 A Oh, my gosh, that was probably in – we 21 opened January the 8th, 1996, at 3:11. Bubba's been 22 here probably 12 years. It was probably three years 23 after that when Bubba moved to Savannah, and I'm not 24 sure what year we opened Uncle Bubba's. 25 Q And Bubba was in Albany at the time?</p>

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<p>1 BILLIPS - DEEN                  2 A Yes.                  3 Q Okay. That's when he had the –                  4 A Yes.                  5 Q The –                  6 A Yes.                  7 Q – landscaping?                  8 A Yes, yes.                  9 Q Had Mr. Hiers ever worked in a                  10 restaurant, to your knowledge?                  11 A No, he was just like me, he had never                  12 worked in a restaurant. I had never been inside a                  13 professional kitchen until I moved into the Best                  14 Western, only in my grandmother's restaurant as a                  15 little girl.                  16 Q Okay.                  17 A And that's the closest we ever came.                  18 Q Your grandmother had a restaurant?                  19 A Ah-ha.                  20 Q Where was that?                  21 A Well, the first one was in Hapeville,                  22 Georgia, out by the airport, in the '40's. It was                  23 called Hapeville Sandwich Shop.                  24 Q Okay.                  25 A And they sold that and they moved to</p>	<p>1 BILLIPS - DEEN                  2 A The Best Western.                  3 Q The Best Western, okay.                  4 Now, are you – over the last five years                  5 or so, have you been any more active with The Lady &amp;                  6 Sons than you have been with Uncle Bubba's?                  7 A No.                  8 Q Okay. For the most part, has your time                  9 been spent with the TV shows and personal                  10 appearances and –                  11 A Books.                  12 Q – cookbooks and that kind of thing?                  13 A I'm out a lot on book signings.                  14 Q Okay.                  15 A I go to New York and L.A. to appear on                  16 morning shows and talk shows a good bit. And my                  17 business takes me out of town a good bit, just –                  18 just on business.                  19 Q Has your business continued to grow?                  20 MR. FRANKLIN: Which business?                  21 THE WITNESS: Yeah, which one?                  22 BY MR. BILLIPS:                  23 Q Well, your – your business as a whole,                  24 taken all – taken together?                  25 A Absolutely. That's why we have the</p>
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<p>1 BILLIPS - DEEN                  2 Albany and opened a restaurant called the White                  3 House that sat next to the Black Cat. And my father                  4 came in for a meal and my mother was his waitress.                  5 Q Is that restaurant still there?                  6 A Oh, no. No, neither the White House or                  7 the Black Cat. And then they went on to build River                  8 Bend.                  9 Q What is River Bend?                  10 A It was a motel, cabin, skating rink,                  11 swimming pool and restaurant.                  12 Q Okay.                  13 A And the whole family lived there in the                  14 business.                  15 Q Okay, all right. When you moved – when                  16 did you first hire employees other than family                  17 members?                  18 A I was probably in business two years.                  19 Q Okay.                  20 A Because I – I didn't have money for                  21 employees in order for me to save up money to give                  22 myself choices. I, you know – I was the only                  23 person I knew that would work for free, so I did it.                  24 Q Okay. And that was still at The Bag                  25 Lady, or –</p>	<p>1 BILLIPS - DEEN                  2 problems that we do because of growing pains.                  3 Q Okay. Do you know approximately how                  4 much Paula Deen Enterprises was able to net last                  5 year?                  6 A I wouldn't have a clue.                  7 Q Okay.                  8 A I would not have a clue. I have not                  9 taken – drawn a penny out of The Lady &amp; Sons in                  10 probably eight years because we pay our people very,                  11 very, very well. And if I drain that business, we                  12 wouldn't be able to pay them what we pay them.                  13 So I have no income from that, and                  14 naturally I have no income from Uncle Bubba's. As                  15 long as I can get out and scratch me out a living in                  16 other areas, I will not deplete the monies.                  17 Q And Paula Deen Enterprises has brought                  18 in millions of dollars a year?                  19 A I would say that's fair.                  20 Q Okay.                  21 A Fair.                  22 Q Now, when you were working at The Lady &amp;                  23 Sons, what – was there anything that was your –                  24 that you considered to be your primary job?                  25 A Everything. Everything. If the toilets</p>

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<p>1 BILLIPS - DEEN                  2 needed working on, I did that. If the chicken                  3 needed frying, I would wash my hands and do that.                  4 Q Okay. And did – I mean, obviously you                  5 knew how to cook, so you could –                  6 MR. FRANKLIN: That's the only                  7 thing we've agreed on in this                  8 litigation, apparently.                  9 BY MR. BILLIPS:                  10 Q You could cook at the restaurant.                  11 A Yes.                  12 Q Were you essentially the general manager                  13 or did you have a general manager working for you?                  14 A No. I was basically where the buck                  15 stopped.                  16 Q Okay.                  17 A We did hire or we – we all – we always                  18 hire from within, and we would – we finally, I                  19 think, took two servers, and we may have rotated it,                  20 I can't remember, but made them day leaders, day                  21 shift leaders, so that there would be somebody                  22 besides me or my children to bring their problems                  23 to.                  24 Q Okay. Now, when Uncle Bubba's was first                  25 started, was it – did it initially have a general</p>	<p>1 BILLIPS - DEEN                  2 BY MR. BILLIPS:                  3 Q Okay, what sentence is that?                  4 A You don't have that in front of you?                  5 Q I'm looking for it.                  6 MR. FRANKLIN: I do. Do you want                  7 me to show it to her?                  8 MR. BILLIPS: Sure.                  9 THE WITNESS: I said that first                  10 sentence that's in quotes. I                  11 certainly did. I said it that day and                  12 I would say it again today if it                  13 applied.                  14 BY MR. BILLIPS:                  15 Q Okay. Would you – could you read –                  16 A That other nonsense I did not say.                  17 Q Could you read for me the part that you                  18 did say?                  19 A Yes.                  20 MR. WITHERS: What paragraph is                  21 that, just for the record?                  22 THE WITNESS: 17. If you think I                  23 have –                  24 MR. FRANKLIN: It depends which                  25 Complaint we're looking at. It's – I</p>
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<p>1 BILLIPS - DEEN                  2 manager?                  3 A No, I don't recall, or maybe we did. I                  4 don't recall.                  5 Q And was there a general manager who was                  6 – in the early days who was fired from Uncle                  7 Bubba's because he was having a relationship with –                  8 A Yes –                  9 Q – a server?                  10 A An underage server.                  11 Q An underage server?                  12 A Yes.                  13 Q Okay. And there's a quote attributed to                  14 you in the Complaint about that.                  15 A Yes.                  16 Q Is that quote accurate?                  17 A That is, absolutely. Out of all of the                  18 accusations I can say that's the only one –                  19 MR. FRANKLIN: Well, which quote?                  20 There are about three in that                  21 paragraph. I know the one you're                  22 talking about, but let's make sure the                  23 record is clear.                  24 THE WITNESS: There is one                  25 sentence.</p>	<p>1 BILLIPS - DEEN                  2 think that might be the first                  3 Complaint, and on the amended                  4 Complaint it's the 20th paragraph.                  5 THE WITNESS: "If you think I've                  6 worked this hard to lose everything                  7 because of a piece of pussy, you                  8 better think again."                  9 That young man's sexual control                  10 was out of control, and no way was I                  11 putting our business in that kind of                  12 jeopardy.                  13 BY MR. BILLIPS:                  14 Q Okay. Who was the young man?                  15 A His name was – oh, gosh. Can somebody                  16 help me?                  17 MR. WITHERS: No.                  18 THE WITNESS: No?                  19 MR. FRANKLIN: I would but I                  20 can't remember.                  21 THE WITNESS: Join the club. I                  22 don't remember. But when you've                  23 worked 16 and 20 hours daily, seven                  24 days a week for 15 years, and because                  25 a young man couldn't keep his zipper</p>

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<p>1 BILLIPS - DEEN                  2 up, no way.                  3 BY MR. BILLIPS:                  4 Q And the girl in question was underage                  5 you said?                  6 A That's what I was told.                  7 Q Okay.                  8 A But the rest of that nonsense I did not                  9 say.                  10 Q Okay. Who was present during that                  11 meeting?                  12 A I don't – I don't recall.                  13 Q And who did you replace him with?                  14 A I think having said that, I probably                  15 walked out and left.                  16 Q Okay. Who replaced him as general                  17 manager?                  18 A I don't remember.                  19 Q Was it Miss Jackson?                  20 A I don't think so. I – I don't – I                  21 just don't remember, Mr. Billips, I'm sorry.                  22 Q Okay. Was there anything else that was                  23 in the – in the Complaint that you did actually                  24 say?                  25 A No.</p>	<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A As they need it.                  4 Q Now, did Lisa Jackson have any role in                  5 either the planning or execution of your brother's                  6 wedding?                  7 A Well, my assistant Brandon Branch –                  8 Brandon is a very, very talented young man, and he                  9 – Brandon has been in charge of all of the weddings                  10 that's taken place in our family, and I think – I                  11 think Brandon worked with Lisa on the food.                  12 Q Okay. So was Lisa ever present when you                  13 discussed with Brandon what kind of wedding you'd                  14 like to have?                  15 A I don't recall that. I recall – I do                  16 recall, once again, in my bathroom at that house,                  17 and why we would have been in the bathroom, I was                  18 probably filming and changing clothes, that's the                  19 only reason why we would have been in that bathroom,                  20 they must have run out during my lunch break or                  21 something from filming, and I remember us talking                  22 about the meal.                  23 And I remember telling them about a                  24 restaurant that my husband and I had recently                  25 visited. And I'm wanting to think it was in</p>
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<p>1 BILLIPS - DEEN                  2 Q Well –                  3 A Not that I see here.                  4 Q There's a reference in some notes from                  5 Mr. Schumacher that you had told him that you had                  6 made the statement that the Paula Deen family of                  7 companies was, quote, one in the same business, and                  8 that I owe just as much on this fucking restaurant                  9 as I do –                  10 A Yes.                  11 Q – on that fucking restaurant?                  12 A Absolutely, I said that.                  13 Q Okay.                  14 A The money was coming from the same pot                  15 of both restaurants.                  16 Q Okay. And the money has continued to                  17 support Uncle Bubba's – there have continued to be                  18 loans from other companies of which you were a part                  19 owner; is that correct?                  20 A I'm sorry, I didn't hear you.                  21 Q There have – you have continued to make                  22 loans to Uncle Bubba's Seafood and Oyster House in                  23 order to keep it afloat?                  24 A I'm sure Karl has lent money from one                  25 business to another.</p>	<p>1 BILLIPS - DEEN                  2 Tennessee or North Carolina or somewhere, and it was                  3 so impressive. The whole entire wait staff was                  4 middle-aged black men, and they had on beautiful                  5 white jackets with a black bow tie. I mean, it was                  6 really impressive.                  7 And I remember saying I would love to                  8 have servers like that, I said, but I would be                  9 afraid that somebody would misinterpret.                  10 Q The media might misinterpret it?                  11 A Yes, or whomever –                  12 Q Okay.                  13 A – is so shallow that they would read                  14 something to it.                  15 Q Were they dressed in white shorts and                  16 bow ties?                  17 A No, they were dressed in white jackets.                  18 Q White jackets?                  19 A Dinner jackets.                  20 Q And a bow tie?                  21 A And a bow tie and black trousers, and                  22 they were incredible.                  23 Q Okay. And you said something –                  24 A These were men that had made their                  25 living off of service and people in a restaurant.</p>

Page 126	Page 128
<p>1 BILLIPS - DEEN                  2 Q Right.                  3 A It was – I was so impressed.                  4 Q Okay. And they were all black men?                  5 A Yes. Professional servers and waiters.                  6 Q And when you described it to Miss                  7 Jackson, did you mention the race of – well, you                  8 had to have mentioned the race of the servers –                  9 A Of course I would –                  10 Q – because that’s the part that –                  11 A – because that’s what we just                  12 experienced.                  13 Q Right. Do you know what word you used                  14 to identify their race?                  15 A I would have used just what I just told                  16 you.                  17 Q Black or African-American?                  18 A Black. I would use the word black.                  19 Q Okay.                  20 A I don’t usually use African-Americans.                  21 Q Okay.                  22 A I try to go with whatever the black race                  23 is wanting to call themselves at each given time. I                  24 try to go along with that and remember that.                  25 Q Okay. So is there any reason that you</p>	<p>1 BILLIPS - DEEN                  2 to reproduce what that restaurant had.                  3 I was just simply expressing an                  4 experience that my husband and I had,                  5 and I was so impressed.                  6 BY MR. BILLIPS:                  7 Q Did you describe it as a – that that                  8 would be a true southern wedding, words to that                  9 effect?                  10 A I don’t know.                  11 Q Do you recall using the words “really                  12 southern plantation wedding”?                  13 A Yes, I did say I would love for Bubba to                  14 experience a very southern style wedding, and we did                  15 that. We did that.                  16 Q Okay. You would love for him to                  17 experience a southern style plantation wedding?                  18 A Yes.                  19 Q That’s what you said?                  20 A Well, something like that, yes. And –                  21 Q Okay. And is that when you went on to                  22 describe the experience you had had at the                  23 restaurant in question?                  24 A Well, I don’t know. We were probably                  25 talking about the food or – we would have been</p>
Page 127	Page 129
<p>1 BILLIPS - DEEN                  2 could not have done something just like that but                  3 have people of different races?                  4 A Well, that’s what made it.                  5 MR. FRANKLIN: Objection.                  6 MR. WITHERS: Object to form.                  7 BY MR. BILLIPS:                  8 Q You can answer.                  9 A That’s what made it so impressive.                  10 These were professional. I’m not talking about                  11 somebody that’s been a waiter for two weeks. I’m                  12 talking about these were professional middle-aged                  13 men, that probably made a very, very good living –                  14 Q Okay.                  15 A – at this restaurant. They were                  16 trained. The – it – it was the whole picture, the                  17 setting of the restaurant, the servers, their                  18 professionalism.                  19 Q Is there any reason you couldn’t have                  20 found middle-aged professional servers who were of                  21 different races?                  22 MR. FRANKLIN: Objection,                  23 relevance.                  24 THE WITNESS: Listen, it was not                  25 important enough to me to even fight,</p>	<p>1 BILLIPS - DEEN                  2 talking about something to do with service at the                  3 wedding, and –                  4 Q Okay. And it was just you and Brandon                  5 and Lisa Jackson?                  6 A I couldn’t – I couldn’t tell you who                  7 all was in there because the only reason I would                  8 have – they would have come to speak to me in my                  9 dressing room is because I was in between takes.                  10 Q Okay.                  11 A Changing clothes and getting hair and                  12 makeup –                  13 Q Okay.                  14 A – prepped.                  15 Q Is there any possibility, in your mind,                  16 that you slipped and used the word “nigger”?                  17 A No, because that’s not what these men                  18 were. They were professional black men doing a                  19 fabulous job.                  20 Q Why did that make it a – if you would                  21 have had servers like that, why would that have made                  22 it a really southern plantation wedding?                  23 MR. FRANKLIN: Objection.                  24 Relevance.                  25 BY MR. BILLIPS:</p>

Page 130	Page 132
<p>1 BILLIPS - DEEN                  2 Q You can answer.                  3 A Well, it – to me, of course I'm old but                  4 I ain't that old, I didn't live back in those days                  5 but I've seen pictures, and the pictures that I've                  6 seen, that restaurant represented a certain era in                  7 America.                  8 Q Okay.                  9 A And I was in the south when I went to                  10 this restaurant. It was located in the south.                  11 Q Okay. What era in America are you                  12 referring to?                  13 A Well, I don't know. After the Civil                  14 War, during the Civil War, before the Civil War.                  15 Q Right. Back in an era where there were                  16 middle-aged black men waiting on white people.                  17 A Well, it was not only black men, it was                  18 black women.                  19 Q Sure. And before the Civil War –                  20 before the Civil War, those black men and women who                  21 were waiting on white people were slaves, right?                  22 A Yes, I would say that they were slaves.                  23 Q Okay.                  24 A But I did not mean anything derogatory                  25 by saying I loved their look and their</p>	<p>1 BILLIPS - DEEN                  2 A If I could have hired that restaurant to                  3 come here –                  4 Q Oh, that restaurant –                  5 A – to cater it.                  6 Q – I see.                  7 A Yes, I would have, but I couldn't                  8 afford.                  9 Q Okay. I thought you were talking about                  10 your own restaurant –                  11 A No.                  12 Q – bring it out –                  13 A No.                  14 Q – and it was like – it just totally                  15 confused me.                  16 A No.                  17 MR. BILLIPS: Give us just a few                  18 minutes. I need to talk to co-counsel                  19 about something.                  20 THE VIDEOGRAPHER: The time is                  21 2:29 p.m. We're off the record.                  22 (Recess.)                  23 THE VIDEOGRAPHER: The time is                  24 2:38 p.m. We're back on the record.                  25 BY MR. BILLIPS:</p>
Page 131	Page 133
<p>1 BILLIPS - DEEN                  2 professionalism.                  3 Q But you knew that if you did something                  4 like that, the media would pick up on it and have                  5 something to say?                  6 A I didn't – no, not necess –                  7 MR. FRANKLIN: Objection. Asked                  8 and answered.                  9 BY MR. BILLIPS:                  10 Q Correct?                  11 A Not necessarily the media.                  12 Q Okay.                  13 A But people around us.                  14 Q Okay.                  15 A No, I knew the media was not covering                  16 Bubba's wedding.                  17 Q Okay.                  18 A But just people around. It just wasn't                  19 worth – it just wasn't worth it.                  20 Q Okay.                  21 A If I could have brought the restaurant                  22 there I would have done that, but I could not afford                  23 to do that.                  24 Q What did you – what do you mean, if you                  25 could have brought the restaurant there?</p>	<p>1 BILLIPS - DEEN                  2 Q Miss Deen –                  3 A Yes, sir.                  4 Q – other than with respect to lining up                  5 your public appearances and shows and photo                  6 opportunities, things like that, which I understand                  7 Barry Weiner is in charge of.                  8 A Barry is my agent.                  9 Q Okay.                  10 A Sarah Meghan does all my scheduling.                  11 Q Okay. Other than those items, with                  12 regard to the remainder of the operation of your –                  13 of the various corporations of which you are an                  14 owner or part owner, would Karl Schumacher have                  15 day-to-day control of those corporations?                  16 A Yes.                  17 Q Okay.                  18 A Pretty much, yes.                  19 Q Okay. And prior to hiring a human                  20 resources director, he would have been the person                  21 who had the day-to-day personnel management control?                  22 A Yes.                  23 Q Okay.                  24 A Yes.                  25 Q All right. And for all of those</p>

<p>Page 134</p> <p>1 BILLIPS - DEEN                  2 companies, he is the person who would have made                  3 decisions regarding employee pay for the employees                  4 of the companies?                  5 A Yes. He – he sets – he sets, like,                  6 raises and I – I review them and say yea or nay.                  7 Q Okay. And then with regard to – okay.                  8 So for the – for example, for raises at                  9 the restaurants for the general managers, he would                  10 set a proposed raise and you would either approve it                  11 or disapprove it, or reduce it or increase it.                  12 A Yes, but that was more at The Lady &amp;                  13 Sons. I really didn't get involved with Uncle                  14 Bubba's.                  15 Q Okay. The – what was Theresa Feuger's                  16 job with regard to the restaurants?                  17 A Well, we've all worn so many hats. My                  18 core team from PDE. At one time I think she was the                  19 liaison between corporate and Uncle Bubba's.                  20 Q Okay. Did she have any operational –                  21 was she – was she Lisa Jackson's supervisor at one                  22 point?                  23 A I don't know that she would be her                  24 supervisor. I think she might, would call Theresa,                  25 if, you know, she needed help with something.</p>	<p>Page 136</p> <p>1 BILLIPS - DEEN                  2 enough employees, would you expect the other                  3 restaurant to send somebody to help?                  4 A I think we did that maybe on one                  5 occasion for Uncle Bubba's at the very start when we                  6 were just shorthanded.                  7 Q Okay.                  8 A Yes, I'm sure I would have called                  9 somebody from the restaurant and say "help".                  10 Q Okay. Now, I have asked you previously                  11 about some things that's been alleged that your                  12 brother has done, and you've indicated that you                  13 could not imagine him doing them. I want to ask you                  14 about another one.                  15 Can you imagine your brother speaking to                  16 a female employee who had just gotten dentures, that                  17 I'll bet your husband is going to like that?                  18 A I can imagine several men in my life                  19 that would have said something similar.                  20 Q Okay. Is that something that you think                  21 is funny?                  22 A It depends on the person. If you're                  23 comfortable enough with that person, it depends on                  24 that relationship.                  25 Q Okay.</p>
<p>Page 135</p> <p>1 BILLIPS - DEEN                  2 Q Okay. And did you consider these                  3 various components of the operation, I believe you                  4 described them previously as being one in the same                  5 business.                  6 A When I said that, I meant there's one                  7 pot funding both of those restaurants. I owe, I                  8 owe, it's off to work I go. I go to work for The                  9 Lady &amp; Sons and I go to work for Uncle Bubba's to                  10 bring business into this town for both restaurants,                  11 I owe.                  12 Q So you expected them to work together                  13 to –                  14 A If –                  15 Q – help each other to bring in money?                  16 A If one place was booked for a banquet,                  17 or they needed help for a special event, yes, I told                  18 them to call on each other. If you couldn't do it                  19 here, don't forget we have Uncle Bubba's sitting out                  20 here with a lot of space. You send the business to                  21 Uncle Bubba's before you just turn them out on the                  22 street to anybody. Both restaurants are to do                  23 whatever they can to service groups.                  24 Q Okay. If one restaurant needed – say                  25 they were – they were slammed and didn't have</p>	<p>Page 137</p> <p>1 BILLIPS - DEEN                  2 A I certainly wouldn't go out or recommend                  3 any of y'all go out to some lady on the street and                  4 say that, but it just – sorry, Bill, I know that                  5 shocks you. But it just depends on what kind of                  6 friendship.                  7 Q Okay. And is that something that you                  8 would think would be appropriate for an owner of a                  9 company to say to a female employee?                  10 A There again, it goes back to what kind                  11 of comfort zone that – that friendship or                  12 relationship is in.                  13 Q Okay. Is – you're also running the                  14 risk of offending anyone else who may hear it who's                  15 not that comfortable with it, would you agree?                  16 A Could be. It depends on, you know, who                  17 is there.                  18 Q Okay.                  19 MR. BILLIPS: Do we have any                  20 progress on those –                  21 MR. FRANKLIN: You're not going                  22 to get them today. Bill's not here                  23 and we'll just –                  24 MR. BILLIPS: Is there – is                  25 there no one else capable of reading</p>

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<p>1 BILLIPS - DEEN                  2 the court's order and–                  3 MR. FRANKLIN: Well, there's                  4 several people capable but you're not                  5 going to get them today.                  6 MR. BILLIPS: The court's order                  7 required that those documents be                  8 produced. Are you –                  9 MR. FRANKLIN: Well, I think that                  10 what we have there is privileged.                  11 MR. BILLIPS: I think that what                  12 you have there is an email –                  13 MR. FRANKLIN: Well, look, I'm                  14 not going to argue with you.                  15 MR. BILLIPS: – that is squarely                  16 within the scope of the court's order.                  17 MR. FRANKLIN: I'm not going to                  18 argue with you.                  19 MR. BILLIPS: I showed you on a                  20 privilege log where it shows –                  21 MR. FRANKLIN: I'm not going to                  22 argue with you.                  23 MR. BILLIPS: – the email                  24 was copied to David Beroset.                  25 MR. FRANKLIN: You know, I'm not</p>	<p>1 BILLIPS - DEEN                  2 MR. FRANKLIN: With all due                  3 respect, you can believe whatever you                  4 want, I'm not going to give them to                  5 you right now. I'm not trying to be                  6 difficult, I'm not going to give them                  7 to you.                  8 BY MR. BILLIPS:                  9 Q Miss Deen, in, I think it was May or                  10 June of 2010, did Miss Jackson approach you about                  11 having a different opportunity or creating a                  12 different opportunity for herself within your                  13 company?                  14 A Seems like she drew up some kind of                  15 proposal about closing Uncle Bubba's down and                  16 turning it into a banquet hall, or I don't know. I                  17 don't know.                  18 Q Okay.                  19 A I didn't – I didn't agree with her.                  20 Q Why did you not agree?                  21 A Because it would have been a bad                  22 business move.                  23 Q Well, what would have been bad about it?                  24 A All of our daily money would have been                  25 gone.</p>
Page 139	Page 141
<p>1 BILLIPS - DEEN                  2 going to argue with you.                  3 MR. BILLIPS: You're just going                  4 to disobey the court's order –                  5 MR. FRANKLIN: We're not                  6 disobeying the court's order. I think                  7 it's privileged. Bill Hunter is                  8 working on it. He's not here. He's                  9 in transit and that's what it is. I'm                  10 not going to sit here and debate it                  11 with you. I know what your position                  12 is.                  13 MR. BILLIPS: May I ask the basis                  14 for your –                  15 MR. FRANKLIN: You can ask                  16 whatever you want.                  17 MR. BILLIPS: – opinion that                  18 it's privileged?                  19 MR. FRANKLIN: I'm not being                  20 deposed. I'm not going to discuss it                  21 with you during this deposition.                  22 MR. BILLIPS: Well, we believe                  23 that those documents would have                  24 information that would be useful for                  25 the purpose of this deposition.</p>	<p>1 BILLIPS - DEEN                  2 Q Okay.                  3 A You don't close a business and make                  4 money.                  5 Q Well, has Uncle Bubba's made money?                  6 A Well, it's done all right. It's managed                  7 to keep its doors open.                  8 Q Well, how much money does it owe Paula                  9 Deen Enterprises right now?                  10 A I don't know. I don't know.                  11 Q Would it surprise you that it, according                  12 to Mr. Schumacher, it's about \$300,000?                  13 A No, that wouldn't surprise me.                  14 Q Okay. Would Uncle Bubba's have been                  15 able to remain open if you had not been infusing                  16 cash into it from Paula Deen Enterprises?                  17 MR. WITHERS: Objection. During                  18 what period of time are we talking                  19 about?                  20 BY MR. BILLIPS:                  21 Q Throughout its –                  22 A That's why I work. I work for those                  23 restaurants.                  24 Q Okay. Now, when you were actively                  25 involved in the restaurants, was there a rule about</p>

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<p>1 BILLIPS - DEEN                  2 one group of employees using one entrance and                  3 another group of employees using the back entrance?                  4 A No.                  5 Q Okay.                  6 A I always came through the kitchen door.                  7 Q Okay. What about the restrooms, were                  8 they –                  9 A We – I used the restroom that was off                  10 of our little gift shop and cash register. We had                  11 an employee's bathroom. We had two bathrooms back                  12 there for the employees and that's the ones that we                  13 all used.                  14 Q At Uncle Bubba's, do you know whether                  15 the front of the house employees were allowed to use                  16 the customer restroom?                  17 A I don't know. I don't know why they                  18 would when it – when our bathrooms were right                  19 there. But I'll tell you, there's nothing more                  20 distasteful than being in a restroom and seeing a                  21 cook come out covered in flour and buttermilk and                  22 all of that. I mean, you just – that – those                  23 bathrooms are reserved for your paying guest, not                  24 for us working in the kitchen.                  25 Q Now, do you recall or were you involved</p>	<p>1 BILLIPS - DEEN                  2 called you and asked what to do?                  3 A I don't recall that.                  4 Q Okay.                  5 A Brandon, would he have been in the front                  6 of the house, the kitchen, where?                  7 Q Ma'am, I don't know.                  8 A I don't – I don't know either.                  9 Q Okay.                  10 A You know, it's – people spend so many                  11 – so much of their lives on jobs, especially in a                  12 restaurant, oftentimes that's who their closest                  13 friends become.                  14 MR. BILLIPS: Give us five                  15 minutes. We may be getting ready to                  16 wrap up.                  17 THE VIDEOGRAPHER: The time is                  18 2:59 p.m. We're off the record.                  19 (Recess.)                  20 THE VIDEOGRAPHER: The time is                  21 3:15 p.m. We're back on the record.                  22 BY MR. BILLIPS:                  23 Q Miss Deen, do you have personal                  24 knowledge of any of the orders or requirements or                  25 any of the things the court has done in this case,</p>
Page 143	Page 145
<p>1 BILLIPS - DEEN                  2 sufficiently at this point to know that Miss Jackson                  3 was asked to draft an employee handbook for the                  4 companies to use?                  5 A I don't know. The Lady &amp; Sons had a                  6 handbook. I don't know how they handle that at                  7 Uncle Bubba's.                  8 Q Okay. Were you aware that she was –                  9 that she was working on a draft that was, at least                  10 during her employment, never put into place?                  11 A No. Like I said, I – I know nothing                  12 concerning that.                  13 Q Okay. Now, was there a rule that                  14 prohibited management from – or managers from                  15 having relationships with the servers?                  16 A Is there any rules?                  17 Q Yes, was there a rule at Lady &amp; Sons or                  18 Uncle Bubba's?                  19 A No, there were – there were no written                  20 rules –                  21 Q Okay. Was –                  22 A – to my knowledge.                  23 Q Okay. Do you recall an occasion when a                  24 manager, I think his name was Brandon, had a                  25 relationship with a server, and I believe Mr. Walls</p>	<p>1 BILLIPS - DEEN                  2 or are you simply relying on your lawyers to handle                  3 all that?                  4 A Yeah, pretty much.                  5 MR. BILLIPS: Then what we're                  6 going to do at this point is suspend                  7 the deposition subject to subsequent                  8 production of the additional court                  9 ordered documents, and reserve the                  10 right to resume if there's anything in                  11 those documents that we feel would                  12 prompt additional questions for Miss                  13 Deen.                  14 THE WITNESS: Okay.                  15 MR. FRANKLIN: I'm not going to                  16 agree to that.                  17 MR. BILLIPS: I'm not asking you                  18 to agree to it, I'm simply stating my                  19 position.                  20 MR. FRANKLIN: Gotcha.                  21 THE VIDEOGRAPHER: The time is                  22 3:16 p.m. This deposition is                  23 suspended. We're off the record.                  24 (The deposition adjourned at 3:16                  25 p.m.)</p>

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1           **ATTESTATION**

2

3           I, the undersigned, have read the foregoing

4 transcript, and, with the exception of any corrections

5 specified on the attached correction sheet, attest it

6 constitutes a true and correct transcription of my

7 testimony given at the time and place specified

8 therein.

9

10

11                           (Signed): \_\_\_\_\_

  Paula Deen

12

13

14                           WITNESS: \_\_\_\_\_

15

16

17                           DATE: \_\_\_\_\_

18

19

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1           **CERTIFICATE**

2    **GEORGIA :**

3    **CHATHAM COUNTY :**

4           I hereby certify that the

5 foregoing transcript was taken down,

6 as stated in the caption, and the

7 questions and answers thereto were

8 reduced to typewriting under my

9 direction; that the foregoing Pages 1

10 through 148 represent a true and

11 correct transcript of the evidence

12 given upon said hearing, and I further

13 certify that I am not of kin or

14 counsel to the parties in the case; am

15 not in the regular employ of counsel

16 for any of said parties; nor am I in

17 anywise interested in the result of

18 said case.

19           This, the 29th day of May, 2013.

20

21

  \_\_\_\_\_

  Celeste Mack, CCR, RPR, 2738

22

23

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1           **ERRATA SHEET**

2    **STATE OF GEORGIA )**

**) SS.**

3    **COUNTY OF CHATHAM )**

4           I wish to make the following

5 changes for the following reasons:

6    **PAGE LINE**

7    \_\_\_\_\_ **CHANGE:** \_\_\_\_\_

8           **REASON:** \_\_\_\_\_

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10           **REASON:** \_\_\_\_\_

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22

23    (Signed) \_\_\_\_\_

  Paula Deen

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Paula Deen  
Lisa T. Jackson v. Paula Deen, et al.

May 17, 2013

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

LISA T. JACKSON, )  
 )  
Plaintiff, )  
 ) CIVIL ACTION  
vs. )  
 ) NO. CV412-139  
PAULA DEEN, PAULA DEEN )  
ENTERPRISES, LLC, THE LADY )  
& SONS, LLC, THE LADY )  
ENTERPRISES, INC., EARL W. )  
"BUBBA" HIERS, and UNCLE )  
BUBBA'S SEAFOOD & OYSTER )  
HOUSE, INC., )  
 )  
Defendants. )

DEPOSITION OF  
LISA T. JACKSON

February 11, 2013

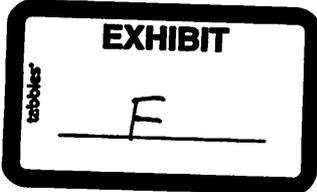
9:07 a.m.

Oliver Maner, LLP  
218 West State Street  
Savannah, Georgia

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DEBORAH ODOM BLACK  
CERTIFIED COURT REPORTER  
P. O. BOX 15666  
SAVANNAH, GEORGIA 31416  
912-598-7126

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1 bias or prejudice, did she?

2 A. Yes. One remark she made at Bubba's  
3 wedding planning.

4 Q. Were you there --

5 A. Yes.

6 Q. -- at the planning? Now, you tell me,  
7 when did that occur and where?

8 A. On her back porch.

9 Q. Which house, Dogwood?

10 A. Dogwood. We were sitting on the back  
11 porch and we asked about the uniforms. And she  
12 made a remark about how she wanted them dressed.

13 Q. Who was there?

14 A. It was Bubba, and me, and Paula.

15 Q. Bubba, you, and who?

16 A. Paula.

17 Q. Okay. What did she say how she wanted  
18 them dressed?

19 A. Like they used to dress in the Shirley  
20 Temple days with the long white shirts and the  
21 shorts. And I remember thinking when she said it  
22 that I thought about Dora..

23 And I thought, I know she loves -- I know  
24 you love Dora, and it was like how could -- you  
25 know, how could she say something like that. Then

1 a fan rode by on a boat, and she said, well, we  
2 know we can't do that because the media would be on  
3 us.

4 And I just -- at that moment thought --  
5 it was disappointing, but I still had respect for  
6 the position she had offered me and that I was  
7 doing there.

8 Q. And, but was her comment was that she  
9 wanted a wedding back in the Shirley Temple days  
10 with blacks wearing what?

11 A. White shirts.

12 Q. White shirts?

13 A. And black pants or black shorts.

14 Q. And that's the sum total of the  
15 conversation about that; is that correct?

16 A. Uh-huh, correct.

17 Q. And you said that you know that -- I think  
18 you said that she loves Dora?

19 A. I have always heard that she did.

20 Q. And do you know --

21 A. She told me that.

22 Q. -- do you know -- has Dora told you that  
23 the affection is mutual?

24 A. No. That's not what Dora has told me.

25 Q. What has Dora told you?

**George Major**

---

**From:** Bill Franklin <bfranklin@olivermaner.com>  
**Sent:** Wednesday, June 12, 2013 1:25 PM  
**To:** critesreporting@aol.com  
**Cc:** twithers@gwlawfirm.com; bhunter@olivermaner.com; gmajor@olivermaner.com; ghodges@olivermaner.com; Patty Paul  
**Subject:** Re: REQUEST FOR PAULA DEEN DEPOSITION VIDEO

Thanks for the heads up. Do not release the video deposition . Thanks. Bill

Sent from my iPad

On Jun 12, 2013, at 12:32 PM, [critesreporting@aol.com](mailto:critesreporting@aol.com) wrote:

Gentlemen,

Please see the email below. We are not responding to his request. Tommy wanted me to forward this email to you and if you wish to respond, please do.

Thank you.

Diana

Tom Crites & Associates International, Inc.  
A Professional Association of Stenotype Reporters and Videographers  
web: [www.critesintl.com](http://www.critesintl.com)  
e-mail: [critesreporting@aol.com](mailto:critesreporting@aol.com)  
ph: 800-631-3480 fax: 912-233-7777

-----Original Message-----

**From:** Wrobel, Darryl <[dwrobel@nationalenquirer.com](mailto:dwrobel@nationalenquirer.com)>  
**To:** critesreporting <[critesreporting@aol.com](mailto:critesreporting@aol.com)>  
**Sent:** Wed, Jun 12, 2013 10:00 am  
**Subject:** REQUEST FOR PAULA DEEN DEPOSITION VIDEO

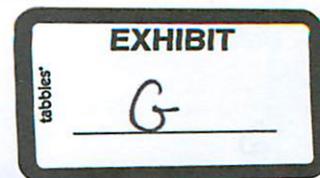
Diana –

Per our conversation earlier this morning, I am a journalist with American Media, Inc.'s sister publication, National ENQUIRER, and am requesting a copy of the Paula Deen video deposition that your company was contracted to video on May 17 in the case of Lisa T. Jackson v Paula Deen, Paula Deen Enterprises, LLC, The Lady & Sons, LLC, The Lady Enterprises, Inc., Earl W. "Bubba" Hiers, and Uncle Bubba's Seafood And Oyster House, Inc. (Civil Action No: 4:12-CV-0139).

One of the attorneys for the plaintiff, Matthew C. Billips, has already given me consent to obtain the video from your company; however, I understand you are also obligated to contact the defendant's attorney for consent before you are able to release a copy of that video deposition.

The clerk's office has told me that they can and will release that video deposition 90 days after it was filed, but obviously I would like to obtain a copy earlier if at all possible.

I am in the Savannah area and will remain here until I receive a response from you, letting me know whether the video release will be possible at this time.



Thank you and I look forward to your response.

Darryl Wrobel  
National ENQUIRER Senior Correspondent  
[dwrobel@nationalenquirer.com](mailto:dwrobel@nationalenquirer.com)  
303-803-8226 Cell