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

LISA T. JACKSON,

Plaintiff, CIVIL ACTION NO.

vs.

PAULA DEEN, PAULA DEEN 4:12-CV-0139
ENTERPRISES, LLC, THE LADY
& SONS, LLC, THE LADY
ENTERPRISES, INC., EARL
W. "BUBBA" HIERS, and UNCLE
BUBBA'S SEAFOOD and OYSTER
HOUSE, INC.,

Defendants.

Videotaped Deposition of EARL "BUBBA"
HIERS, taken by counsel for the Plaintiff,
pursuant to notice and agreement, before Rachael
Miller, Certified Court Reporter, at 218 West
State Street, Savannah, Georgia, February 12,
2013, at 9:04 a.m.

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1 FOR THE DEFENDANTS:

2 THOMAS A. WITHERS, Esquire

3 Gillen, Withers & Lake, LLC

4 8 East Liberty Street

5 Savannah, Georgia 31401

6 (912) 447-8400

7

8 Also Present: Shawn Screen, Video Technician,

9 Melissa McCurry, Lisa Jackson

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1 APPEARANCE OF COUNSEL:

2

3 FOR THE PLAINTIFF:

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1 I N D E X

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1 DISCLOSURE STATEMENT
 2 STATE OF GEORGIA:
 3 COUNTY OF CHATHAM:
 4
 5 Pursuant to Article 10.B. of the Rules
 6 and Regulations of the Board of Court Reporting of
 7 the Judicial Council of Georgia, I make the
 8 following disclosure.
 9 I am a Georgia Certified Court Reporter.
 10 I am not disqualified for a relationship
 11 of interest under the provisions of O.C.G.A.
 12 9-11-28(c).
 13 Tom Crites & Associates International,
 14 Inc. was contacted by S. Wesley Woolf, P.C. to
 15 provide court reporting services for this
 16 proceeding.
 17 Tom Crites & Associates International,
 18 Inc. will not be taking this proceeding under any
 19 contract that is prohibited by Georgia law.
 20 This, the 21st day of February, 2013.
 21 _____
 22
 23
 24
 25

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1 EARL "BUBBA" HIERS,
 2 having been first duly sworn, was examined and
 3 testified as follows:
 4 VIDEO TECHNICIAN: This is the
 09:04:57 5 videotaped deposition of Earl W. Bubba Hiers taken
 6 by counsel for the plaintiff in the matter of Lisa
 7 T. Jackson versus Paula Deen, et al., held in the
 8 offices of Oliver, Maner, LLP, located at 218 East
 9 State Street, Savannah, Georgia on
 09:05:14 10 February 12th, 2013 at the time indicated on the
 11 video screen.
 12 Rachael Miller from Tom Crites &
 13 Associates is the court reporter. My name is
 14 Shawn Screen and I am the videotaped specialist
 09:05:26 15 also in association with Tom Crites & Associates.
 16 If counsel will now please introduce
 17 themselves starting with the parties who noticed
 18 this deposition.
 19 MR. BILLIPS: Matthew C. Billips on
 09:05:34 20 behalf of the plaintiff.
 21 MR. WOOLF: S. Wesley Woolf on behalf of
 22 the plaintiff.
 23 MR. WITHERS: Tom Withers on behalf of
 24 Bubba Hiers and Uncle Bubba's Seafood.
 09:06:00 25 MR. MAJOR: Before we get started, we

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09:06:00 1 have Bill Franklin representing Paula Deen and the
 2 Paula Deen Companies.
 3 EXAMINATION
 4 BY MR. BILLIPS:
 09:06:10 5 Q. Please state your full legal name.
 6 A. Earl Wayne Hiers, Jr.
 7 MR. BILLIPS: All right. This will be
 8 the deposition of Earl Wayne Hiers, Jr. taken
 9 pursuant to notice and agreement of counsel
 09:06:20 10 pursuant to the same stipulations as we've had in
 11 other depositions.
 12 MR. WITHERS: Agreed.
 13 BY MR. BILLIPS:
 14 Q. Okay. Mr. Hiers, were you born in
 09:06:33 15 Savannah?
 16 A. No, sir.
 17 Q. Okay. Where were you born?
 18 A. Albany, Georgia.
 19 Q. Who are your parents?
 09:06:44 20 A. Earl Hiers, Sr. and Corrie P. Hiers.
 21 Q. Corrie, C-o-r --
 22 A. Excuse me. Yes. C-o-r-r-i-e.
 23 Q. Okay. Are they still living?
 24 A. Both deceased.
 09:07:10 25 Q. Mr. Hiers, are you presently under the

Page 9

09:07:13 1 influence of any prescription medication? Have
2 you taken any prescription medication today?
3 A. No, sir.
4 Q. Okay. Have you taken any
09:07:24 5 over-the-counter medication today?
6 A. Yes, sir.
7 Q. What have you taken?
8 A. Vitamins and a Bayer Aspirin.
9 Q. Okay. Have you had anything to drink
09:07:35 10 today?
11 A. No, sir.
12 Q. When was the last time you had something
13 to drink?
14 A. Last night.
09:07:39 15 Q. Okay. And by something to drink, I'm
16 referring to something alcoholic.
17 A. Correct.
18 Q. What and how much did you have to drink
19 last night?
09:07:54 20 A. What, Jack Daniel's and water.
21 Q. Okay.
22 A. Three cocktails.
23 Q. Okay. Approximately what time?
24 A. 7:00 p.m.
09:08:12 25 Q. Is that a typical amount for you to

Page 10

09:08:17 1 drink?
2 A. Yes, sir.
3 Q. Okay. The cocktails, did you pour them
4 yourself or were they poured at the bar?
09:08:27 5 A. Poured them myself at my home.
6 Q. Okay. Did you measure the amount of
7 alcohol going in those cocktails?
8 A. No, sir.
9 Q. Do you usually measure the amount going
09:08:46 10 into your drink?
11 A. No, sir.
12 Q. Okay. You pour straight from the
13 bottle?
14 A. Yes, sir.
09:09:02 15 Q. Do you -- have you ever felt that you
16 drink to excess?
17 A. No, sir.
18 Q. Okay. Have you ever gone to work or
19 remained at work when you were under the influence
09:09:17 20 of alcohol?
21 A. No, sir.
22 Q. Okay. Have you ever been in treatment
23 for alcohol abuse?
24 A. Yes, sir.
09:09:28 25 Q. When was that?

Page 11

09:09:32 1 A. 1986.
2 Q. For how long?
3 A. 30 days.
4 Q. Was this a court-ordered treatment?
09:09:59 5 A. No, sir.
6 Q. Was this something you did voluntarily?
7 A. Me and my wife voluntarily went.
8 Q. Okay. Was your wife also in treatment?
9 A. Yes, sir.
09:10:12 10 Q. Okay. Was this inpatient treatment?
11 A. It was at Turning Point Hospital,
12 Moultrie, Georgia.
13 Q. Okay. And you were admitted as an
14 inpatient? In other words, you stayed there
09:10:26 15 overnight?
16 A. Yes, sir.
17 Q. Okay. And you stayed there for 30 days?
18 A. Yes, sir.
19 Q. Okay. Which wife was this?
09:10:50 20 A. Number one, Jill Hiers.
21 Q. When you were in treatment for -- were
22 you in treatment for alcohol dependency or
23 alcoholism? Was that what you understood you were
24 being treated for?
09:11:16 25 A. Drug recovery system.

Page 12

09:11:19 1 Q. Oh.
2 A. Alcohol and drug.
3 Q. Oh. What was the drug?
4 A. It was a cocaine.
09:11:24 5 Q. Okay. Do you still use cocaine?
6 A. No, sir.
7 Q. When was the last time you used cocaine?
8 A. 1986.
9 Q. Okay. Have you used any other
09:11:43 10 prescription medication that was not a
11 prescription written for you?
12 A. No, sir.
13 Q. Did you ever steal prescription drugs
14 from my client?
09:11:54 15 A. No, sir.
16 Q. Did you ever take prescription drugs
17 belonging to her?
18 A. Not that I recall.
19 Q. Well, were you ever so drunk at her
09:12:02 20 house that you might not remember taking her
21 drugs?
22 A. No, sir.
23 Q. Okay. All right. When you were in
24 treatment for alcoholism or for alcohol dependency
09:12:33 25 and for cocaine dependency, did you consider

Page 13

09:12:36 1 yourself to have an alcohol problem?
 2 A. No, sir.
 3 Q. Okay. How long after the treatment was
 4 over did you wait before you had your first drink?
 09:12:52 5 A. Ten years.
 6 Q. Why did you wait so long?
 7 A. It was after my divorce.
 8 Q. Okay. So you waited until after your
 9 divorce was final? Was that from Ms. Hiers, Jill
 09:13:13 10 Hiers? Sorry.
 11 A. That's correct.
 12 Q. Okay. And as soon as you got divorced
 13 from Jill Hiers, you went back to drinking?
 14 A. I did.
 09:13:24 15 Q. Okay. Was that because she insisted
 16 that you remain sober?
 17 A. It was for the benefit of my marriage,
 18 yes.
 19 Q. Okay. So if someone insisted that you
 09:13:44 20 remain sober, you were capable of doing it?
 21 A. Yes, sir.
 22 Q. Okay. But you have been drinking since
 23 1996. And has your alcohol intake remained about
 24 what it is now, three self-poured cocktails per
 09:14:13 25 day?

Page 14

09:14:14 1 A. Yes, sir.
 2 Q. Okay. Where do you buy your Jack
 3 Daniel's?
 4 A. The liquor store.
 09:14:32 5 Q. Which liquor store?
 6 A. It's on Wilmington Island.
 7 Q. What's the name of it?
 8 A. I don't recall the name of it.
 9 Q. What street's it on?
 09:14:45 10 A. Johnny Mercer Boulevard.
 11 Q. Do you pay cash or do you use a credit
 12 card?
 13 A. Personal cash.
 14 Q. Okay. And how many times in a month
 09:15:15 15 would you say you go by Johnny Mercer?
 16 A. Two or three times.
 17 Q. Okay. And what do you buy when you go
 18 there?
 19 A. Jack Daniel's.
 09:15:23 20 Q. What quantity bottle?
 21 A. A half gallon.
 22 Q. So you buy a half gallon two to three
 23 times a month; is that right?
 24 A. Correct. Correct.
 09:15:35 25 Q. So that would be one to one and a half

Page 15

09:15:52 1 gallons per month? Is that fair?
 2 A. I don't actually count.
 3 Q. But you -- whenever you go there, you
 4 get a half gallon of Jack?
 09:16:07 5 A. Yes.
 6 Q. And you go two to three times a month,
 7 so if you went twice, you would be buying a gallon
 8 that month. If you went three times, you would be
 9 buying a gallon and a half.
 09:16:19 10 A. Okay.
 11 Q. And that's the alcohol that you take
 12 home?
 13 A. Correct.
 14 Q. And that's the alcohol you drink at
 09:16:24 15 home?
 16 A. Correct.
 17 Q. Okay. Do you also drink at Uncle
 18 Bubba's?
 19 A. I have.
 09:16:29 20 Q. Okay. As a matter of fact, you drink
 21 there fairly frequently?
 22 A. No, sir.
 23 Q. No. Have you ever gone to work, poured
 24 yourself a Styrofoam cup full of Jack Daniel's and
 09:16:51 25 written your initials on it?

Page 16

09:16:52 1 A. No, sir.
 2 Q. Have you ever written your initials on a
 3 Styrofoam cup?
 4 A. Yes, sir.
 09:16:56 5 Q. Okay. What was in the cup?
 6 A. Daily.
 7 Q. What was in the cup?
 8 A. Coffee, water.
 9 Q. Okay. Never Jack Daniel's?
 09:17:04 10 A. Never?
 11 Q. Yeah.
 12 A. Maybe at night --
 13 Q. Okay.
 14 A. -- when I was there having dinner.
 09:17:12 15 Q. Okay. The Styrofoam cup we're talking
 16 about, we're talking like a, what, a 16-ounce
 17 Styrofoam cup, regular sized white Styrofoam cup
 18 like you'd get at a to-go cup at a restaurant?
 19 A. It's Styrofoam cups that I purchase for
 09:17:37 20 my guests at my restaurant.
 21 Q. Okay.
 22 A. Approximately 16 ounces.
 23 Q. Okay. And do you drink Jack Daniel's
 24 straight or on the rocks or mixed?
 09:17:49 25 A. Mixed.

Page 17

09:17:50 1 Q. What do you mix it with?
 2 A. Water, Coke.
 3 Q. Okay. Have you ever poured yourself a
 4 drink when you're working?
 09:18:01 5 A. After work.
 6 Q. Okay. While the restaurant's still
 7 open?
 8 A. After I finish my work, it's possible
 9 the restaurant could have been open.
 09:18:18 10 Q. Okay. And your schedule is pretty much
 11 set by yourself, correct?
 12 A. Correct.
 13 Q. Do you still do that?
 14 A. Rarely.
 09:18:43 15 Q. Did you used to do it more frequently?
 16 A. No, sir.
 17 Q. Was it ever reported to you that the
 18 employees in the restaurant were complaining that
 19 you were impaired at work?
 09:18:55 20 A. Not to my recollection.
 21 Q. Did anyone ever ask you not to come to
 22 work impaired?
 23 A. No, sir.
 24 Q. Okay. Anyone ever tell you that there
 09:19:07 25 was anything wrong with you getting impaired at

Page 18

09:19:10 1 work?
 2 A. Yes, sir. My sister asked me that --
 3 not to do it at work because it was not -- while I
 4 was working. It was not appropriate. I said -- I
 09:19:18 5 said okay.
 6 Q. All right. So somebody did ask you not
 7 to come to work impaired?
 8 A. My sister.
 9 Q. Okay. Did Karl Schumacher?
 09:19:28 10 A. No, sir.
 11 Q. Okay. What is Karl Schumacher's
 12 relationship to you in the employment structure at
 13 Uncle Bubba's?
 14 A. He is our corporate CFO.
 09:19:42 15 Q. Okay. And you are a 50 percent owner of
 16 Uncle Bubba's?
 17 A. Yes, sir.
 18 Q. You're also an employee of Uncle
 19 Bubba's; is that right? You draw a salary?
 09:19:57 20 A. I draw a salary, yes.
 21 Q. Okay. Do you have the authority to fire
 22 Karl Schumacher?
 23 A. I never thought of that. I'm not sure.
 24 Q. Okay. Do you know who would
 09:20:12 25 definitively have the authority to fire Karl

Page 19

09:20:14 1 Schumacher?
 2 A. Yes, sir. My sister.
 3 Q. Does your sister have the authority to
 4 fire pretty much anybody working at Uncle Bubba's?
 09:20:31 5 A. Yes, sir.
 6 Q. Now -- all right. So in addition to the
 7 gallon or gallon and a half of Jack Daniel's that
 8 you drink at home, you also drink at Uncle
 9 Bubba's?
 09:21:14 10 A. When I have dinner there, I may have a
 11 cocktail.
 12 Q. Or when it's after -- when you've
 13 finished your work you may have a cocktail?
 14 A. I have in the past.
 09:21:23 15 Q. Okay. When did that stop?
 16 A. I'm not sure.
 17 Q. Okay. What is the longest period you've
 18 gone without having a drink in the past six
 19 months?
 09:21:40 20 A. I've gone a week.
 21 Q. Okay. When was that?
 22 A. Recently.
 23 Q. How recently?
 24 A. Within the past month.
 09:21:48 25 Q. Okay. Why did you do that?

Page 20

09:21:59 1 A. To lose weight.
 2 Q. But you started back drinking?
 3 A. Yes.
 4 Q. Okay. Did you lose much weight?
 09:22:18 5 A. I don't think I have.
 6 Q. Now, you said you were born in Albany?
 7 A. Yes, sir.
 8 Q. How long did you live in Albany?
 9 A. Till 2000.
 09:22:38 10 Q. Okay.
 11 A. Born and raised there.
 12 Q. Okay. Where did you go to school?
 13 A. All schools?
 14 Q. Uh-huh.
 09:23:03 15 A. Elementary school was Magnolia
 16 Elementary School, Albany, Georgia. Junior high
 17 school was Merry Acres Junior High, Albany,
 18 Georgia. Westover High School, Albany, Georgia.
 19 One year. A rezoning occurred, got transferred to
 09:23:21 20 Albany High School for junior year. And I
 21 graduated from Columbus High School. We moved
 22 there shortly for three years. I was living with
 23 my sister and brother-in-law.
 24 Q. Which -- do you have more than one
 09:23:38 25 sister?

Page 21

09:23:39 1 A. No, sir.
 2 Q. Okay. So this was Paula Deen?
 3 A. Yes, sir.
 4 Q. Has she been married more than once?
 09:23:47 5 A. Yes, sir.
 6 Q. Okay. Was it her current husband that
 7 you were living with?
 8 A. No, sir.
 9 Q. Okay. So did you finish your junior
 09:24:02 10 year at Albany High School?
 11 A. I did.
 12 Q. And when did you move to Columbus?
 13 A. That would have been the summer of 1971.
 14 Q. And why did you move to Columbus?
 09:24:20 15 A. I was living with my sister and
 16 brother-in-law. My brother-in-law took a job in
 17 Columbus, Georgia.
 18 Q. Okay.
 19 A. Excuse me.
 09:24:39 20 Q. Now, when did you start living with your
 21 sister and your brother-in-law?
 22 A. At the age of 16.
 23 Q. How much older than you is your sister?
 24 A. There's seven years difference between
 09:25:02 25 us.

Page 22

09:25:08 1 Q. Why did you begin living with them?
 2 A. I had no parents.
 3 Q. Okay. When did your mother die?
 4 A. My mother died in 1970.
 09:25:20 5 Q. Okay. And when did your father die?
 6 A. 1966.
 7 Q. Were either of your parents alcoholics?
 8 A. No, sir.
 9 Q. Did either of them get drunk and abusive
 09:25:40 10 towards you?
 11 A. No, sir. They did drink, but they were
 12 not abusive.
 13 Q. Okay. Did they hit you?
 14 A. No, sir. Did I ever get a spanking as a
 09:25:54 15 little boy, yes, sir.
 16 Q. Did you ever get whipped with anything?
 17 A. No, sir.
 18 Q. Okay. What did you do after you
 19 graduated high school?
 09:26:22 20 A. After I graduated from high school, I
 21 went to Columbus College. I entered college at
 22 Columbus High School -- I mean Columbus College.
 23 Excuse me.
 24 Q. Uh-huh. And how long were you there?
 09:26:38 25 A. Approximately a year and we moved back

Page 23

09:26:39 1 to Albany, Georgia.
 2 Q. There is a college in Albany; is that
 3 right?
 4 A. Yes, sir. It was called Albany Junior
 09:26:51 5 College at the time, and I entered that college.
 6 Q. Okay. Is there also a four-year
 7 college? Wasn't there also a four-year college in
 8 Columbus -- or in Albany?
 9 A. In Albany. Yes, sir.
 09:27:07 10 Q. Okay. What was that?
 11 A. I never attended it. I believe it was
 12 called Albany State University.
 13 Q. Okay. Any reason why you didn't go to
 14 Albany State University?
 09:27:16 15 A. I never completed college.
 16 Q. Okay. Well, you were in a four-year --
 17 was Columbus College a four-year college?
 18 A. It was.
 19 Q. Why didn't you transfer to another
 09:27:27 20 four-year college in Albany -- at Albany State
 21 University?
 22 A. All my friends were going to the junior
 23 college and I was still in junior college.
 24 Q. Okay. Albany State University is a
 09:27:37 25 historically black institution; is that correct?

Page 24

09:27:41 1 A. I believe that's correct.
 2 Q. So almost all of the students attending
 3 Albany State were black; is that right?
 4 A. I guess you would say almost. My first
 09:27:49 5 wife also attended it.
 6 Q. So you went to Columbus Junior College
 7 for how long? Or excuse me, Albany Junior
 8 College.
 9 A. I would say approximately a year.
 09:28:16 10 Q. And did you graduate?
 11 A. No, sir.
 12 Q. Okay. Did you receive any certificates
 13 or degrees of any kind?
 14 A. A high school diploma.
 09:28:26 15 Q. Okay. So you had not graduated from
 16 Columbus High School?
 17 A. I graduated from Columbus High School.
 18 Q. Oh, I see. All right. Did you receive
 19 any certificates or degrees of any kind from
 09:28:37 20 Albany Junior College?
 21 A. No, sir.
 22 Q. Okay. Have you attended any institution
 23 of education since Albany Junior College in or
 24 around 1972?
 09:28:49 25 A. No, sir.

Page 25

09:28:50 1 Q. Okay. What did you do after you left
2 Albany Junior College?
3 A. Just went out into the workforce,
4 workplace.
09:29:11 5 Q. Where did you work?
6 A. I had numerous jobs.
7 Q. Start from the beginning.
8 A. I have worked for my aunt and uncle in a
9 toy business in Albany, Georgia. I've even worked
10 as a sales clerk in a convenience store. I have
11 worked as a clothing salesperson in Albany,
12 Georgia. I have worked as a pipe fitter welder
13 from the Albany Local 368. I have also -- I was
14 also employed as a car salesman at several
15 dealerships.
16 I also was a sales rep at a used car
17 lot. I've even sold life insurance through A.L.
18 Williams Company. And after leaving the car
19 dealership, I started my own business. It was a
09:31:03 20 landscaping and groundskeeping company that I
21 owned until I moved to Savannah in 2000.
22 Q. How long did that business -- how long
23 did you own and operate that business?
24 A. Approximately from 1987 to 2000.
09:31:39 25 Q. Okay. And you moved to Savannah in 2 --

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09:34:08 1 A. We purchased a restaurant.
2 Q. Uh-huh. What was the restaurant when
3 you purchased it or before you purchased it?
4 A. The name of it was Snapper Jacks.
09:34:40 5 Q. What was your -- strike.
6 Was the restaurant purchased with a --
7 through a loan or bought with cash?
8 A. A loan.
9 Q. Okay. And who was the loan from?
10 A. SunTrust Bank, Savannah, Georgia.
11 Q. Okay. Has that loan been paid off?
12 A. No, sir.
13 Q. Did you have to pay any money in as
14 capital into the business?
15 A. No, sir.
16 Q. Okay. Did your sister pay any money in
17 as capital, capital contribution?
18 A. No, sir.
19 Q. Okay. Have you ever paid any capital
20 contribution into the business? In other words,
21 paid money to the business that is not a loan?
22 A. Only the -- my income tax return is
23 always put back into the company --
24 Q. Uh-huh.
09:35:49 25 A. -- if I receive any.

Page 26

09:31:42 1 why did you move in 2000 to live in Savannah?
2 A. To go to work in my sister's restaurant
3 business.
4 Q. Okay. Other than your aunt and uncle
09:31:58 5 and the toy business -- first of all, what did you
6 do for them?
7 A. I worked at their warehouse and I also
8 worked at one of their retail stores.
9 Q. Was this the aunt Aunt Peggy?
09:32:16 10 A. Correct.
11 Q. Okay. When you first started working
12 for Paula, what were you doing?
13 A. Office work.
14 Q. What kind of office work?
09:32:59 15 A. Creating an office from the ground up.
16 They -- when I moved here, they had no office.
17 Helping them organize their business.
18 Q. Uh-huh. During that time were you
19 working in the same physical facility as your
09:33:45 20 sister?
21 A. Yes, sir.
22 Q. Okay. And for how long did you serve in
23 that capacity?
24 A. From 2000 until 2004.
09:34:05 25 Q. Okay. And what happened in 2004?

Page 28

09:35:50 1 Q. Okay. How much of the company -- first
2 of all, what is the name of the company that
3 runs the -- is assigned to that restaurant?
4 A. The name of the restaurant is Uncle
09:36:10 5 Bubba's Seafood & Oyster House, Inc.
6 Q. Okay. And what is its relationship to
7 Paula Deen Enterprises?
8 A. She owns two restaurants in Savannah and
9 it's shared with my nephews, and this one is
10 shared with me.
11 Q. Okay. So the other restaurant is Lady &
12 Sons?
13 A. Correct.
14 Q. Okay. Have you ever been arrested or
09:37:40 15 otherwise charged with a crime?
16 A. No, sir.
17 Q. Have you ever been stopped by the police
18 when you have been drinking?
19 A. No, sir.
09:37:51 20 Q. Have you ever been interrogated by the
21 police regarding an incident alleged to have
22 occurred -- to have occurred when you were
23 drinking and driving?
24 A. No, sir.
09:38:03 25 Q. Police ever come to the restaurant after

Page 29

09:38:06 1 an incident that had occurred outside of the
2 restaurant after you returned to the restaurant
3 having to do with running into somebody's car in
4 your driveway?
09:38:27 5 A. Yes.
6 Q. Okay. Tell me about that incident.
7 A. I remember being at home one evening and
8 I went -- I was leaving my home going back to my
9 restaurant to check on its running and a stepson
09:38:55 10 had a friend over at my house and he was parked at
11 the end of my driveway. The driveway was dark.
12 And as I was backing out of my driveway, I hit his
13 truck accidentally --
14 Q. Okay.
09:39:18 15 A. -- because it was dark. I could not see
16 it.
17 Q. Had you been drinking?
18 A. I don't recall.
19 Q. Okay. Were you drunk?
09:39:34 20 A. No, sir.
21 Q. Do you know if you would have -- if you
22 had blown a Breathalyzer that you would have
23 blown under the legal limit?
24 A. I would think so. Yes, sir.
09:39:49 25 Q. But you would not consider yourself

Page 31

09:41:01 1 A. When I went to my restaurant, yes, sir.
2 Q. And you will acknowledge that you
3 probably were driving -- you were probably over
4 the legal limit in terms of your alcohol content?
09:41:12 5 A. No, sir. I do not recall that.
6 Q. Okay. Did you tell me that you probably
7 would have blown over the legal limit?
8 A. No, sir. I thought I told you that I
9 would not have blown over the legal limit.
09:41:23 10 Q. That's why I was clarifying. Now, do
11 you currently have in your possession or control
12 any unused prescription medication?
13 A. No, sir.
14 Q. Okay. Do you have any prescription med
15 -- prescriptions that you have not yet filled or
16 refilled?
17 A. Just only medicine my doctor has
18 prescribed for me that I refill as they empty.
19 Q. Okay. What medication is that?
09:42:16 20 A. It is a Lipitor.
21 Q. Uh-huh.
22 A. Lexapro.
23 Q. Uh-huh.
24 A. A sleeping pill.
09:42:32 25 Q. What is that? What sleeping pill?

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09:39:51 1 drunk?
2 A. No, sir.
3 Q. Okay. So did you leave the scene?
4 A. I asked him could he move his truck, I
09:40:00 5 had to go check on my restaurant. I went up there
6 for a short period of time to make sure everything
7 was okay. Then I returned home. And when I
8 returned home, his parents were there. They
9 called the police.
09:40:15 10 Q. And did you leave your home again?
11 A. I did not.
12 Q. Okay. Did the police come to the
13 restaurant?
14 A. No, sir.
09:40:26 15 Q. Have the police ever come to the
16 restaurant regarding an event where you ran into
17 somebody's car?
18 A. No, sir.
19 Q. Did the police give you a Breathalyzer?
09:40:43 20 A. No, sir. No one was ever even charged
21 for the accident.
22 Q. Okay.
23 A. It happened on private property.
24 Q. Uh-huh. But you were driving on the
09:40:58 25 public roads after the accident, correct?

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09:42:34 1 A. I don't know. It's just a generic brand
2 that he prescribes.
3 Q. Ambien?
4 A. I don't think it's called Ambien.
09:42:43 5 Q. Zolpidem Tartrate?
6 A. I don't know, sir.
7 Q. Okay. Go ahead.
8 A. That's it. That's all. And he's asked
9 me to take a baby aspirin.
09:43:02 10 Q. Okay. All right. So you started
11 working for Paula in 2004 -- or excuse me, in
12 2000, and then purchased the restaurant in 2004
13 and started Uncle Bubba's Seafood & Oyster House,
14 Incorporated?
09:43:38 15 A. Yes, sir.
16 Q. Okay. Do you have a formal title?
17 A. President.
18 Q. Okay. Are you also CEO?
19 A. Just president.
09:44:03 20 Q. Okay. Who is -- is there a CEO, chief
21 executive officer?
22 A. I think it's just president and vice
23 president.
24 Q. Okay. So you are president and vice
09:44:18 25 president?

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09:44:19 1 A. My sister shares a title. I'm president
2 and I think she is actually on the paperwork as
3 vice president.
4 Q. Okay. Was there a period of time when
09:44:30 5 you were taken off the corporate documents as an
6 officer of Uncle Bubba's Seafood & Oyster House?
7 A. No, sir. No, sir.
8 Q. Okay. Was there a period of time when
9 Karl Schumacher replaced you on the corporate
09:44:42 10 documents at Uncle Bubba's as an officer?
11 A. Not that I'm aware of.
12 Q. Okay.
13 A. Only my sister could have done that.
14 Q. Uh-huh. Well, do you know whether your
09:45:02 15 sister did that after Ms. Jackson resigned her
16 employment and filed her EEOC charge?
17 A. No, sir.
18 Q. Is there anyone who would have the
19 authority to fire you as an employee of Uncle
09:45:32 20 Bubba's?
21 A. Just my sister.
22 Q. Okay. And why does she have that
23 authority?
24 A. Because she's my sister.
09:45:59 25 Q. You're her brother. Can you fire her?

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09:47:06 1 A. I have been told by the CFO that she has
2 contributed money.
3 Q. Okay. And she has contributed both
4 capital contributions and made loans to Uncle
09:47:20 5 Bubba's?
6 A. Correct.
7 Q. Okay. Do you know anything about the
8 terms of any of those loans?
9 A. I do not.
09:47:30 10 Q. Okay. Now, since 2004, what have been
11 your day-to-day duties at Uncle Bubba's?
12 A. Over -- finished?
13 Q. Yeah.
14 A. Overseeing the day-to-day operations of
09:47:52 15 my business.
16 Q. Okay. And in -- when did you first hire
17 someone to serve as general manager for the
18 restaurant?
19 A. The first year we were open.
09:48:06 20 Q. Okay. And who did you hire?
21 A. The gentleman's name was John Pate,
22 P-a-t-e.
23 Q. John. Okay. And how long did John Pate
24 work there?
09:48:17 25 A. I don't recall how long.

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09:46:01 1 A. No, sir.
2 Q. Okay. So why does her being your sister
3 give her that authority or is there some other
4 reason she has the authority?
09:46:12 5 A. All I know is that she's the only one
6 that could fire me.
7 Q. Okay. Is it because she is the -- she's
8 actually the person who has the money and is kind
9 of the true power in all the restaurants?
09:46:35 10 MR. WITHERS: Objection. Asked and
11 answered.
12 MR. BILLIPS: You can answer.
13 MR. WITHERS: You can go ahead and
14 answer.
09:46:39 15 MR. BILLIPS: You can answer.
16 THE WITNESS: Repeat your question,
17 please.
18 BY MR. BILLIPS:
19 Q. Is it because she's the one who actually
09:46:45 20 has the money that keeps these businesses afloat?
21 A. She has more money than I do.
22 Q. Okay. And does she contribute money
23 over and above what you put into the company to
24 keep Uncle Bubba's Seafood & Oyster House
09:47:03 25 operating?

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09:48:19 1 Q. Do you recall who replaced him?
2 A. No. I don't recall who was the next
3 general manager.
4 Q. Okay. How many general managers were
09:48:39 5 there before Lisa Jackson was hired?
6 A. I recall John Pate. Then it could have
7 been Ms. Jackson.
8 Q. Okay. Was Ms. -- Mr. Pate fired?
9 A. He was relieved of nonperformance.
09:49:01 10 Q. Okay. Was his -- one of the reasons he
11 was fired because he was accused of sexually
12 harassing employees?
13 A. I have no knowledge of that.
14 Q. Okay. Who fired him?
09:49:19 15 A. Me and my sister.
16 Q. Okay. Was he sexually harassing the
17 female employees?
18 A. Like I said, I have no knowledge of
19 that.
09:49:32 20 Q. Well, had anybody told you he was making
21 inappropriate sexual remarks or inappropriate
22 statements or having inappropriate relationships
23 with employees?
24 A. No, sir.
09:49:43 25 Q. Okay. Was he having an affair with an

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09:49:46 1 employee?
 2 A. I do not know that.
 3 Q. Okay. Did anybody ever tell you he was?
 4 A. No, sir. They did not.
 09:49:53 5 Q. Okay. He was relieved for
 6 nonperformance. Was that because he -- the
 7 restaurant was losing money?
 8 A. I don't know if we were losing money at
 9 that time. It was just that his performance level
 09:50:06 10 was not satisfactory.
 11 Q. Okay. Now, how were you paid? What was
 12 your manner and amount of compensation that you
 13 received from the restaurant as an employee?
 14 A. It came in the form of a check on
 09:50:29 15 Fridays.
 16 Q. Okay. And how much were you paid in
 17 your paycheck?
 18 A. I believe in the beginning my bring-home
 19 pay was 1,600 per week.
 09:51:03 20 Q. Was there a general manager named Fred
 21 Plantadis?
 22 A. Plantadis.
 23 Q. Plantadis.
 24 A. I'm not sure if he became general
 09:51:12 25 manager, but I do know that he was a manager.

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09:51:18 1 Q. Okay. And was he fired?
 2 A. He resigned.
 3 Q. Was he asked to resign?
 4 A. Not by me.
 09:51:29 5 Q. By whom?
 6 A. I don't know if anyone asked him to
 7 resign.
 8 Q. Okay. Was he accused of having sex with
 9 staff members?
 09:51:38 10 A. I have no knowledge of that.
 11 Q. Okay. Have you ever heard that from any
 12 source?
 13 A. I don't recall.
 14 Q. Okay. Was he accused of gambling?
 09:51:53 15 A. I did hear that.
 16 Q. Okay. Was there some concern that he
 17 was using Uncle Bubba's money?
 18 A. No concern by me.
 19 Q. Okay. Was there concern by someone else
 09:52:06 20 to your knowledge?
 21 A. Not that I'm aware of.
 22 Q. Okay. All right. Throughout the period
 23 that you have worked at -- as an employee of Uncle
 24 Bubba's have you received your paycheck on every
 09:52:20 25 Friday?

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09:52:21 1 A. I have.
 2 Q. And is that the money that you are
 3 supposed to be and are entitled to be paid on a
 4 regular ongoing basis?
 09:52:33 5 A. Yes, sir.
 6 Q. And at the -- are you also entitled to
 7 receive distributions if there is -- Uncle Bubba's
 8 shows a profit at the end of the calendar year?
 9 A. Yes, sir.
 09:52:46 10 Q. Okay. Was there a time period when Ms.
 11 Jackson was employed in which you were taking the
 12 deposits to the bank yourself?
 13 A. Yes, sir. That was one of my daily
 14 duties.
 09:53:12 15 Q. Okay. And did you begin to take money
 16 out of the -- what was to be deposited --
 17 MR. WITHERS: Objection.
 18 BY MR. BILLIPS:
 19 Q. -- and keep it for your own use?
 09:53:24 20 MR. WITHERS: Objection. We're not
 21 going to get into that in this deposition.
 22 MR. BILLIPS: You can answer.
 23 MR. WITHERS: No. He can't answer that.
 24 MR. BILLIPS: On what basis?
 09:53:31 25 MR. WITHERS: We are going to limit the

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09:53:32 1 scope of this deposition so that that is not an
 2 avenue for exploration at this deposition. It's
 3 not reasonably calculated to lead to the discovery
 4 of admissible evidence, and it doesn't have
 09:53:45 5 anything to do with your client.
 6 BY MR. BILLIPS:
 7 Q. Was Ms. Jackson the general manager at a
 8 point in time during which you began to take money
 9 out of the deposits that were going to the bank?
 09:54:00 10 MR. WITHERS: Objection. And he is
 11 instructed not to answer that question.
 12 BY MR. BILLIPS:
 13 Q. Did you also take money out of the petty
 14 cash to use for your own purposes?
 09:54:14 15 A. No, sir.
 16 Q. Okay. You just took money out of the
 17 deposits?
 18 MR. WITHERS: Objection. You're
 19 instructed not to answer that question.
 09:54:22 20 MR. BILLIPS: Can you articulate a
 21 privilege?
 22 MR. WITHERS: No. But it is not
 23 reasonably calculated to lead to the discovery of
 24 admissible evidence. Again, I'm instructing him
 09:54:33 25 not to answer pursuant to Rule 30.

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09:54:37 1 MR. BILLIPS: Are you suspending to seek
2 a protective order?

3 MR. WITHERS: With respect to that
4 avenue of questioning, we will limit the scope of
09:54:44 5 this examination.

6 MR. BILLIPS: Under what authority, what
7 rule?

8 MR. WITHERS: You know, I've just told
9 you. Under Rule 30.

09:54:52 10 MR. BILLIPS: Okay. Under Rule 30, the
11 only time you're entitled to instruct a witness
12 not to answer a question is, A, if you are
13 protecting a privilege; B, if you are enforcing a
14 previously entered order of the court; or C, if

09:55:05 15 you are suspending the deposition for the purpose
16 of seeking a protective order.

17 Are you doing any of those?

18 MR. WITHERS: He is not going to answer
19 the question. You can proceed in whatever fashion
09:55:16 20 you would like, sir.

21 MR. BILLIPS: Do you intend to file a
22 motion for protective order?

23 MR. WITHERS: We will file an
24 appropriate motion.

09:55:25 25 BY MR. BILLIPS:

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09:56:51 1 Q. Okay. And were you ever made aware that
2 the amount that was being deposited and the amount
3 that was showing in the report as needing to be
4 deposited did not jive, they were not the same
09:57:12 5 amounts?

6 A. Mr. Schumacher did say something to that
7 effect to me one time.

8 Q. Okay. Did you have any explanation to
9 provide to Mr. Schumacher as to why that might
09:57:26 10 occur?

11 MR. WITHERS: Objection. We're not
12 going to -- I've told you we're not going to get
13 into this. Don't answer that question. We'll
14 seek an appropriate order.

09:57:36 15 BY MR. BILLIPS:

16 Q. Mr. Hiers, you have brought a claim
17 against Ms. Jackson, haven't you, alleging that
18 she took money from Uncle Bubba's, took other
19 things belonging to Uncle Bubba's?

09:58:02 20 A. Yes. I've heard that in this lawsuit.

21 Q. Okay. Why did you bring that claim?
22 Why did you essentially sue her?

23 A. Because my company paid for items that
24 were in her possession and never got returned to
09:58:22 25 my business.

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09:55:26 1 Q. Okay. Mr. Hiers, was Ms. Jackson's
2 performance judged in part based on the
3 restaurant's profitability?

4 A. No, sir.

09:55:41 5 Q. Was she held accountable for the
6 restaurant bringing in money and keeping the costs
7 down?

8 A. Part of her duties, yes, sir, as a
9 general manner.

09:55:58 10 Q. Okay. And part of her duties were to
11 ensure that the -- that the money that came into
12 the restaurant actually went to the bank and
13 stayed in the restaurant; is that correct?

14 A. I made the daily deposits.

09:56:18 15 Q. Okay. Who filled out the deposit slips
16 showing the amounts?

17 A. I did.

18 Q. Okay. Did Ms. Jackson fill out deposit
19 slips and give them to you?

09:56:28 20 A. No, sir.

21 Q. Okay. Did Ms. Jackson also -- did Ms.
22 Jackson have reports that showed how much money
23 had been made that day and in the sales reports?

24 A. There is a report that's printed off via
09:56:50 25 computer.

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09:58:24 1 Q. Okay. Did you ever make a demand to her
2 that she return them before you filed suit?

3 A. My managers did.

4 Q. How do you know?

09:58:38 5 A. I was told that.

6 Q. When were you told that?

7 A. Shortly after she left.

8 Q. Which items?

9 A. I'm sorry?

09:58:50 10 Q. Which items did they ask for?

11 A. I recall there were chef coats, a
12 computer, a camera and restaurant items that were
13 used to display food.

14 Q. And who told you they had made that
09:59:15 15 demand for return of those items?

16 A. I don't recall exactly who it was. I
17 would be guessing if I named a name today.

18 Q. Is there any documentation showing that
19 any such demand was made?

09:59:28 20 A. I'm not sure.

21 Q. Okay. Has anyone ever sued you for
22 taking money from Uncle Bubba's to which you were
23 not entitled?

24 A. No, sir.

09:59:40 25 Q. Okay. If Ms. Jackson had not filed suit

<p style="text-align: right;">Page 45</p> <p>09:59:48 1 against Uncle Bubba's, would you have sued her?</p> <p>2 A. I was not aware that my company actually</p> <p>3 paid for these items until she left Uncle Bubba's.</p> <p>4 Q. Okay. Sure. And it was two years or</p> <p>10:00:11 5 almost two years between the date she left and the</p> <p>6 date the lawsuit was filed. During that time, did</p> <p>7 you do anything to institute legal proceedings</p> <p>8 against Ms. Jackson?</p> <p>9 A. I don't think I did.</p> <p>10:00:26 10 Q. Okay. And would you have done so but</p> <p>11 for the fact that she filed the lawsuit against</p> <p>12 y'all?</p> <p>13 A. Oh, no, sir. That would have no</p> <p>14 difference. I would have.</p> <p>10:00:37 15 Q. You would have sued her anyway?</p> <p>16 A. For my property, yes, sir.</p> <p>17 Q. Okay. Why hadn't you sued her before</p> <p>18 she filed suit?</p> <p>19 A. I don't know.</p> <p>10:00:55 20 Q. Okay. Did you ever give any money back</p> <p>21 that -- to the company that you had taken from the</p> <p>22 deposits?</p> <p>23 A. No, sir.</p> <p>24 Q. Okay. Did anybody sue you for taking</p> <p>10:01:12 25 money from the deposits?</p>	<p style="text-align: right;">Page 47</p> <p>10:15:51 1 are back on the record.</p> <p>2 BY MR. BILLIPS:</p> <p>3 Q. Mr. Hiers, prior to Mr. -- what did you</p> <p>4 say, Plantadis?</p> <p>10:16:04 5 A. Plantadis.</p> <p>6 Q. Plantadis. Mr. Plantadis' termination,</p> <p>7 did Ms. Jackson inform you that he had been taking</p> <p>8 money from the safe and putting it in his own bank</p> <p>9 account?</p> <p>10:16:16 10 A. I don't remember that.</p> <p>11 Q. Okay. Did Ms. Jackson inform Ms. Deen</p> <p>12 that Mr. Plantadis was taking money from the</p> <p>13 restaurant for his own use?</p> <p>14 A. I have no knowledge of that.</p> <p>10:16:34 15 Q. Okay. Were you present when Ms. Deen</p> <p>16 terminated Mr. Plantadis?</p> <p>17 A. He was not terminated. I recall him</p> <p>18 resigning.</p> <p>19 Q. Okay. Did Ms. Deen speak to him prior</p> <p>10:16:51 20 to his resignation about his conduct?</p> <p>21 A. I'm not sure.</p> <p>22 Q. Okay. Did anyone ask you</p> <p>23 contemporaneously with or after his termination,</p> <p>24 around that time period, if you and Mr. Plantadis</p> <p>10:17:14 25 had been using cocaine together?</p>
<p style="text-align: right;">Page 46</p> <p>10:01:13 1 A. No, sir.</p> <p>2 Q. Okay. Were you ever informed that the</p> <p>3 company was aware that you had taken money from</p> <p>4 the deposits?</p> <p>10:01:24 5 A. Like I told you earlier, one time Mr.</p> <p>6 Schumacher said something to me in that effect.</p> <p>7 Q. Okay. And did he tell you that he was</p> <p>8 aware that you had taken money from the deposits</p> <p>9 before the cash was put in the bank? Is that what</p> <p>10:01:43 10 he told you?</p> <p>11 A. No.</p> <p>12 Q. What did he tell you?</p> <p>13 MR. WITHERS: Objection. Same</p> <p>14 objection. We're going to seek an appropriate</p> <p>10:01:52 15 order on this. Don't answer the question.</p> <p>16 VIDEO TECHNICIAN: Excuse me, Counsel.</p> <p>17 I hate to interrupt. We have about three minutes</p> <p>18 and we'll need to do a tape change.</p> <p>19 MR. BILLIPS: Okay. Let's go ahead and</p> <p>10:02:07 20 take a break.</p> <p>21 VIDEO TECHNICIAN: The time is 10:04</p> <p>22 a.m. We're off the record.</p> <p>23 (Recess from 10:04 a.m. to 10:18 a.m.)</p> <p>24 VIDEO TECHNICIAN: The time is</p> <p>10:15:47 25 10:18 a.m. It's the beginning of DV tape two. We</p>	<p style="text-align: right;">Page 48</p> <p>10:17:16 1 A. No, sir.</p> <p>2 Q. Had you been?</p> <p>3 A. No, sir.</p> <p>4 Q. All right. So in any event, Ms. Jackson</p> <p>10:17:48 5 was hired to work or she was already working for</p> <p>6 the restaurant at the time Mr. Plantadis was</p> <p>7 terminated, correct?</p> <p>8 A. Yes, sir. She was employed with Uncle</p> <p>9 Bubba's.</p> <p>10:18:01 10 Q. She was working as the office manager,</p> <p>11 correct?</p> <p>12 A. She held three positions in my company.</p> <p>13 I don't know which one she was holding at the time</p> <p>14 he resigned.</p> <p>10:18:11 15 Q. Okay. And upon his resignation, she was</p> <p>16 promoted to be general manager; is that correct?</p> <p>17 A. I recall that she started out as a</p> <p>18 hostess.</p> <p>19 Q. Uh-huh.</p> <p>10:18:27 20 A. My office manager resigned, moved to</p> <p>21 Atlanta, Georgia. And she told me that she had</p> <p>22 office experience with her husband's business, and</p> <p>23 I offered her the job as office manager. She</p> <p>24 accepted.</p> <p>10:18:43 25 Q. Uh-huh.</p>

<p style="text-align: right;">Page 49</p> <p>10:18:43 1 A. And I recall offering her the general 2 manager -- general manager's position when we 3 needed a general manager. 4 Q. Was that when Mr. Plantadis resigned? 10:18:59 5 A. I don't recall if he had resigned or 6 what. 7 Q. Okay. He was the general manager 8 immediately prior to her, right? 9 A. He may have been. 10:19:17 10 Q. Do you know why the office manager 11 resigned? 12 A. To move to Atlanta, Georgia to go to 13 work for someone else. 14 Q. Okay. What was her name? 10:19:30 15 A. I don't remember her name. 16 Q. How long did she work there? 17 A. Six months, maybe, or less. 18 Q. Okay. 19 A. I don't recall exactly how long. 10:19:44 20 Q. Did she make any complaints or 21 allegations of misconduct? 22 A. Not that I'm aware of. 23 Q. Okay. Now, when Ms. Jackson first 24 became office manager, who determined what her 10:20:12 25 salary would be?</p>	<p style="text-align: right;">Page 51</p> <p>10:21:33 1 A. Yes, sir. 2 Q. Okay. Did you have any role in setting 3 the amount? 4 A. No, sir. 10:21:41 5 Q. Okay. Did you have any role in deciding 6 when or if those bonuses would be paid? 7 A. I was just told. 8 Q. Okay. 9 A. Sometimes I was told, sometimes I 10:21:54 10 wasn't. 11 Q. Okay. Did Mr. Schumacher set the 12 compensation for all of the employees at Uncle 13 Bubba's? 14 A. No, sir. 10:22:27 15 Q. Which ones did he not set compensation 16 for? 17 A. Some hourly people. 18 Q. Okay. Who was responsible for that? 19 A. Lisa and myself. 10:22:40 20 Q. Okay. For how long was Ms. Jackson the 21 general manager of Uncle Bubba's? 22 A. I don't recall the exact hire date. I 23 believe it was in 2006 until she resigned in 2010. 24 Q. Okay. Throughout the time period that 10:23:33 25 she worked there, did you ever make any statements</p>
<p style="text-align: right;">Page 50</p> <p>10:20:14 1 A. Mr. Schumacher. 2 Q. Did he communicate with you or seek your 3 approval of her salary or bonus structure? 4 A. He did tell me about it. 10:20:32 5 Q. Okay. What did he tell you? 6 A. That she was going to be salary. 7 Q. Okay. Did he tell you how much? 8 A. I don't recall how much her salary was. 9 Q. Did he tell you what it was? 10:20:44 10 A. No. I don't recall if he told me or 11 not. 12 Q. Is that something that was within Mr. 13 Schumacher's authority or control was to set 14 salaries for managerial employees at the 10:20:59 15 restaurant? 16 A. Yes, sir. 17 Q. Okay. Was Ms. Jackson also supposed to 18 receive bonuses on a periodic basis? 19 A. As an office manager? 10:21:16 20 Q. No. I'm sorry. After she became 21 general manager. 22 A. I'm aware that there was a bonus paid to 23 her. 24 Q. Okay. Was that something that Mr. 10:21:27 25 Schumacher determined?</p>	<p style="text-align: right;">Page 52</p> <p>10:23:39 1 or comments having a sexual connotation? 2 A. No, sir. 3 Q. Okay. Did you ever tell any jokes that 4 were dirty jokes? 10:23:55 5 A. I do recall reading off of my cell phone 6 one day a joke using the "N" word. 7 Q. Okay. To Ms. Jackson? 8 A. She was present. 9 Q. Okay. Is that the only time that you 10:24:15 10 ever used the "N" word at Uncle Bubba's? 11 A. You know, I've used it before. 12 Q. Uh-huh. 13 A. I regret using it. 14 Q. Uh-huh. How much do you regret using 10:24:32 15 it? 16 A. Very rarely. 17 Q. No. How much do you regret using it? 18 A. Oh, how much do I regret using it? 19 Q. Yeah. 10:24:45 20 A. A lot. 21 Q. What have you done to show the extent of 22 your regret for using the "N" word? 23 A. Be aware -- 24 Q. Uh-huh. 10:24:58 25 A. -- not to use language like that.</p>

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10:25:06 1 **Q. Did you use language like that to black**
2 **people working for Uncle Bubba's?**
3 **A. No. No, sir.**
4 **Q. About black people working for Uncle**
10:25:13 5 **Bubba's?**
6 **A. I -- I don't remember that. You know,**
7 **I've -- I've used the word. I don't know how**
8 **often I used it. I remember telling the joke.**
9 **Q. Okay. You used that word so many times**
10:25:27 10 **you can't recall the particular examples?**
11 **A. No, sir.**
12 MR. WITHERS: Objection. Objection.
13 That mischaracterizes the testimony.
14 BY MR. BILLIPS:
10:25:34 15 **Q. Am I understanding you correctly that**
16 **you use it so often you -- you can't recall the**
17 **examples?**
18 **A. No, sir. You're not understanding me**
19 **correctly.**
10:25:44 20 **Q. Okay. Can you recall any examples other**
21 **than the one time when you read a joke off your**
22 **cell phone?**
23 **A. No, sir, I cannot.**
24 **Q. Okay. Do you recall whether you used**
10:25:55 25 **the "N" word to refer to the African-American**

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10:26:53 1 **Q. Yeah.**
2 **A. No, sir.**
3 **Q. Okay. Do -- did you use the "F" word at**
4 **work?**
10:27:08 5 **A. I have.**
6 **Q. Okay. To people in conversation?**
7 **A. They may have heard me say it, but not**
8 **directed at anyone.**
9 **Q. Okay. Were you ever looking at**
10:28:01 10 **pornography on the computer at work?**
11 **A. I have admitted to looking at**
12 **pornography.**
13 **Q. Okay. And when and in what context did**
14 **you make that admission?**
10:28:11 15 **A. My corporate attorney was present, Lisa**
16 **Jackson was present, Karl Schumacher was present**
17 **sitting at this table.**
18 **Q. Okay.**
19 **A. And Ms. -- and my attorney said, Bubba,**
10:28:26 20 **have you ever looked at porn at work? And I said,**
21 **yes, I have.**
22 **Q. Okay. Did you say anything to the**
23 **effect of don't tell me you don't do that when you**
24 **go home at night?**
10:28:37 25 **A. I don't remember saying that to him.**

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10:25:59 1 **employees working at Uncle Bubba's?**
2 MR. WITHERS: Objection. Asked and
3 answered. You can go ahead and answer.
4 THE WITNESS: No, sir. I don't remember
10:26:06 5 saying that.
6 BY MR. BILLIPS:
7 **Q. Okay. Maybe you did, maybe you didn't,**
8 **you just don't remember?**
9 **A. I don't know.**
10:26:11 10 MR. WITHERS: Objection. Asked and
11 answered.
12 BY MR. BILLIPS:
13 **Q. Now, did you ever comment on the bodies**
14 **of the women who worked at Uncle Bubba's?**
10:26:25 15 **A. No, sir.**
16 **Q. Okay. For example, did you ask Ms.**
17 **McCurry or say to Ms. McCurry here that she has --**
18 **I think the words were it's a good thing that she**
19 **has a nice ass because she doesn't have much tits?**
10:26:40 20 **A. No, sir.**
21 **Q. Okay. Did you ever make any similar**
22 **comments to any other employees?**
23 **A. No, sir.**
24 **Q. Do you remember a bartender named Kelly?**
10:26:53 25 **A. Kelly?**

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10:28:39 1 **Q. Do you deny saying it or do you just not**
2 **remember?**
3 **A. I do deny saying it.**
4 **Q. Okay. Do you remember when that meeting**
10:28:57 5 **occurred?**
6 **A. No, sir. I don't recall the exact day**
7 **and date.**
8 **Q. Was it about six months before Ms.**
9 **Jackson resigned her employment?**
10:29:07 10 **A. Like I said, I don't recall exactly the**
11 **day and year and date of that meeting.**
12 **Q. Can you give me -- well, can you put it**
13 **in sequence with Ms. Jackson's resignation? Was**
14 **it a couple of days before her resignation, six**
10:29:27 15 **months before her resignation, a couple of years**
16 **before her resignation? When?**
17 **A. I would be guessing.**
18 MR. WITHERS: Well, don't guess.
19 BY MR. BILLIPS:
10:29:37 20 **Q. Give me your best recollection.**
21 **A. It was either 2009 or 2010. I recall it**
22 **being after the EEOC episode.**
23 **Q. Uh-huh. Okay. That's when some**
24 **employees had filed EEOC charges?**
10:29:57 25 **A. Yes, sir.**

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10:29:58 1 Q. And is one of the issues that had come
2 up in the context of that EEOC inves -- or EEOC
3 mediation that you were looking at pornography on
4 the computer?

10:30:07 5 A. I don't recall if that was asked.

6 Q. Was one of the allegations in those EEOC
7 charges that you had said that you wanted to
8 replace all of the employees with Hooters girls?

9 A. Was that one of the accusations?

10:30:22 10 Q. Uh-huh.

11 A. I have read that that was one of the
12 accusations.

13 Q. Okay. Was it true that you had said
14 that?

10:30:28 15 A. No. No, sir.

16 Q. Okay. The employees that filed -- or at
17 least three of the employees who filed EEOC
18 charges were alleging that they were fired because
19 of -- or not rehired or something because of their
20 age; is that correct?

21 A. That's what they alleged.

22 Q. Did any of them also allege that they
23 were subject to a hostile -- hostile work
24 environment?

10:31:05 25 A. I don't recall that.

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10:32:14 1 discrimination against them, right?

2 A. That's what they filed.

3 Q. Okay. And was that the only basis on
4 which they based their claim of age
5 discrimination?

6 A. Yes. To my knowledge.

7 Q. Okay. Did they base their claims of
8 discrimination on anything other than the
9 accusation that you said you wanted to replace
10 them all with Hooters girls?

11 A. Not to my knowledge.

12 Q. Okay. Now, what was the purpose of this
13 meeting here at this table with corporate counsel,
14 Mr. Schumacher, Ms. Jackson and you --

15 A. Correct.

16 Q. -- where you admitted looking at porn on
17 the company computer?

18 A. I don't know what the purpose of the
19 meeting was. I can tell you what took place in
20 the meeting.

21 Q. Sure. Tell me.

22 A. One of the questions was about the
23 pornography, and I admitted to doing it. And then
24 the rest of the meeting was moving forward in the
25 business and they were asking me questions about

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10:31:07 1 Q. Okay. The basis for the statement that
2 they were let go because of their age was the
3 accusation that you wanted to replace them all
4 with Hooters girls?

10:31:21 5 A. Not true.

6 Q. Okay. What was the basis for the
7 accusation that they were fired because of their
8 age?

9 A. What was their accusation?

10:31:32 10 Q. What was the basis for it? What did
11 they say was the reason that they thought they
12 were -- that age was why they were fired? One of
13 them specifically said that they had overheard
14 management saying I want to replace them all with
15 Hooters girls, right?

16 MR. WITHERS: Objection. Compound
17 question.

18 BY MR. BILLIPS:

19 Q. That's one of the accusations that they
20 overheard you saying, you wanted to replace all
21 the waitresses with Hooters girls?

22 A. That's what I've heard.

23 Q. Okay. And they -- the older women who
24 were working there who filed these EEOC charges
25 alleged that that was evidence of age

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10:34:02 1 my role in the business, could -- could I and
2 would I not be as active in the business, and that
3 I just basically meet and greet and sign
4 photographs -- sign autographs and take photos.

10:34:22 5 Q. Okay. And did you agree to do that?

6 A. I said, I'll do whatever y'all want me
7 to do.

8 Q. Okay. So essentially they wanted you to
9 be a figurehead?

10:34:36 10 A. After that meeting that was the way I
11 felt.

12 Q. Okay. Did you resent that?

13 A. I did not resent it. It was just what I
14 felt.

10:34:48 15 Q. Did it make you unhappy?

16 A. Not pleasant.

17 Q. Okay. Did you feel that they didn't
18 trust you to run a business that was named after
19 you?

20 A. Yes.

21 Q. Okay. Did they also tell you during
22 this meeting not to come to work impaired?

23 A. No, sir.

24 Q. Okay. Did they tell you at any later
25 time don't come to work impaired, don't be at work

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10:35:17 1 impaired?
 2 A. No, sir.
 3 Q. Okay. Did they tell you to stop
 4 watching porn on the company computer?
 10:35:26 5 A. All I recall is that my attorney asked
 6 me had I done it and I admitted to doing it.
 7 Q. Well, when you admitted to doing it, did
 8 anybody say, Bubba, don't do that anymore?
 9 A. I don't remember if they actually said
 10:35:41 10 that.
 11 Q. Okay. Did you understand that they
 12 didn't want you to look at porn on the computers
 13 at work anymore?
 14 A. I did understand that.
 10:35:51 15 Q. Okay. Now, the computer at Uncle
 16 Bubba's that you were using to look at porn was in
 17 the office in the back of the restaurant; is that
 18 right?
 19 A. There was a kitchen computer --
 10:36:08 20 Q. Uh-huh.
 21 A. -- and an office computer.
 22 Q. Okay. Where is the office computer
 23 located physically within the restaurant?
 24 A. The front house office is located right
 10:36:20 25 off the main dining room.

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10:37:33 1 Q. Okay. So if you come in the office, if
 2 you are anywhere in the office, the computer
 3 screen would be facing you?
 4 A. Correct.
 10:37:44 5 Q. If you -- okay. So it would be clearly
 6 visible to anyone else who was in the office?
 7 A. Correct.
 8 Q. And the door is on the far end of the
 9 wall from that computer?
 10:37:56 10 A. Correct.
 11 Q. So if somebody comes into the office and
 12 turns and they see -- and you're sitting there
 13 looking at porn, they see you sitting there
 14 looking at porn, right?
 10:38:11 15 A. Yes.
 16 Q. Okay. And there were also occasions
 17 when you're sitting there looking at porn on the
 18 computer where you would call people over and show
 19 them, hey, look at this?
 10:38:23 20 A. Never.
 21 Q. Never happened. Okay. How many times
 22 did you look at porn on the computers at work?
 23 A. I've never counted.
 24 Q. Okay. Would it be a large number?
 10:38:36 25 A. No, sir.

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10:36:22 1 Q. Okay. And it was the front house office
 2 that you were using to look at porn?
 3 A. I -- I did use that computer.
 4 Q. But did you use it to look at porn?
 10:36:37 5 A. I did use -- use it.
 6 Q. Okay. Did you use the kitchen computer
 7 to also look at porn?
 8 A. I have.
 9 Q. Okay. The office computer or the front
 10:36:47 10 of the house office off the dining room, how big
 11 is it?
 12 A. Six by six.
 13 Q. Okay. Does the computer sit up against
 14 -- sit on a desk up against the wall?
 10:37:02 15 A. There was two desks in there.
 16 Q. Okay. And is -- where is the desk with
 17 the computer in relationship to the door?
 18 A. To the left.
 19 Q. Okay. And is the door -- if you are
 10:37:15 20 looking from inside the office, the computer would
 21 be on your right and the door would be on your
 22 left? If you are inside the office looking at the
 23 door --
 24 A. If I'm inside the office facing the
 10:37:31 25 door, the computer would be on the right.

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10:38:37 1 Q. Okay. There -- did there come a time
 2 that -- because these porno Web sites often have
 3 viruses that download to your computer when you
 4 access them, did there come a time that your use
 10:38:57 5 of porn was actually interfering with the company
 6 because the computers were getting so many viruses
 7 on them?
 8 A. No, sir. I do recall that Lisa Jackson
 9 had a conversation with me that the kitchen
 10:39:17 10 computer had crashed and she suspected that
 11 kitchen employees were looking at porn on the
 12 kitchen office computer. And --
 13 Q. Did you tell her --
 14 MR. WITHERS: Objection. Let him -- let
 10:39:34 15 him finish.
 16 MR. BILLIPS: Oh, I'm sorry. Go ahead.
 17 THE WITNESS: And I suggested to her
 18 either, A, keep the kitchen door locked; B, put a
 19 password on the computer; or C, remove the
 10:39:45 20 computer.
 21 BY MR. BILLIPS:
 22 Q. Okay. Did you tell her that that was
 23 probably you that was looking at porn and caused
 24 the computer to get a virus?
 10:39:55 25 A. The only person that ever asked me if I

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10:39:58 1 was looking at porn at my company was my corporate
 2 attorney.
 3 Q. Okay. When she told you that she
 4 thought it was kitchen employees, did you tell
 10:40:12 5 her, no, it probably wasn't them, it was probably
 6 me?
 7 A. I don't remember that.
 8 Q. Okay. So were you willing to let the
 9 kitchen employees take the fall for you about the
 10:40:23 10 use of porn on the kitchen computer?
 11 MR. WITHERS: Objection. Conclusion.
 12 Speculation.
 13 BY MR. BILLIPS:
 14 Q. You can answer.
 10:40:30 15 MR. WITHERS: And improperly
 16 characterizes his testimony. He can go ahead and
 17 answer.
 18 THE WITNESS: Repeat your question.
 19 BY MR. BILLIPS:
 10:40:36 20 Q. Were you willing to let the kitchen
 21 employees be blamed even though it might well have
 22 been you?
 23 A. Well, I suspected they were doing it.
 24 Q. Too?
 10:40:45 25 A. Too.

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10:40:47 1 Q. Okay. Did you have any actual evidence
 2 that they were doing it, too?
 3 A. No, I did not.
 4 Q. Had you ever sat there with them while
 10:40:58 5 they looked at porn on the computer?
 6 A. Absolutely not.
 7 Q. Okay. So you didn't have any personal
 8 knowledge that kitchen employees were looking at
 9 porn, but you had personal knowledge that you were
 10:41:08 10 using that computer to look at porn?
 11 A. Yes, sir. I've admitted using that
 12 computer.
 13 Q. Okay. And when Ms. Jackson told you she
 14 thought the problem might be the kitchen
 10:41:16 15 employees, did you tell her that the problem was
 16 actually at least in part you?
 17 A. I do not --
 18 MR. WITHERS: Objection. Asked and
 19 answered. You can go ahead.
 10:41:26 20 THE WITNESS: I do not remember saying
 21 that.
 22 BY MR. BILLIPS:
 23 Q. Okay. Did the company ever put a
 24 firewall on the computers that you could not
 10:41:36 25 bypass so that you couldn't look at porn?

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10:41:40 1 A. I don't know.
 2 Q. Okay. Did there ever come a time when
 3 you were unable to access porn from the office?
 4 A. I do not know.
 10:41:49 5 Q. Okay. Well, when was the last time you
 6 tried?
 7 A. I do not know.
 8 Q. Has it been within the last year?
 9 A. No.
 10:42:02 10 Q. Okay. Has it been since Ms. Jackson
 11 resigned her employment?
 12 A. No.
 13 Q. Okay. It certainly was during the
 14 period that she was general manager?
 10:42:12 15 A. She -- I admitted to looking at porn
 16 while she was the general manager.
 17 Q. Right. Right. But have you admitted to
 18 the full extent of your viewing of pornography?
 19 MR. WITHERS: Objection as to vagueness
 10:42:30 20 and the question with respect to full extent. You
 21 can go ahead and answer.
 22 THE WITNESS: Repeat your question.
 23 BY MR. BILLIPS:
 24 Q. Well, actually I hadn't finished it.
 10:42:38 25 But have you admitted to the full extent of your

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10:42:41 1 use of pornography with regard to the frequency or
 2 the particular Web sites or the amount of time in
 3 a day that you would spend?
 4 MR. WITHERS: Objection to admitted.
 10:43:01 5 Admitted to whom?
 6 MR. BILLIPS: Anybody.
 7 MR. WITHERS: Well, don't talk about
 8 what we've talked about.
 9 MR. BILLIPS: Okay. Other than
 10:43:10 10 Mr. Withers.
 11 MR. WITHERS: But you're -- you're able
 12 to go ahead and answer that question.
 13 THE WITNESS: I -- I admitted to my
 14 corporate attorney to watching porn at my
 10:43:21 15 business.
 16 BY MR. BILLIPS:
 17 Q. They didn't ask you anymore questions
 18 about how often, who was there, who saw it?
 19 A. No, sir.
 10:43:29 20 Q. Okay. Do you know who saw it?
 21 A. No, sir.
 22 Q. Okay. Somebody saw it because you were
 23 confronted by it, right?
 24 A. I've been told that -- I was accused of
 10:43:43 25 leaving a window open.

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10:43:44 1 Q. Okay. You actually called the computer
2 company at one point because when you'd get on the
3 computer, it would give you a list of the Web
4 sites you had visited. Do you remember that?

10:44:05 5 A. No, sir.
6 Q. Okay. Do you remember being concerned
7 that the drop-down list of Web sites you had
8 visited included porn sites?

9 A. No, sir.
10:44:17 10 Q. Okay. Do you recall calling the
11 computer people because of what you thought was a
12 virus when actually it was just the browser
13 history showing up when you would go to enter a
14 Web site?

10:44:34 15 A. I never made those calls. If there was
16 any computer issues, Ms. Jackson, Lisa Jackson,
17 would call the computer man to come in to resolve
18 the problem.
19 Q. Okay. Who was the corporate counsel
10:44:57 20 that you spoke to when you admitted that you were
21 looking at porn?

22 A. I believe his legal name is James P.
23 Gerard.
24 Q. Okay. Goes by Jim?
10:45:09 25 A. Goes by -- we call him Jim.

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10:45:11 1 Q. Okay. He works here at Oliver, Maner?
2 A. Correct.
3 Q. Now, at one point in time Oliver, Maner
4 represented you and your company in connection
10:45:21 5 with Lisa Jackson's EEOC charge; is that correct?
6 A. Yes. Yes, sir.
7 Q. And does Oliver, Maner currently have
8 any attorney-client relationship with you or your
9 company as it relates to Lisa Jackson's EEOC
10:45:45 10 charge?
11 A. Excuse me. I have Mr. Withers
12 representing me.
13 Q. Uh-huh.
14 A. And my sister uses Oliver, Maner.
10:45:55 15 Q. Okay. But what about Uncle Bubba's
16 Seafood & Oyster House, Incorporated? It's also
17 represented by Mr. Withers?
18 A. No, sir. Not outside of this case.
19 Q. Okay. But that's what I'm saying. For
10:46:10 20 the purpose of this case, Mr. Withers is
21 representing the restaurant Uncle Bubba's?
22 A. Correct.
23 Q. Okay. And does Oliver, Maner still have
24 any kind of relationship or involvement in
10:46:23 25 providing representation for you in connection

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10:46:27 1 with this case?
2 A. Like I said, it's just Mr. Withers
3 representing me.
4 Q. Okay. Is there any kind of relationship
10:46:34 5 between the law firms with regard to the
6 representation for this case to your knowledge?
7 A. To my knowledge, Oliver, Maner is my
8 sister's attorneys in this case, and Mr. Withers
9 is my attorney in this case.
10:46:48 10 Q. Okay. And so for purposes of this case,
11 there isn't any kind of agreement between the
12 firms to provide representation, to your
13 knowledge?
14 A. Not to my knowledge.
10:47:04 15 Q. Okay. There isn't any kind of joint
16 defense or joint privilege agreement between
17 counsel to your knowledge?
18 MR. FRANKLIN: Object.
19 MR. WITHERS: Object.
10:47:13 20 BY MR. BILLIPS:
21 Q. To your knowledge, Mr. Hiers, are you
22 aware of any joint defense or joint privilege
23 agreement?
24 A. No, sir. I am not.
10:47:19 25 Q. Okay. And given that you are the

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10:47:20 1 client, have you given authorization for your
2 private privileged information to be shared with
3 counsel for Uncle Bubba's?
4 MR. WITHERS: You cannot ask him
10:47:38 5 questions about what we have done or not done.
6 Don't answer that question. Attorney-client
7 privilege. It's all preparation privilege.
8 BY MR. BILLIPS:
9 Q. Okay. Now, a moment ago we took a break
10:48:00 10 and you and Ms. McCurry went outside and were
11 smoking and talking together. Do you recall that?
12 A. We were talking together. She was
13 smoking --
14 Q. Okay.
10:48:11 15 A. -- a cigarette.
16 Q. All right. You weren't smoking?
17 A. No, sir. I quit smoking cigarettes New
18 Year's Eve of this year.
19 Q. Okay. What were y'all talking about?
10:48:33 20 MR. WITHERS: Objection. Don't answer
21 that question. She's a part of the management
22 team and is the corporate representative here.
23 BY MR. BILLIPS:
24 Q. Was your lawyer out there with you?
10:48:45 25 A. He came out while we were out there.

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10:48:47 1 Q. Okay. And before he was out there,
2 y'all were talking?
3 A. Yes, we were.
4 Q. Okay. Don't talk to me about anything
10:48:50 5 that y'all talked about after your lawyer came
6 out, but what were you talking about before your
7 lawyer came out?
8 MR. WITHERS: Don't answer -- don't
9 answer that question. You don't get to question
10:49:02 10 somebody who's within the management structure
11 about things related to this case. I'm going to
12 instruct him not to -- not to answer.
13 MR. BILLIPS: What. I don't get to
14 question people in the management structure about
10:49:15 15 things relating to this case? That's what I get
16 to do.
17 That's your objection that I don't get
18 to question people in the management structure
19 about things relating to this case?
10:49:28 20 MR. WITHERS: I've put my objection on
21 the record. You differ with me.
22 MR. BILLIPS: And on that basis you're
23 instructing the witness not to answer?
24 MR. WITHERS: Do not answer that
10:49:33 25 question.

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10:49:34 1 MR. BILLIPS: Okay. Is that a
2 privilege?
3 MR. WITHERS: I think that is a
4 privilege with respect to matters that fall within
10:49:43 5 this -- the confines of what we're doing here
6 today.
7 MR. BILLIPS: What kind of privilege?
8 MR. WITHERS: It would be the work
9 product privilege.
10:49:53 10 MR. BILLIPS: Okay.
11 BY MR. BILLIPS:
12 Q. What is Ms. McCurry's position at Uncle
13 Bubba's?
14 A. She is a front house manager.
10:50:10 15 Q. Okay. You also have a general manager,
16 correct?
17 A. We do.
18 Q. Is Ms. McCurry a salaried employee or an
19 hourly employee?
10:50:19 20 A. They -- all my managers are salary
21 employees.
22 Q. Okay. As a front house manager, what
23 does she do?
24 A. She helps oversee the day-to-day
10:50:28 25 operations of my restaurant.

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10:50:30 1 Q. Does she also help clean up the
2 restaurant and help the servers get food out and
3 things of that sort?
4 A. Sure.
10:50:45 5 Q. Okay. Does she get paid overtime if she
6 works more than 40 hours a week?
7 A. No, sir.
8 Q. Okay. Does she receive tips?
9 A. No, sir.
10:50:53 10 Q. Okay. Does she have the authority to
11 hire and fire?
12 A. Yes, sir.
13 Q. Okay. Does your general manager have
14 the authority to hire and fire her?
10:51:07 15 A. Yes, sir.
16 Q. Okay. She has also served as the
17 corporate representative for the depositions for
18 the last couple of days, correct?
19 A. Correct.
10:51:27 20 Q. She is one of your longest serving
21 employees, correct?
22 A. She was actually hired to go to work at
23 Uncle Bubba's before we actually opened for
24 business.
10:51:38 25 Q. Okay. Who hired her?

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10:51:41 1 A. I don't recall.
2 Q. Okay. Has anyone or did anyone during
3 the period of time that you -- or that Ms. Jackson
4 worked for Uncle Bubba's, did anyone ever question
10:52:22 5 you about whether you had used the "N" word to
6 refer to employees at Uncle Bubba's?
7 A. No, sir.
8 Q. Okay. Has anyone ever, other than Mr.
9 Withers, questioned you about whether you have
10:52:40 10 used the "N" word to refer to employees at Uncle
11 Bubba's?
12 A. No, sir.
13 Q. Okay. During the period of time that
14 Ms. Jackson worked at Uncle Bubba's, there was no
10:52:52 15 human resources director; is that correct?
16 A. Correct.
17 Q. And did you have a human resources
18 handbook that was finished and published and
19 disseminated to the employees?
10:53:07 20 A. I recall that Lisa Jackson was working
21 with Mr. -- my corporate attorney, Jim Gerard, on
22 working on an employee handbook.
23 Q. Okay. And who had given her that task?
24 A. Mr. Schumacher.
10:53:26 25 Q. Okay. Now, did your -- one of the

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10:53:43 1 **allegations in the complaint is that Ms. Jackson**
 2 **replaced a general manager that was having sexual**
 3 **relationships with servers. Do you admit the**
 4 **truth of that statement or deny it?**

10:54:01 5 MR. WITHERS: Asked and answered.

6 MR. BILLIPS: You can answer.

7 THE WITNESS: Like I said earlier, he
 8 was -- Mr. John Pate was relieved of
 9 nonperformance of duties.

10:54:11 10 BY MR. BILLIPS:

11 **Q. Okay. Well, was there a meeting with**
 12 **the general manager and Ms. Jackson at which you**
 13 **were present that your sister terminated the**
 14 **general manager?**

10:54:22 15 MR. WITHERS: Objection. Asked and
 16 answered. You can go ahead.

17 THE WITNESS: All I remember is that
 18 when Mr. Pate was terminated that it was me and my
 19 sister present.

10:54:32 20 BY MR. BILLIPS:

21 **Q. Okay.**

22 **A. I do not recall Ms. Jackson being there.**

23 **Q. Okay. What about Mr. Plantadis?**

24 **A. I do not recall him being in the room**

10:54:40 25 **either.**

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10:55:41 1 **A. Yes, sir.**

2 **Q. Okay. Would you consider a joke about**
 3 **why men should date women with flat heads to be a**
 4 **dirty joke?**

10:55:56 5 **A. I would think it would be considered a**
 6 **dirty joke.**

7 **Q. Okay. You're familiar with that joke,**
 8 **right?**

9 **A. I have heard it.**

10:56:02 10 **Q. Okay. You've told it?**

11 **A. I don't remember telling it, but I've**
 12 **heard it.**

13 **Q. Did you ever tell it at work?**

14 **A. I don't remember telling it at work.**
 15 **I've heard the joke.**

16 **Q. Okay. Who did you hear it from?**

17 **A. People that I've known throughout my**
 18 **life.**

19 **Q. Uh-huh. Did you ever take an email that**
 10:56:22 20 **you had received, print it off, that had to do**
 21 **with why we should allow gay marriage?**

22 **A. No, sir. I never printed that off.**

23 **Q. Okay. Do you recall receiving it?**

24 **A. I have a nephew by the name of Robbie**
 10:56:38 25 **Beaver that has sent me emails, and I'm not even**

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10:54:41 1 **Q. Okay. Did Ms. -- did your sister in**
 2 **connection with terminating that general manager**
 3 **tell you, if you think I've worked this hard to**
 4 **lose everything because of a piece of pussy, you**
 10:54:55 5 **better think again?**

6 **A. I did not hear her say that.**

7 **Q. Okay. Is that consistent with things**
 8 **you have heard her say on other occasions?**

9 **A. No, sir.**

10:55:01 10 MR. WITHERS: Objection. Vague.

11 BY MR. BILLIPS:

12 **Q. Have you heard her use language such as**
 13 **that on other occasions, a piece of pussy?**

14 **A. Oh, no, sir.**

10:55:09 15 **Q. Your sister Paula does have a salty --**
 16 **use salty language on occasion, doesn't she?**

17 **A. Yes.**

18 **Q. Okay. She tells -- she's told jokes**
 19 **about blow jobs while filming her show?**

10:55:27 20 **A. I don't know about filming her show, but**
 21 **she tell -- she tells jokes.**

22 **Q. She tells dirty jokes?**

23 **A. They could be considered dirty.**

24 **Q. Okay. Well, would you consider a joke**

10:55:38 25 **about blow jobs to be a dirty joke?**

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10:56:47 1 **sure if that one came from him, but in that**
 2 **six-by-six office was that computer and it was our**
 3 **gen -- Uncle Bubba's Seafood & Oyster House**
 4 **generic email.**

10:57:09 5 **And he was not living in Savannah and he**
 6 **would -- I would see his name pop up. I would**
 7 **click on it, not knowing what was in it. And**
 8 **sometimes he would send pictures of nude --**
 9 **nudity.**

10:57:30 10 **Q. Uh-huh.**

11 **A. And when I saw this, I informed the**
 12 **people -- the ladies that work for me in the**
 13 **office as front house managers, I warned them**
 14 **that -- not to open that window with his name on**
 10:57:55 15 **it because it may contain something inappropriate.**

16 **Q. Okay. Did you bring that email to a**
 17 **meeting and pass it around?**

18 **A. I did not.**

19 **Q. Did you ever bring any of the dirty**
 10:58:14 20 **emails that you got and pass them around to people**
 21 **at meetings?**

22 **A. I did not.**

23 **Q. Okay. Now, there was an -- the email or**
 24 **at least you received an email that said why we**
 10:58:25 25 **should permit gay marriage that then had pictures**

10:58:28 1 of women having sex with each other, right?
 2 A. I don't remember the exact content, but
 3 I remember the day in a meeting at my restaurant
 4 with my front house managers that Ms. Jackson
 10:58:45 5 requested that Stephanie Strong bring some photos
 6 to that meeting.
 7 Q. Okay. Was that an answer to my
 8 question?
 9 A. Repeat your question, please.
 10:58:57 10 Q. Did you print that email off -- or first
 11 of all, the question was did that email say why we
 12 should permit gay marriage and have pictures of
 13 women having sex with each other? That was my
 14 question.
 10:59:13 15 A. Okay. I do not recall what it said.
 16 Did I print it off, no, I did not.
 17 Q. Okay. Now, when Ms. Jackson was
 18 promoted to general manager, was that actually
 19 your sister's decision?
 10:59:33 20 A. No, sir. It was not.
 21 Q. Okay. Did your sister -- were you
 22 present -- strike.
 23 Who made the decision to promote her to
 24 general manager?
 10:59:44 25 A. I initiated it --

11:00:42 1 A. No, sir.
 2 Q. Okay. Are you -- are you aware that Mr.
 3 Schumacher doesn't agree with you that you work
 4 sufficiently to earn what you receive?
 11:00:54 5 A. Since this lawsuit has come out, I have
 6 heard that.
 7 Q. Okay. Have you seen the emails from Mr.
 8 Schumacher where he says that?
 9 A. I have been shown some emails.
 11:01:05 10 Q. Okay. Have you had any discussions with
 11 Mr. Schumacher about why he believes that?
 12 A. Absolutely not.
 13 Q. Okay. Now, within the first six months
 14 that Ms. Jackson began working as general manager,
 11:01:36 15 the company's bottom line improved; is that fair?
 16 A. I don't -- I don't know if it improved.
 17 Q. Okay. Was the company showing a profit?
 18 A. The company has never shown a lot of
 19 profit.
 11:01:53 20 Q. Okay. Is one of the reasons the company
 21 hasn't shown a profit was because you were taking
 22 money out of deposits?
 23 A. No, sir.
 24 Q. Well, was there an occasion where you
 11:02:04 25 were taking out as much as 25 to \$30,000 a month?

10:59:46 1 Q. Okay.
 2 A. -- with the assistance of Karl
 3 Schumacher.
 4 Q. Okay. Did you tell Ms. Jackson that she
 10:59:52 5 was everything that you've never wanted but
 6 everything you needed a woman to clean your
 7 business up?
 8 A. No, sir. I did not say that.
 9 Q. Did you say anything like that?
 11:00:02 10 A. No, sir. I did not say that.
 11 Q. Okay. Now, your sister Paula has pretty
 12 much run your life since you were 16?
 13 MR. WITHERS: Objection. Vague.
 14 BY MR. BILLIPS:
 11:00:13 15 Q. Is that fair?
 16 A. No, sir. It's not fair.
 17 Q. Okay. She took over caring for you when
 18 you were 16 years old?
 19 A. That's more fair to say.
 11:00:21 20 Q. Okay. And she gives you things like a
 21 restaurant, right?
 22 A. I have worked for my position.
 23 Q. Okay. Do you -- have you had any
 24 conflict with Mr. Schumacher over whether you have
 11:00:40 25 worked for your position?

11:02:10 1 A. No, sir.
 2 Q. Okay. If Mr. Schumacher has testified
 3 that you in fact took out around 25 to \$30,000 in
 4 a single month, would you disagree with him?
 11:02:22 5 MR. WITHERS: Objection. I think that's
 6 an inappropriate characterization of Mr.
 7 Schumacher's testimony.
 8 BY MR. BILLIPS:
 9 Q. You can answer.
 11:02:31 10 A. Repeat the question.
 11 Q. If Mr. Schumacher has testified that you
 12 were taking out 25 to \$30,000 in a month from the
 13 deposits, would you dispute his testimony?
 14 A. I would disagree with that number.
 11:02:48 15 Q. Okay. How much would you say it was?
 16 MR. WITHERS: Objection. You know,
 17 we've already plowed this ground and now you're
 18 trying to go through the back door. Don't answer
 19 that question.
 11:02:59 20 MR. BILLIPS: Is he taking the Fifth?
 21 MR. WITHERS: Counsel, I've told you my
 22 position and what I plan on doing. I don't plan
 23 on getting into a colloquy with you about it.
 24 MR. BILLIPS: Okay.
 11:03:18 25 BY MR. BILLIPS:

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11:03:20 1 Q. Well, has anyone ever threatened you
2 with criminal prosecution over that matter?
3 A. No, sir.
4 Q. Okay. The -- do you believe yourself to
11:03:30 5 be at risk of criminal prosecution relating to
6 taking money from deposits?
7 A. No, sir.
8 Q. Okay. As a matter of fact, the year
9 that Mr. Schumacher confronted you about money,
11:03:46 10 taking money from the deposits, did they adjust
11 your compensation to show that money as earned
12 salary at -- by adjusting it at the end of the
13 year?
14 A. I've been told.
11:04:04 15 Q. Okay. You've been told that?
16 A. I've been told that.
17 Q. Okay. Did it show up on your W-2?
18 A. I've been told that it was.
19 Q. Okay. Mr. Schumacher also handles your
11:04:25 20 taxes?
21 A. He does.
22 Q. Okay. Did you have authority from Paula
23 Deen to take money out of the deposits before they
24 went to the restaurant -- or excuse me, before
11:04:44 25 they left the restaurant and went to the bank?

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11:04:46 1 A. No.
2 Q. Okay. Did -- did you ever -- before
3 taking money out of deposits that were going to
4 the bank, did you tell your sister you were going
11:04:59 5 to do so?
6 A. No.
7 Q. Did you have any intention of telling
8 your sister you were going -- that you were doing
9 that?
11:05:10 10 A. No.
11 Q. Okay. If you hadn't been caught, would
12 you have ever told anybody you were doing that?
13 MR. WITHERS: Objection. Speculation.
14 BY MR. BILLIPS:
11:05:18 15 Q. You can answer. To your knowledge,
16 would you have told anybody?
17 A. No.
18 Q. Okay. Your sister is a 50 percent owner
19 in the business, right?
11:05:28 20 A. She is.
21 Q. Did you share that money with her 50/50?
22 A. I did not.
23 Q. Did you have intention of doing so?
24 A. No.
11:05:37 25 Q. Would it be fair to say that you stole

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11:05:38 1 that money?
2 MR. WITHERS: Objection. Don't answer
3 that question. You can answer that question. Go
4 ahead.
11:05:46 5 THE WITNESS: That would not be fair.
6 BY MR. BILLIPS:
7 Q. Why not?
8 A. I own 50 percent of that business.
9 Q. Okay. So half of that money you stole
11:05:54 10 from your sister because she owns the other
11 50 percent?
12 A. She owns the other 50 percent.
13 Q. Okay. So you stole half of that money
14 from her?
11:06:01 15 A. Okay. Yes.
16 Q. Okay. And you used the position you
17 held as a high-level employee and as an officer of
18 the corporation to take money to which you were
19 not entitled through an act of deceit?
11:06:29 20 MR. WITHERS: Objection. Don't answer
21 that question.
22 Counsel, you can keep rephrasing this
23 ground, but this has nothing to do with your
24 client. I know what you're trying to do with it.
11:06:42 25 Let's move on to something that actually has

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11:06:45 1 relevance and materiality to Mrs. Jackson's
2 claims.
3 MR. BILLIPS: This is conduct which we
4 will be entitled to explore specific instances of
11:06:57 5 conduct that we'll be entitled to use for the
6 purpose of impeachment of this witness.
7 MR. WITHERS: Absolutely not.
8 MR. BILLIPS: You don't think. It's at
9 least discoverable on that grounds.
11:07:11 10 MR. WITHERS: Yeah. I've given you my
11 objection maybe five times. We can continue or
12 you can get to things that are relevant to Mrs.
13 Jackson's complaints that form the basis of her
14 lawsuit.
11:07:25 15 MR. BILLIPS: I believe that this
16 witness's credibility is relevant and the matters
17 touching on his credibility are discoverable.
18 BY MR. BILLIPS:
19 Q. Now, Ms. Jackson was also paid by Paula
11:07:47 20 Deen Enterprises for work performed on behalf of
21 Paula Deen Enterprises; is that correct?
22 A. I was told that since this lawsuit was
23 filed.
24 Q. Did you have no idea that that was going
11:08:00 25 on during the time she was working there?

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11:08:03 1 A. Absolutely not.
 2 Q. Okay. Were you aware that she went to
 3 assist in the opening of a restaurant at Harrah's
 4 Casino in Mississippi?
 11:08:12 5 A. I was aware that she was asked to go out
 6 there to over -- to look at the Uncle Bubba's
 7 Seafood section to make sure that they were
 8 representing us properly.
 9 Q. Okay. Now, the Uncle Bubba's Seafood
 11:08:34 10 section at Harrah's was set up pursuant to a
 11 licensing agreement between Paula Deen Enterprises
 12 and Harrah's?
 13 A. I would have no knowledge of that.
 14 Q. Okay. But your restaurant, Uncle
 11:08:51 15 Bubba's Seafood & Oyster House, the name of that
 16 restaurant, was part of what was licensed to
 17 Harrah's, correct?
 18 MR. WITHERS: Objection. He just said
 19 he had no knowledge of that.
 11:09:09 20 BY MR. BILLIPS:
 21 Q. Do you know whether --
 22 A. I don't know about licensing.
 23 Q. Okay. Have you ever received any
 24 compensation for the use of the name Uncle Bubba's
 11:09:19 25 Seafood & Oyster House in connection with the

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11:09:23 1 restaurant at Harrah's?
 2 MR. WITHERS: You're talking about him
 3 personally?
 4 MR. BILLIPS: Him personally or -- or
 11:09:27 5 Uncle Bubba's.
 6 THE WITNESS: No, sir.
 7 BY MR. BILLIPS:
 8 Q. Okay. As a matter of fact, that was a
 9 bone of contention that you believed that you
 11:09:34 10 should have received compensation for the use of
 11 your name and the restaurant's name, correct?
 12 A. No, sir.
 13 Q. Okay. Did you think the restaurant
 14 should have received compensation that would go
 11:09:44 15 toward, for example, paying off loans from Paula
 16 Deen Enterprises?
 17 A. No, sir.
 18 Q. Okay. Did you ever tell Ms. Jackson
 19 that you thought that the restaurant should have
 11:09:56 20 received compensation?
 21 A. I don't recall telling her that.
 22 Q. Okay. Did you ever sign over your
 23 interest and the rights to the name of the
 24 restaurant to Paula Deen Enterprises?
 11:10:16 25 A. No, sir.

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11:10:16 1 Q. Okay. Is there anything of value, to
 2 your knowledge, that Uncle Bubba's Seafood &
 3 Oyster House, Incorporated received from Paula
 4 Deen Enterprises in connection with the Harrah's
 11:10:27 5 licensing agreement?
 6 MR. WITHERS: Objection. Asked and
 7 answered.
 8 BY MR. BILLIPS:
 9 Q. Anything at all?
 11:10:31 10 A. Not to my knowledge.
 11 Q. Okay.
 12 VIDEO TECHNICIAN: Excuse me, Counsel.
 13 We have five minutes and we'll need to do a tape
 14 change. Five minutes.
 11:10:42 15 MR. BILLIPS: Okay.
 16 BY MR. BILLIPS:
 17 Q. Did Ms. Jackson also do work for Lady &
 18 Sons restaurants on occasion?
 19 A. I think so on occasion. Maybe assisted
 11:10:58 20 with stuff.
 21 Q. With whatever they needed?
 22 A. I don't know what stuff.
 23 Q. Okay. Did she do things that were
 24 outside the scope of Dustin Walls' capabilities?
 11:11:21 25 A. I'm not sure.

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11:11:22 1 Q. Okay. You don't know what she did?
 2 A. I didn't ask her to do it, so I have no
 3 knowledge of what she was asked to do.
 4 Q. Who would have had the authority to ask
 11:11:32 5 her to do things for Lady & Sons?
 6 A. I'm assuming it was Mr. Schumacher that
 7 may have asked her to do stuff.
 8 Q. Okay. Mr. Schumacher, are you aware,
 9 that he was of the opinion that Dustin Walls
 11:11:43 10 really wasn't capable of doing anything that
 11 anybody making \$10 an hour couldn't do?
 12 A. I never heard that.
 13 Q. Okay. Did Ms. Jackson ever discuss with
 14 you a position managing both restaurants?
 11:12:07 15 A. No, sir.
 16 MR. BILLIPS: Okay. Let's go ahead and
 17 take a break and change the tape.
 18 VIDEO TECHNICIAN: The time is
 19 11:14 a.m. We're off the record.
 11:20:13 20 (Recess from 11:14 a.m. to 11:25 a.m.)
 21 VIDEO TECHNICIAN: The time is
 22 11:25 a.m. This is the beginning of DV tape
 23 three. We are back on the record.
 24 BY MR. BILLIPS:
 11:22:56 25 Q. Mr. Hiers, did you ever ask anybody not

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11:22:58 1 to send you pornographic emails?
 2 A. Yes, sir.
 3 Q. Who?
 4 A. Mr. Beaver.
 11:23:04 5 Q. Who else?
 6 A. That's all I recall, because it was on
 7 the email at my office.
 8 Q. Okay. And the email at your office, at
 9 least for some period of time, there was a UBLJ
 11:23:18 10 email that was shared between you and Ms. Jackson;
 11 is that correct?
 12 A. All -- all I know is that we had one
 13 central computer that all emails came into.
 14 Q. No matter who they were addressed to?
 11:23:38 15 A. Yes. There were some that were just
 16 generic emails on advertisement that would come
 17 in --
 18 Q. So -- so --
 19 A. -- and anyone had the opportunity to
 11:23:49 20 open.
 21 Q. Okay. So any email addressed to an
 22 address, I think it was at unclebubbas.com, was --
 23 would come in on that computer?
 24 A. Correct.
 11:24:04 25 Q. Okay. Now, a moment ago you said

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11:24:16 1 something about somebody telling you that Ms.
 2 Jackson had asked them to bring in pictures.
 3 A. Correct.
 4 Q. And I'm sure you're dying to tell me
 11:24:27 5 about that, so why don't you go ahead and tell me
 6 what is that about.
 7 A. We were in a Tues -- we were in our
 8 weekly meeting at Uncle Bubba's.
 9 Q. Uh-huh.
 11:24:44 10 A. Ms. Jackson asked the office manager at
 11 the time, Stephanie Strong, would she print out
 12 those -- some pictures and bring them to her.
 13 Q. Uh-huh.
 14 A. Ms. Strong did bring them to the meeting
 11:25:02 15 and they were of pornographic relation. And on --
 16 someone had gone in there and put Bubba's way of
 17 life onto the whatever size that sheet of paper
 18 is.
 19 Q. Where were the pictures printed from?
 11:25:38 20 A. The company office.
 21 Q. No. I mean, was it from an email or a
 22 Web site or just on the computer somewhere?
 23 A. I'm guessing they came in through --
 24 MR. WITHERS: Well, don't guess.
 11:25:50 25 THE WITNESS: -- email.

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11:25:51 1 BY MR. BILLIPS:
 2 Q. Okay. And what was the purpose of
 3 printing them and bringing them to the meeting?
 4 A. The purpose of it that I -- the way I
 11:26:04 5 took it that Ms. Lisa was presenting this as -- as
 6 T-shirt material as a joke, Bubba's way of life.
 7 Q. Okay. And were y'all talking about
 8 the -- about printing up T-shirts at the time?
 9 A. I don't know if that was the topic of
 11:26:27 10 that particular meeting.
 11 Q. Okay. And what was on these
 12 pornographic pictures?
 13 A. There could have been some sayings.
 14 Q. No. I mean, what were the pictures --
 11:26:40 15 what did the pictures portray?
 16 A. I remember two photos.
 17 Q. Uh-huh.
 18 A. I don't know how many there were.
 19 Q. Uh-huh.
 11:26:50 20 A. I remember there were two men sitting on
 21 the back of a fishing yacht and there were two
 22 women -- there was a woman between each one of
 23 them, and I believe the shot was an overhead shot
 24 and it por -- it was showing two wom -- these
 11:27:14 25 women giving each man a blow job.

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11:27:17 1 Q. Okay.
 2 A. The other one I recall it was two women
 3 that I guess were getting married and they had --
 4 I remember a long white veil, white stockings, no
 11:27:40 5 bra or panties that I recall and shoes. And they
 6 were holding hands. And it looked like that they
 7 were running through a gar -- they were on a lawn.
 8 Not a vegetable garden, but a resident lawn.
 9 Q. Okay. And when was this meeting?
 11:28:04 10 A. I don't have no day or time or date. It
 11 was a weekly company meeting.
 12 Q. Do you have a year?
 13 A. No, sir.
 14 Q. Do you have a -- identify everyone else
 11:28:20 15 who was present at the meeting.
 16 A. It was me, it was Ms. Jackson, Sandra
 17 Sikes, Melissa McCurry. I don't remember other
 18 than that.
 19 Q. Okay. This was a managers' meeting?
 11:28:52 20 A. Yes, sir.
 21 Q. Okay. Did the company have group
 22 managers' meetings of all the managers of both the
 23 restaurants and the store?
 24 A. Yes, sir. Weekly managers meeting
 11:29:07 25 involves kitchen manager and front house

<p style="text-align: right;">Page 97</p> <p>11:29:12 1 management.</p> <p>2 Q. Okay. Was there also a meeting maybe</p> <p>3 monthly with the managers at the other restaurant</p> <p>4 and the Paula Deen retail?</p> <p>11:29:25 5 A. Yes. There have been monthly meetings</p> <p>6 at the corporate office with both restaurants.</p> <p>7 Q. Okay. And -- but this was one of the</p> <p>8 weekly meetings, right?</p> <p>9 A. This was one of the Uncle Bubba's only</p> <p>11:29:39 10 weekly meeting.</p> <p>11 Q. All right. And you remember Ms. Sikes</p> <p>12 and Ms. McCurry. Where was the meeting being</p> <p>13 held?</p> <p>14 A. I remember it being in what we call the</p> <p>11:29:55 15 banquet room.</p> <p>16 Q. Okay. And was it in the banquet room</p> <p>17 because you needed the space for all the people</p> <p>18 who were going to be there?</p> <p>19 A. It was just kind of private.</p> <p>11:30:06 20 Q. Okay. And you said that the people by</p> <p>21 position who would be there would be the general</p> <p>22 manager, you, the front -- front house managers?</p> <p>23 A. Uh-huh.</p> <p>24 Q. How many of those were there?</p> <p>11:30:22 25 A. Let's see. At that particular time,</p>	<p style="text-align: right;">Page 99</p> <p>11:31:35 1 that I recall.</p> <p>2 Q. Okay. And -- but is that -- was Ms.</p> <p>3 Sikes a front house manager?</p> <p>4 A. She was.</p> <p>11:31:43 5 Q. And Ms. McCurry was a front house</p> <p>6 manager?</p> <p>7 A. She was.</p> <p>8 Q. And Mr. Hall was the kitchen manager?</p> <p>9 A. He is. Was.</p> <p>11:31:51 10 Q. How long has he been the kitchen</p> <p>11 manager?</p> <p>12 A. He's been with me a long time. Six</p> <p>13 years.</p> <p>14 Q. Okay. How long has Ms. McCurry been a</p> <p>11:32:04 15 front house manager?</p> <p>16 A. I'd say six or seven years.</p> <p>17 Q. Okay. And Ms. Sikes, how long has she</p> <p>18 been a front house manager?</p> <p>19 A. Six.</p> <p>11:32:16 20 Q. Okay. The other two front house</p> <p>21 managers at the time, who were they?</p> <p>22 A. I've given you who I recall that I</p> <p>23 recall being there.</p> <p>24 Q. Okay. But at the time of this meeting,</p> <p>11:32:36 25 who were the other people who could have been</p>
<p style="text-align: right;">Page 98</p> <p>11:30:27 1 Ms. Strong was not a front house manager. She was</p> <p>2 the office manager. So there probably would have</p> <p>3 been four front house managers, and John Hall is</p> <p>4 our kitchen manager. I didn't give you his name.</p> <p>11:30:42 5 He -- he could have been there. He's usually</p> <p>6 there at our weekly meetings.</p> <p>7 Q. Okay. So there were four front house</p> <p>8 managers, the kitchen manager, John Hall.</p> <p>9 A. Uh-huh.</p> <p>11:30:53 10 Q. Is there a bar manager?</p> <p>11 A. Those duties are usually done by one of</p> <p>12 the front house managers.</p> <p>13 Q. Okay. Are there any other people who</p> <p>14 would be present at this meeting other than the</p> <p>11:31:05 15 four front house managers and Mr. Hall?</p> <p>16 A. At this particular meeting, it could</p> <p>17 have been Mr. Schumacher. I don't remember.</p> <p>18 Q. Okay.</p> <p>19 A. Because he usually comes and reports</p> <p>11:31:16 20 numbers.</p> <p>21 Q. Okay. All right. And the two front</p> <p>22 house managers at the time of this meeting, other</p> <p>23 than Ms. Sikes and Ms. McCurry -- were Ms. Sikes</p> <p>24 and Ms. McCurry present as front house managers?</p> <p>11:31:33 25 A. Like I've said, I've given you the list</p>	<p style="text-align: right;">Page 100</p> <p>11:32:39 1 there, the other two front house managers?</p> <p>2 A. Well, you've got Ms. McCurry, Sandra</p> <p>3 Sikes, and I don't recall who was working for me</p> <p>4 at that particular time is why I can't give you</p> <p>11:32:54 5 those two names.</p> <p>6 Q. Because you don't know whether this was</p> <p>7 in 2006 or 2010 or any time in between, correct?</p> <p>8 A. I know it was sometime in between.</p> <p>9 Q. When?</p> <p>11:33:05 10 A. 2006 and 2010.</p> <p>11 Q. Sometime between 2006, 2010, but you</p> <p>12 can't be anymore specific than that; is that fair?</p> <p>13 A. Not at this time.</p> <p>14 Q. Okay. Is there anything that would</p> <p>11:33:17 15 refresh your recollection and allow you to be more</p> <p>16 specific as to the date of this meeting?</p> <p>17 A. Not that I can think of.</p> <p>18 Q. Do you still have the pictures?</p> <p>19 A. I think they're still at the office.</p> <p>11:33:28 20 Q. Where are they?</p> <p>21 A. I don't know where they are.</p> <p>22 Q. When you say you think they're still at</p> <p>23 the office, are they still on the computer or did</p> <p>24 you put them away in the desk somewhere?</p> <p>11:33:39 25 A. I don't know if they're in the computer</p>

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11:33:41 1 or in a desk drawer.
 2 Q. Okay. Do you know if they still exist?
 3 A. I think they still exist.
 4 Q. Why do you think that?
 11:33:47 5 A. Because they were relevant to this case.
 6 Q. Oh, I see. Have you provided a copy of
 7 them to your counsel?
 8 A. Yes.
 9 Q. Okay. And do those pictures have any
 11:33:57 10 dates on them?
 11 A. I do not know that.
 12 Q. Are they associated with any emails?
 13 A. I believe, as we've discussed, that they
 14 came in through an email.
 11:34:06 15 Q. Okay. And who was the email from?
 16 A. I'm not sure. I think Robbie Beaver.
 17 Q. Okay. And did you have a copy of the
 18 email transmitting these pictures when you
 19 provided the pictures to your counsel?
 11:34:40 20 A. I'm not sure I understand your question.
 21 Q. Well, the email that sent the pictures
 22 from Robbie Beaver you think --
 23 A. Uh-huh.
 24 Q. -- did you print off a copy of that when
 11:34:51 25 you provided the pictures to your counsel?

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11:34:54 1 A. They would have been printed off of a
 2 computer.
 3 Q. Okay. Was the email also printed off a
 4 computer?
 11:35:01 5 A. Oh, I do not know that.
 6 Q. Okay. Was the email to you?
 7 A. If it came in from my nephew, it was
 8 addressed to me.
 9 Q. Okay. Are there any minutes of this
 11:35:24 10 meeting, weekly meeting?
 11 A. It's not our normal practice to take
 12 minutes.
 13 Q. Okay. Would Mr. Schumacher be there at
 14 weekly meetings or only at monthly meetings?
 11:35:37 15 A. He's participated in weekly meetings.
 16 Yes.
 17 Q. Okay. Now, you've described -- you
 18 can't remember who was sitting at the table or
 19 when within a period of 2006 to 2010 this event
 11:35:55 20 occurred, but you were able to describe the
 21 pictures with great detail.
 22 A. Uh-huh.
 23 Q. Have you seen those pictures recently?
 24 A. Not recently.
 11:36:04 25 Q. When was the last time you saw them?

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11:36:07 1 A. Sometime during the past -- last year.
 2 Q. Okay. And when you got these pictures,
 3 did you get them from the email?
 4 A. Like I said, they came in via email.
 11:36:32 5 Q. Sure. But when they were printed off --
 6 you didn't still have the printout, did you, that
 7 you're saying was -- was shown around during this
 8 meeting?
 9 A. I don't know what happened to the ones
 11:36:43 10 that were brought to that meeting.
 11 Q. Okay. So you went back and printed off
 12 another copy?
 13 A. I did not.
 14 Q. Who did?
 11:36:49 15 A. I do not know who printed it off.
 16 Q. Okay. But somebody did go back and
 17 print off another copy from the computer?
 18 A. I would -- that's a true statement.
 19 Q. Okay. And about when did you tell
 11:37:22 20 Mr. Beaver to stop sending you porn?
 21 A. I don't recall the exact --
 22 Q. Can you give me a year?
 23 A. 2009.
 24 Q. Okay. So sometime before you admitted
 11:37:47 25 to looking at porn on the computer you told

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11:37:52 1 Mr. Beaver to stop sending you porno emails?
 2 A. I explained to him that I shared an
 3 office with females and that it would not be a
 4 good idea to because I did not have any control
 11:38:10 5 over who opened them.
 6 Q. Okay. So this email that you're
 7 describing would have come in sometime prior to
 8 2010, right?
 9 A. Before 2010, yes, sir.
 11:38:22 10 Q. Okay. And you or somebody had it
 11 printed off from the email sometime in the past
 12 year, correct?
 13 A. I said that I had seen it.
 14 Q. In the past year?
 11:38:47 15 A. In the past year.
 16 Q. Did you see it on the computer or in a
 17 printout?
 18 A. I believe it was a printout.
 19 Q. Okay. So sometime in the past year that
 11:39:03 20 email was still live in an accessible form on the
 21 computer?
 22 A. I'm not very computer savvy. It was --
 23 it was just produced and I saw it.
 24 Q. Do you currently have an email address
 11:39:20 25 that is specific to you?

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11:39:21 1 A. I do.
 2 Q. What is it?
 3 A. It is Bearl, B-e-a-r-l,
 4 @unclebubbas.com. That's my email address.
 11:39:51 5 Q. Okay. Bearl is spelled?
 6 A. B-e-a-r-l. Bubba Earl.
 7 Q. Now, the Uncle Bubba's -- or excuse me.
 8 The -- the various companies owned by your sister
 9 include Paula Deen Enterprises, Paula Deen Retail,
 11:40:34 10 Lady & Sons and Uncle Bubba's; is that correct?
 11 A. Correct.
 12 Q. All right. Now, with regard to these
 13 companies, Karl Schumacher has day-to-day control
 14 of personnel management across the span of all of
 11:40:53 15 them, correct?
 16 A. He has duties that he performs
 17 throughout the Paula Deen Enterprises and he does
 18 assist in higher up management hiring.
 19 Q. Okay. And he will make actual decisions
 11:41:22 20 about compensation and benefits?
 21 A. He has.
 22 Q. Okay. And that is for employees
 23 throughout what you've described as the Paula Deen
 24 Enterprises?
 11:41:33 25 A. Yes.

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11:41:34 1 Q. And when you say Paula Deen Enterprises,
 2 you don't mean just the specific company known as
 3 Paula Deen Enterprises, you mean all of the
 4 companies that Ms. Deen owns that I've mentioned
 11:41:45 5 before?
 6 A. Correct.
 7 Q. Okay. So Mr. Schumacher has the
 8 authority to approve decisions regarding employee
 9 pay within this Paula Deen enterprises group of
 11:42:06 10 companies, correct?
 11 A. Higher level management.
 12 Q. Okay. So restaurant managers, general
 13 managers? And by restaurant, I mean like front
 14 house managers, general managers, store managers,
 11:42:20 15 things of that sort.
 16 A. Correct.
 17 Q. Okay. What is Theresa -- how do you
 18 pronounce her last name?
 19 A. Feuger.
 11:42:31 20 Q. Feuger. What is Theresa Feuger's job?
 21 A. It's my understanding that -- well, I
 22 know she works at our corporate office.
 23 Q. Uh-huh.
 24 A. Now, exactly what her duties are, I do
 11:42:46 25 not know.

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11:42:47 1 Q. Okay.
 2 A. I don't know what her title is or
 3 functions on a day-to-day basis.
 4 Q. Okay. Did she have direct supervisory
 11:42:57 5 relationships with -- with general managers? She
 6 was the -- identified as the immediate supervisor
 7 for the general managers at the restaurants or do
 8 you know.
 9 A. I don't know that.
 11:43:09 10 Q. Okay. She is the chief operating
 11 officer and director of operations; is that
 12 correct?
 13 A. I've heard director of operations
 14 before.
 11:43:23 15 Q. Okay. Who has identified her in that
 16 way?
 17 A. Who identified her in that way?
 18 Q. Yeah.
 19 A. I believe it was Mr. Schumacher.
 11:43:33 20 Q. Okay. Now, who keeps the books and
 21 records for the various companies within what you
 22 described as the Paula Deen enterprises?
 23 A. Karl Schumacher.
 24 Q. And does -- has the company, the
 11:44:01 25 specific company known as Paula Deen Enterprises,

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11:44:03 1 provided financial support for the other companies
 2 within the group that you described as Paula Deen
 3 enterprises?
 4 A. I would not have knowledge of that.
 11:44:15 5 Q. Okay. Have there been marketing --
 6 joint marketing programs involving all of these
 7 companies that you described as the Paula Deen
 8 enterprises?
 9 A. Well, I do know that since the family
 11:44:34 10 owns two restaurants in Savannah, we've always
 11 tried to associate the two restaurants as Paula
 12 Deen and family restaurants.
 13 Q. Okay. Okay. And Paula Deen Enterprises
 14 at one point paid to remedy some health code
 11:45:01 15 violations or OSHA violations at Uncle Bubba's; is
 16 that correct?
 17 A. Now, I believe there was some funding.
 18 Q. Okay. And when Ms. Jackson was drafting
 19 a human resources manual, was it your
 11:45:24 20 understanding she was drafting one that would be
 21 used across all of the various -- both restaurants
 22 and the store, all the various entities?
 23 A. It was my understanding that it was for
 24 Uncle Bubba's Seafood & Oyster House.
 11:45:39 25 Q. Okay. Did you have any understanding as

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11:45:40 1 to whether it was also going to be for the other
2 entities?
3 A. I did not have knowledge of that.
4 Q. Okay. These monthly meetings that were
11:45:53 5 for the general managers and -- or excuse me. For
6 all of the restaurants, was it just general
7 managers and upper management that came to those?
8 A. I have been to the corporate office --
9 Q. Uh-huh.
11:46:06 10 A. -- and for meetings there and it was
11 just general managers, owners. And that's all.
12 Q. Okay. And Mr. Schumacher?
13 A. Mr. Schumacher was there.
14 Q. The -- now, there's a general manager at
11:46:34 15 Lady & Sons and then there is a res -- or excuse
16 me, a store manager at Paula Deen Retail. Is that
17 correct?
18 A. I know that there is one lady that's in
19 charge of the store. Is she a general manager at
11:46:48 20 the store or just the store manager, I don't know
21 her title.
22 Q. Okay. Was -- okay. Has there ever been
23 someone who served as the general manager for the
24 Paula Deen Retail?
11:47:00 25 A. I don't know.

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11:47:01 1 Q. Okay. Did the person in charge of the
2 store come to this overall corporate wide meeting?
3 A. She was there at the meeting I was at.
4 Q. Okay. During the period of time Ms.
11:47:14 5 Jackson worked for the defendants, did Ms. Jackson
6 attend the overall corporate wide meetings?
7 A. When Ms. Jackson was employed at Uncle
8 Bubba's, I was aware that she went to some
9 meetings that involved the other restaurant. I
11:47:41 10 was not there.
11 Q. Okay. Why didn't you go?
12 A. I don't know.
13 Q. Okay. You just didn't?
14 A. I could have been busy.
11:47:51 15 Q. Okay. Now, you -- do you recall an
16 incident where Dustin Walls sent an apology for
17 his conduct that was sent to all of the managers
18 of all of the various Paula Deen companies?
19 A. I've heard of it.
11:48:18 20 Q. Okay. Have you ever seen it?
21 A. Not to my knowledge.
22 Q. Okay. What do you understand he was --
23 that he was apologizing for?
24 A. For something that he said at his
11:48:28 25 workplace.

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11:48:29 1 Q. Okay. Was that when he called one of
2 his black employees a monkey?
3 A. I believe that's what was said.
4 Q. Okay. Have you ever talked to him about
11:48:39 5 it?
6 A. Absolutely not.
7 Q. Okay. Which company does -- which
8 restaurant does he work at?
9 A. He was the general manager at the Lady &
11:48:53 10 Sons.
11 Q. Is he still?
12 A. No, sir. I understand he's not.
13 Q. Where is he now?
14 A. I understand that he's still employed
11:49:00 15 with the Lady & Sons.
16 Q. As -- in what capacity?
17 A. I've been told as a manager.
18 Q. Okay. So did he get demoted?
19 A. I don't have no idea about the business
11:49:13 20 at the Lady & Sons, just Uncle Bubba's.
21 Q. Okay. Okay. Have you ever heard your
22 sister describe these various companies as being
23 one and the same business?
24 A. No, sir.
11:49:38 25 Q. Okay. Was that -- is that something --

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11:49:41 1 is that how you would describe them, that it's --
2 they're all part of the family business?
3 A. I would say that they're part of the
4 family business since we are family.
11:49:52 5 Q. Okay. Would you agree that these
6 various corporations have tried to have a close
7 inner relationship of their operations?
8 A. Absolutely. We're family.
9 Q. Okay. And the personnel matters have
11:50:11 10 been centralized within the human resources
11 director and Mr. Schumacher; is that correct?
12 A. Yes.
13 Q. And you have common ownership of all of
14 these various companies between you and your
11:50:29 15 sister?
16 A. Me, myself?
17 Q. No. There is common ownership. Your
18 sister is an owner of all of these businesses?
19 A. Oh, absolutely.
11:50:38 20 Q. Okay. And there is common financial
21 control over all of these businesses?
22 A. Yes.
23 Q. Okay. Essentially all of these
24 businesses ultimately are under the control of
11:50:50 25 Paula Deen, correct?

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11:50:52 1 A. Correct.
 2 Q. Now, did you ever tell Ms. Jackson that
 3 if there was one thing you learned from your
 4 sister, if it comes down to firing a guy or a
 11:51:06 5 girl, you let the girl go because they're a dime a
 6 dozen? You can always find a girl to work for
 7 you, it's hard to find good guys.
 8 A. No, sir.
 9 Q. You didn't ever say that to her?
 11:51:17 10 A. I did not say that.
 11 Q. Is it true? Is it harder to find good
 12 men to work at a restaurant than it is to find
 13 women?
 14 A. Not true.
 11:51:27 15 Q. Okay. How many men do you have working
 16 as servers?
 17 A. As servers?
 18 Q. Uh-huh.
 19 A. I've never counted, but we do have men.
 11:51:38 20 Q. Uh-huh. What about as cooks? Do you
 21 have any women working as cooks?
 22 A. We have -- it's mixed, men and woman.
 23 Black and white.
 24 Q. Now, there are two bathrooms at Uncle
 11:51:56 25 Bubba's, correct?

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11:51:58 1 A. Correct.
 2 Q. The bathroom -- there is one bathroom
 3 that is for the customers, correct?
 4 A. Correct.
 11:52:09 5 Q. And how would you describe that
 6 bathroom? As the front of the house bathroom, the
 7 back of the house bathroom, the customer bathroom?
 8 What would you -- how would you describe it?
 9 A. All employees know that there's a front
 11:52:25 10 of the house and a back of the house rest room.
 11 And the employees were always asked during
 12 business hours if they would use the back of the
 13 house rest rooms.
 14 Q. Okay. Now, the back of the house rest
 11:52:39 15 room at one point in time when Ms. Jackson was
 16 employed there, the plumbing was run through the
 17 grease trap; is that correct?
 18 A. That's what I was told.
 19 Q. Okay. Y'all had to spend over \$20,000
 11:52:59 20 to separate them?
 21 A. I do not have a knowledge on the amount
 22 that it cost to fix the problem.
 23 Q. Okay. But in that bathroom, you would
 24 have sewage backing up into the bathroom?
 11:53:13 25 A. We have had plumbing problems with all

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11:53:15 1 rest rooms while I've owned that restaurant.
 2 Q. All right. And you had a -- when Ms.
 3 Jackson was working there, you had a cleaning
 4 company that came in, right?
 11:53:27 5 A. I'm not aware of a cleaning company.
 6 Q. Did you have somebody who came in that
 7 cleaned the bathrooms?
 8 A. We had a plumber.
 9 Q. Okay. Did you have anybody who cleaned
 11:53:36 10 the bathrooms as --
 11 A. It was just the duties of employees.
 12 Q. Okay. Did they have the responsibility
 13 for cleaning the back of the house bathroom, too?
 14 A. Someone was asked to assist in cleaning
 11:53:49 15 rest rooms. Whether they worked in the back of
 16 the house or the front of the house, I'm not sure.
 17 Q. Okay. Now, did you ever have sewage
 18 bubbling up into the restaurant front of the house
 19 customer bathroom?
 11:54:07 20 A. I know they have overflowed before
 21 because they were stopped up --
 22 Q. Okay.
 23 A. -- from foreign objects in the lines.
 24 Q. Okay. Did you ever have sewage flowing
 11:54:16 25 up into the toilets?

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11:54:17 1 A. I know that they have overflowed.
 2 Q. Okay. In the back of the house, did you
 3 actually have raw sewage flowing up into the --
 4 A. I do not know if it was raw sewage --
 11:54:27 5 Q. Okay.
 6 A. -- but I know they have overflowed.
 7 Q. All right. And did you ever have a
 8 contractor -- an outside contractor coming in to
 9 clean the front of the house bathroom?
 11:54:47 10 A. Not that I recall to specifically clean
 11 the rest room.
 12 Q. Did you ever have a contractor coming in
 13 to clean any portion of the restaurant?
 14 A. On occasions.
 11:55:00 15 Q. Okay. And who was that contractor?
 16 A. Well, I do know that we have a hood
 17 cleaning contractor --
 18 Q. Okay.
 19 A. -- that we must keep our hoods cleaned.
 11:55:16 20 Q. Well, I'm asking about somebody who
 21 would also be tasked with cleaning rest rooms.
 22 A. Cleaning rest rooms?
 23 Q. Yeah.
 24 A. I don't know who that would be --
 11:55:25 25 Q. Okay.

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11:55:25 1 A. -- as an outside said contractor.
 2 Q. Okay. Was the -- was there a
 3 ventilation fan in the back of the house bathroom?
 4 A. I believe it's a health code that all
 11:56:05 5 rest rooms have ventilation fans.
 6 Q. Okay. Was the bathroom in the back of
 7 the house, did it have a fan?
 8 A. I believe so.
 9 Q. Did it work?
 11:56:14 10 A. I'm not sure if it worked.
 11 Q. Okay. The smell in the rest -- rest
 12 room in the back of the house was much worse than
 13 the smell in the rest room in front of the house?
 14 A. Not true.
 11:56:26 15 Q. Not true. Okay. Did you use the rest
 16 room in the back of the house?
 17 A. Most times I used the back rest rooms.
 18 Q. Okay. Did you -- was the back rest room
 19 worse in terms of cleanliness and utility than the
 11:56:50 20 front rest room?
 21 A. On occasions the rest rooms that were
 22 not designated for the guests would get a little
 23 disoriented with paper towels, toilet paper,
 24 aprons, such as that.
 11:57:28 25 Q. Did you ever direct anyone to clean the

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11:57:30 1 back of the house bathroom?
 2 A. Of course I asked my managers to --
 3 could you see that the front house rest rooms were
 4 attended to on a daily basis along with the
 11:57:49 5 employee rest rooms.
 6 Q. Did you ever indicate that the black
 7 employees should come through the back door?
 8 A. No, sir. I did not.
 9 Q. Did you require the front of the house
 11:58:15 10 employees to come through the back door?
 11 A. All employees, black or white, used both
 12 doors, front and back, whichever they asked --
 13 whichever one they decided to come through.
 14 Q. Okay. Now, do you recall an individual
 11:58:35 15 who worked in the kitchen named Mike Comer?
 16 A. I do.
 17 Q. And Mike Comer was white, correct?
 18 A. He is.
 19 Q. And is he still working for you?
 11:58:44 20 A. Absolutely not.
 21 Q. Now, who actually told him he was fired?
 22 A. I did.
 23 Q. And did you actually try to hand him his
 24 separation papers?
 11:58:55 25 A. We -- we, me and Lisa, were in the

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11:58:57 1 kitchen office with the door closed and she had
 2 his paperwork ready because she and I were firing
 3 him together as an owner and general manager. We
 4 presented him with his paperwork and he refused to
 11:59:16 5 sign it.
 6 Q. Okay. And did you then sign your name
 7 under -- that he refused to accept it?
 8 A. Lisa and I both signed it.
 9 Q. Okay. That evening Mr. Comer went and
 11:59:33 10 made a complaint to the health department, didn't
 11 he?
 12 A. I was told that he was the one that
 13 caused the health department to come to my
 14 business.
 11:59:42 15 Q. Okay. And the health department came to
 16 your business and they looked around and they shut
 17 you down?
 18 A. Yes, they did.
 19 Q. Because you -- according to them, you
 11:59:51 20 were violating the health codes?
 21 A. Yes, they did.
 22 Q. Okay. And after the health department
 23 shut your business down, you decided to conduct
 24 further investigation to build a case against Mr.
 12:00:12 25 Comer?

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12:00:13 1 A. Incorrect.
 2 Q. Okay. Did you conduct any further
 3 investigation after that into Mr. Comer's conduct?
 4 A. Incorrect.
 12:00:21 5 Q. Okay. Did you do anything to ask
 6 anybody what Mr. Comer had done after he had
 7 already been fired?
 8 A. I was just told that he is the person
 9 that called the health department after I relieved
 12:00:38 10 him of his duties that day that he called the
 11 health department and said --
 12 Q. Okay. Who told you that?
 13 A. Ms. Jackson.
 14 Q. Okay. And after you found that out, did
 12:00:55 15 you go and conduct any further investigation into
 16 whether Mr. Comer had sexually harassed an
 17 employee?
 18 A. No, sir.
 19 Q. Did -- had you already conducted any
 12:01:07 20 investigation into whether Mr. Comer had sexually
 21 harassed an employee?
 22 A. That is correct.
 23 Q. You had done so prior to Mr. Comer's
 24 termination, you personally?
 12:01:19 25 A. Personally.

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12:01:19 1 Q. Okay. Who had you spoken to?
 2 A. During my investigation --
 3 Q. Uh-huh.
 4 A. -- I went into my kitchen. Ms.
 12:01:30 5 Jackson -- this was a Friday.
 6 Q. Uh-huh.
 7 A. I believe it was in the month of
 8 July 2010. And she was off that Friday, and I saw
 9 that her partner was sitting at my bar. And I
 12:01:55 10 asked her, Ms. Silla -- Silla, I said, what are
 11 you -- y'all come in to eat lunch? Oh, no.
 12 Lisa's here to put out a fire. And I said, oh,
 13 really. So I said, where is Lisa? And she -- I'm
 14 not sure where she said.
 12:02:13 15 I went and found Lisa. And Lisa said
 16 that she was there because of the Mike -- Mike
 17 Comer -- Comer incident. I said, okay. Let's --
 18 let's take care of this before it goes on any
 19 further, because I was told that the black lady
 12:02:31 20 that he made sexual comments to was not happy that
 21 he was still working there and she was having to
 22 work with him every day. So then we went into the
 23 -- she got -- she had paperwork in hand. We went
 24 into my kitchen. She sat down in the kitchen
 12:02:52 25 office. I stood at the kitchen door, and I can

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12:04:11 1 Q. Okay. And did he admit it?
 2 A. Yes. And what I remember, he got pretty
 3 irate --
 4 Q. Uh-huh.
 12:04:21 5 A. -- and was angry.
 6 Q. Uh-huh.
 7 A. And so I just sat there and listened to
 8 him.
 9 Q. You didn't get mad?
 12:04:30 10 A. No, sir.
 11 Q. You don't get mad, do you?
 12 A. I never said that.
 13 Q. Have you lost your temper at people at
 14 work?
 12:04:37 15 A. I have been loud at work --
 16 Q. Uh-huh.
 17 A. -- and angry at work. Sure.
 18 Q. Okay. So were you angry at Mr. Comer
 19 when he got mad?
 12:04:50 20 A. No, sir.
 21 Q. Okay. So you just sat there and
 22 listened to Mr. Comer calmly like you're doing
 23 now?
 24 A. Yes, sir.
 12:04:57 25 Q. And Mr. Comer admitted what he was

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12:02:55 1 see my line cooks, my fry cooks and my salad
 2 station.
 3 And there was a lady at the fry line.
 4 And I asked her, I said, did you witness what Mike
 12:03:10 5 Comer said to this lady? She said, yes, sir, I
 6 did. I said, thank you. And then I looked at the
 7 lady over at the salad station, and I said, did
 8 you witness what Mr. Comer said to this lady? She
 9 said, yes, sir, I did, and he did say it. And --
 12:03:35 10 and I was doing my independent investigation.
 11 Now, would you please repeat your
 12 question.
 13 Q. Was Mr. Comer there?
 14 A. He was out front working at a station.
 12:03:45 15 Q. Okay. Did you talk to these women
 16 before or after you terminated Mr. Comer?
 17 A. I was doing my in-house investigation
 18 before I spoke to Mr. -- however you pronounce his
 19 last name.
 12:04:00 20 Q. Comer.
 21 A. Comer. Okay.
 22 Q. Now, did you then bring Mr. Comer in to
 23 ask him whether he had done what he had been
 24 accused of doing?
 12:04:10 25 A. Yes, I did.

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12:05:01 1 accused of, right?
 2 A. He knew what it was about. Did -- yes.
 3 He admitted it.
 4 Q. Okay. You told him what he was accused
 12:05:14 5 of, he said, yep, I did that, and he got mad about
 6 getting fired, right?
 7 A. He -- he got mad. Was -- was it about
 8 being fired, yes.
 9 Q. Okay. And then y'all gave him his
 12:05:33 10 walking papers, he wouldn't take it, you
 11 documented that on the unemployment notice and he
 12 left, right?
 13 A. He did.
 14 Q. Okay. And then later that night the
 12:05:48 15 health department came in and shut you down?
 16 A. They did.
 17 Q. Okay. As far as any need to further
 18 investigate the incident, did you feel that there
 19 was any?
 12:06:02 20 A. No, sir.
 21 Q. Okay. Did you ever conduct any further
 22 investigation of this incident?
 23 A. Not after that day.
 24 Q. Okay. Did you ever ask Will Frazier
 12:06:11 25 what he had seen?

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12:06:13	1 A. Yes. Mr. Frazier was working on the fry line that day.	12:08:30	1 incident?
	2	2	A. Yes, sir.
	3 Q. Okay. Did you ask him before or after Mr. Comer was fired?	3	Q. Okay. Did y'all ask him to sign a paper, sign a statement?
	4	4	
12:06:21	5 A. It was before.	12:08:35	5 MR. WITHERS: Objection to the extent that you're asking about what he and I have done.
	6 Q. Okay. And what did Mr. Frazier say?	6	BY MR. BILLIPS:
	7 A. I couldn't see him very good because the kitchen equipment, and we -- we call Mr. Frazier or he allows us to call him Big Will.	7	Q. Well, was Mr. Frazier present?
	8	8	A. I know that my lawyer talked to Mr. Frazier privately. I wasn't in there.
12:06:38	9 Q. Uh-huh.	12:08:48	10
	10 A. He's a big man.	11	Q. Okay. Okay. Have you been in present with your lawyer to talk to any of the employees and ask them to sign statements?
	11 Q. Uh-huh.	12	
	12 A. And so I said, Big Will, come over here, please. And I was standing at the office door.	13	A. No, sir.
	13	14	Q. Okay. Have you ever seen the statement signed by Mr. Frazier?
12:06:49	14 And I asked him did he see the incident. And he said, oh, Uncle Bubba, I just don't know. And I put my hand on his shoulder, and I said, Big Will, be a man. Please tell me the truth. He said, yes, sir, I did see something like that. I said, thank you.	12:09:04	15
	15	16	A. No, sir.
	16	17	Q. Okay. Do you know if he signed one?
	17	18	A. No, sir.
12:07:10	18 Q. Okay. Did you ever shake him by his arm?	12:09:21	19
	19 A. No, sir.	20	Q. Have you ever talked to him about whether he signed one?
	20 Q. Okay. If Karl Schumacher has written that you did, in fact, grab Mr. -- Big Will	21	A. No, sir.
	21	22	Q. Does he still work there?
	22	23	A. Yes, sir. Excellent employee.
	23	24	Q. Uh-huh. Did Lisa Jackson ever indicate
	24	25	
	25		
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12:07:25	1 Frazier and shake him by his arm, do you have any knowledge of why he would do -- say such a thing?	12:09:51	1 to you that she felt that she should be paid the same as Dustin?
	2	2	A. No, sir.
	3 A. He was told that I did that.	3	Q. But the person responsible for making those determinations would have been Mr. Schumacher in any event, correct?
	4 Q. Okay. And if he -- if Mr. Schumacher indicated that that's what he was told by Big Will, do you know where he would --	4	
12:07:42	5	12:10:04	5
	6 MR. WITHERS: Objection. You can answer.	6	A. Yes, sir.
	7	7	MR. BILLIPS: All right. Let's take a break.
	8 BY MR. BILLIPS:	8	
	9 Q. -- where he would get such a thing?	12:10:49	10
	10 MR. WITHERS: Objection. I think that mischaracterizes Mr. Schumacher's testimony and documents at the time.	11	MR. WITHERS: Lunch?
	11	12	MR. BILLIPS: Yeah.
	12 You can go ahead and answer.	13	VIDEO TECHNICIAN: The time is 12:13 p.m. We're off the record.
	13	14	(Recess from 12:13 p.m. to 1:12 p.m.)
12:08:01	14 THE WITNESS: Repeat the question.	01:10:26	15
	15 BY MR. BILLIPS:	16	VIDEO TECHNICIAN: The time is 1:12 p.m. This is the beginning of DV tape four. We are back on the record.
	16 Q. If Mr. Schumacher has written in a document that Big Will told him that you did shake him by his arm --	17	
	17	18	MR. WITHERS: Mr. Billips, as I mentioned just a minute ago, I looked at Mr. Schumacher's deposition during the lunch break, and based upon his testimony and your asking questions persistently to Mr. Hiers, I am going to withdraw my instruction to him earlier to not answer questions regarding the taking money from the till issue.
	18	19	
12:08:12	19 A. I would have to see the document.	01:10:39	20
	20 Q. Okay. Have you spoken to Big Will about this matter since this lawsuit was filed?	21	
	21	22	
	22 A. No, sir.	23	
	23 Q. Okay. Have you in conjunction with your counsel ever spoken to Mr. Frazier about this	24	
	24	25	
	25		

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01:11:04 1 We'll file an appropriate motion, but
2 that will be later. So I'm withdrawing that
3 instruction.
4 MR. BILLIPS: Very good.

01:11:10 5 BY MR. BILLIPS:
6 Q. Mr. Hiers, when did you first take money
7 from Uncle Bubba's out of deposits before they
8 went to the bank?
9 A. It was sometime in 2010.

01:11:36 10 Q. Did it never occur to you to do that
11 prior to 2010?
12 A. No, sir. I never did.
13 Q. Why not?
14 A. I just didn't think about it.

01:11:48 15 Q. Well, had you been responsible for
16 making deposits the whole time?
17 A. Yes, sir.
18 Q. And did you have any extraordinary need
19 for money in 2010 that had not been present during
01:12:06 20 prior years?
21 A. A little.
22 Q. What was that?
23 A. A -- a second divorce.
24 Q. Okay. And the money that you were
01:12:23 25 taking, was it -- at the time you took it, did you

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01:12:29 1 intend that it be reported anywhere?
2 A. The money that I took in 2010, I knew
3 that Mr. Schumacher would eventually see it. And
4 I knew I would eventually have to own up to it to
01:12:51 5 my sister, which eventually happened in 2010.
6 Q. Okay. Why didn't you just go to your
7 sister ahead of time and say, hey, I need some
8 more money?
9 A. After my sister finding out about it and
01:13:11 10 Mr. Schumacher reporting it to my sister, I did
11 get a raise.
12 Q. Okay. Well, why didn't you go to your
13 sister ahead of time and just tell her, I need
14 some more money?
01:13:23 15 A. I have no answer for that question.
16 Q. Okay. You did not intend that your
17 sister would find out about it?
18 A. I knew that I was eventually going to
19 have to own up to it.
01:13:34 20 Q. You knew you would get caught?
21 A. I knew I would get caught.
22 Q. But you knew that she wouldn't do
23 anything serious to you?
24 A. I did not know what she would do to me.
01:13:43 25 Q. Okay. Did you think she might fire you?

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01:13:45 1 A. No, sir. I did not think that.
2 Q. Okay. Do you think there was anything
3 you could do that would get you fired from Uncle
4 Bubba's?
01:13:51 5 A. Yes, sir. I do believe that there
6 probably is.
7 Q. Have you ever run into anything? Can
8 you identify anything for me today that you think
9 might get you fired from Uncle Bubba's?
01:14:08 10 A. Yeah. I mean, if -- if I was being
11 inappropriate with an employee, having sex with an
12 employee, if I were, that would probably not go
13 over good with her.
14 Q. Uh-huh. Have you ever?
01:14:29 15 A. No, sir.
16 Q. Have you ever made sexual advances to an
17 employee?
18 A. No, sir.
19 Q. Have you ever sat in a hot tub with an
01:14:38 20 employee?
21 A. No, sir.
22 Q. Do you have a hot tub at your house?
23 A. When I purchased my home, it had a hot
24 tub outside that did not work.
01:14:57 25 Q. Okay. Did you get it fixed?

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01:14:59 1 A. I did not get it fixed. I had it
2 removed from the property.
3 Q. Okay. Have you ever -- have you ever
4 had a hot tub that worked?
01:15:10 5 A. Never had a hot tub anywhere.
6 Q. Okay. Have you ever been in one
7 anywhere?
8 A. Sure.
9 Q. Okay. Have you been in one anywhere
01:15:18 10 with any of your employees?
11 A. No, sir.
12 Q. Okay. Now, how much money did you
13 steal?
14 A. I have -- I never counted. I have no
01:15:34 15 idea.
16 Q. For how many months were you stealing?
17 A. All I know it was in the year of 2010.
18 Q. And are -- and you're aware that Lisa
19 Jackson is the one who reported that to Mr.
01:15:47 20 Schumacher?
21 A. I did not know that, no, sir.
22 Q. Okay. Were you concerned about the
23 possibility that somebody might -- else might get
24 blamed for you stealing money?
01:16:04 25 A. No, sir. I was the one that -- that was

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01:16:07 1 my job. No one else filled out deposits but me.
 2 Q. Who put the money in the bag?
 3 A. Me.
 4 Q. Okay. Who col -- you collected the
 01:16:18 5 money from the cash register or from wherever it
 6 was that it was kept?
 7 A. No, sir. My managers at the end of the
 8 shift at night through a checkout system that have
 9 envelopes for servers, and they would put it with
 01:16:39 10 the report into the safe that evening. I would
 11 come in the following morning, pull it out, count
 12 the money, do the deposits, fill out the deposit
 13 slip, put it in the bag and carry it to the bank.
 14 Q. Okay. Now, the report that they filled
 01:16:57 15 out, what kind of report was that?
 16 A. That was -- it was a computer printout
 17 at the end of the evening shift. It was called a
 18 system sales report.
 19 Q. Okay.
 01:17:15 20 A. They didn't -- they didn't fill it out.
 21 They printed it out.
 22 Q. Okay. And was the system sales report
 23 specific to each point of sale or -- or specific
 24 to any register or person or manager?
 01:17:48 25 A. It has lots of information on it.

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01:17:51 1 Q. Uh-huh.
 2 A. And when the report is run, it has the
 3 person's name at the top of it that printed out
 4 the report that was working that night shift.
 01:18:05 5 Q. Okay. And then that person would
 6 collect the cash and do what with it?
 7 A. They would make sure that the servers'
 8 envelopes came into the office for each server
 9 that was working that shift and count the
 01:18:23 10 envelopes and make sure that the servers were
 11 turning in the proper amount of cash.
 12 Q. Okay.
 13 A. And then it would go to the safe.
 14 Q. Okay. And the -- the manager working
 01:18:34 15 that evening is the one who would put it in the
 16 safe?
 17 A. Well, actually, there are -- there is a
 18 lunch shift and a dinner shift, so you have lunch
 19 envelopes and you have dinner envelopes. The
 01:18:47 20 lunch envelopes are put in the safe before the
 21 dinner shift begins.
 22 Q. Okay. And is -- do you go to the bank
 23 more than once?
 24 A. No. I just -- once a day.
 01:19:02 25 Q. Who has access to the safe?

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01:19:05 1 A. All front house managers.
 2 Q. Okay. So any of the front house
 3 managers could have gotten in the safe and taken
 4 that money?
 01:19:16 5 A. Yes, sir.
 6 Q. Okay. And do you know whether any of
 7 the front house managers were skimming off the top
 8 during that time?
 9 A. Not from the server envelopes. I do
 01:19:41 10 know that we had a petty cash system, and I
 11 believe the total amount was \$1,500, ones, fives,
 12 tens, twenties, fifties, hundred dollar bills that
 13 would be in that petty cash. And it was an
 14 exchange drawer. And what that means is if
 01:20:01 15 someone needed to go to buy lightbulbs in an
 16 emergency or et cetera, et cetera, they could get
 17 some money out of the petty cash, put a -- put a
 18 ticket in there. The manager, their duty was to
 19 fill it out, put a date and how much and who they
 01:20:21 20 gave the money to or whatever. And when they came
 21 back, they would put the -- put the actual
 22 physical store receipt in the petty cash and
 23 put -- if there was any change, put the change
 24 back in the petty cash.
 01:20:35 25 Q. Okay. But with regard to the server

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01:20:42 1 envelopes or the server cash, if a manager
 2 accurately recorded what was in the server's pouch
 3 and accurately -- you know, so that it matched the
 4 sales printout, did all of the paperwork
 01:21:03 5 accurately up until the money goes in the safe,
 6 could the -- could a manager have then taken a
 7 couple hundred dollars before you stole your money
 8 and it wouldn't show up because you weren't
 9 counting how much you stole?
 01:21:29 10 A. I was the last one to count the money,
 11 so if it were a couple of hundred dollars off, I
 12 would know it.
 13 Q. Okay. And if you had found it being a
 14 couple hundred dollars off, what would you have
 01:21:41 15 done?
 16 A. I would have reported it to Ms. Lisa
 17 Jackson.
 18 Q. Okay. And would you have expected that
 19 that person who stole that money get fired?
 01:21:49 20 A. Yes. If we -- we would do an
 21 investigation and, you know --
 22 Q. Okay. But when you counted the money,
 23 you counted to make sure it was matching that
 24 sales report and then you would steal some?
 01:22:06 25 A. Correct.

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01:22:07 1 Q. So how much did you steal generally?
 2 A. I remember, you know, \$300 in a cash --
 3 in cash form.
 4 Q. Daily?
 01:22:24 5 A. It wasn't daily. No, sir.
 6 Q. Okay. Was it around \$4,000 a month?
 7 A. I don't have any idea about that.
 8 Q. Okay. Did it affect the profitability
 9 of the restaurant?
 01:22:38 10 A. I was not aware of that.
 11 Q. Well, wouldn't you think it would affect
 12 the profitability of the restaurant if you're
 13 stealing money out of the till? It would at least
 14 affect how profitable the restaurant was, even if
 01:22:55 15 it didn't affect whether it was profitable.
 16 A. One would think so.
 17 Q. Okay. And did any of your managers
 18 receive bonuses based on profitability of the
 19 restaurant?
 01:23:09 20 A. I know they received bonuses. I'm not
 21 quite sure if it was on profitability of the
 22 restaurant.
 23 Q. Were some of the managers' bonuses based
 24 on -- at least based in part on profitability?
 01:23:22 25 A. That would be a question for Mr.

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01:23:23 1 Schumacher.
 2 Q. Okay. If managers were receiving
 3 bonuses based in part on profitability, and by
 4 stealing money from the company, you were stealing
 01:23:33 5 it from them, too?
 6 MR. WITHERS: Objection. Improper
 7 hypothetical.
 8 BY MR. BILLIPS:
 9 Q. Would you agree?
 01:23:39 10 A. No, sir. I was stealing it from myself.
 11 Q. Well, you were stealing it from your
 12 sister, too, right?
 13 A. Yes.
 14 Q. Okay. What do you -- and if a man would
 01:23:48 15 steal from his own sister, what would stop him
 16 from stealing from anybody else?
 17 MR. WITHERS: Objection. Improper
 18 question. Object to the form. You can answer.
 19 BY MR. BILLIPS:
 01:23:59 20 Q. Okay. You can answer.
 21 A. I can't answer that question.
 22 Q. Okay. Would it have upset -- would it
 23 have upset you to steal from the managers more
 24 than it upset you to steal from your own sister?
 01:24:18 25 A. I never thought about it.

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01:24:20 1 Q. Now, the money that you were stealing
 2 from the restaurant, was it your -- did you have
 3 any idea how long it would take Karl to catch you?
 4 A. No.
 01:24:40 5 Q. Okay. Did you think you might get away
 6 with it for a year or two?
 7 A. No.
 8 Q. Okay. Did you ever do this on maybe
 9 like not every day, but every now and then prior
 01:24:56 10 to 2010 just take a couple hundred dollars?
 11 A. Only 2010.
 12 Q. Okay. How do we know that other than
 13 taking your word for it?
 14 A. You would have to ask Mr. Schumacher
 01:25:08 15 about that.
 16 Q. Okay. Mr. Schumacher only told you he
 17 only caught you in 2010.
 18 A. This happened in 2010.
 19 Q. You're sure you didn't get any in
 01:25:19 20 December of 2009?
 21 A. I'm positive.
 22 Q. Okay. Do you remember the first time
 23 you decided to steal from your sister?
 24 A. No, sir.
 01:25:28 25 Q. Okay. Do you remember the circumstances

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01:25:31 1 or the date?
 2 A. No, sir.
 3 Q. Do you remember what had gone on that
 4 day?
 01:25:36 5 A. No, sir.
 6 Q. Were you drunk?
 7 A. No, sir.
 8 Q. You were -- okay. So you made this
 9 decision dead sober?
 01:25:44 10 A. Yes, sir.
 11 Q. Not on any kind of mind-altering
 12 substance, just thought I'm going to steal some
 13 money from the safe before it goes to the bank?
 14 A. Yes, sir.
 01:26:00 15 Q. Okay. But you don't remember when or
 16 where or the circumstances around that decision?
 17 MR. WITHERS: Objection. Asked and
 18 answered.
 19 BY MR. BILLIPS:
 01:26:08 20 Q. Is that right?
 21 A. I don't remember.
 22 Q. Okay. So how do you know it wasn't
 23 December of 2009 as opposed to January of 2010?
 24 A. Because I remember that it was 2010.
 01:26:21 25 Q. How?

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01:26:21 1 A. Because I'm recalling on my knowledge.
 2 Q. Okay. Well, what tells you -- give me a
 3 specific instance that tells you it was 2010.
 4 A. I can't.
 01:26:31 5 Q. Okay. And whether you knew they were
 6 going to catch you eventually or not, would you
 7 agree that this was an act of deceit on your part?
 8 MR. WITHERS: Objection. Conclusion.
 9 You can answer.
 01:26:59 10 THE WITNESS: Was it an act of deceit?
 11 BY MR. BILLIPS:
 12 Q. Or deception?
 13 A. Deception. I did not tell anyone I was
 14 doing it.
 01:27:07 15 Q. And it was technically, at least,
 16 theft --
 17 MR. WITHERS: Objection.
 18 BY MR. BILLIPS:
 19 Q. -- from your sister?
 01:27:20 20 MR. WITHERS: Objection. Asked and
 21 answered.
 22 BY MR. BILLIPS:
 23 Q. Right?
 24 A. I took money from my company and I never
 01:27:28 25 told anyone about it until Mr. Schumacher

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01:27:30 1 confronted me about it.
 2 Q. Okay. When Mr. Schumacher confronted
 3 you about it, he had all the facts and figures,
 4 probably had a spreadsheet, to show you how much
 01:27:46 5 you had stolen, didn't he?
 6 A. I remember my sister calling me and say,
 7 Bubba, I need for you to come to the house. I
 8 need to talk to you. I said, okay. This was in
 9 2010. I don't remember what month it was. I
 01:28:00 10 arrived at my sister's house. Mr. Schumacher was
 11 there. My sister Paula Deen was there. I sat
 12 down and he may have had paperwork in front of him
 13 at that time. He was never -- he never shared any
 14 total amounts with me. I never told him any total
 01:28:23 15 amounts, because I didn't know. My sister said,
 16 Bubba, don't do this. And I said, okay, I won't.
 17 And that year he reported it on my
 18 income tax return according to his calculations.
 19 And he never even presented me with a total. And
 01:28:45 20 I -- my attorney during this lawsuit -- lawsuit --
 21 MR. WITHERS: Well, don't -- don't talk
 22 about what your attorney might have told you.
 23 THE WITNESS: Oh, okay.
 24 BY MR. BILLIPS:
 01:28:55 25 Q. Okay. Before your sister said, Bubba,

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01:29:38 1 don't do this, did you know that it was wrong what
 2 you were doing?
 3 A. Yes.
 4 Q. Did she -- did they ask you, Bubba, did
 01:29:53 5 you steal this money?
 6 A. Yes.
 7 Q. Okay. Did you -- strike. And when they
 8 asked you if you had stolen the money, you knew
 9 there were reports that would prove that you had,
 01:30:24 10 right?
 11 A. I thought there were.
 12 Q. And so you just admitted it right up,
 13 right?
 14 A. Absolutely.
 01:30:32 15 Q. Okay. And has your sister ever asked
 16 you if you have referred to black employees as
 17 niggers?
 18 A. No, sir.
 19 Q. Okay. Has your sister ever used that
 01:30:54 20 word to your knowledge?
 21 A. Not to my knowledge.
 22 Q. Your whole life that you're aware of
 23 your sister has never used that word?
 24 A. I've never heard her use that word.
 01:31:06 25 Q. Where did you learn to use it?

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01:31:11 1 A. Where did I learn to use it?
 2 Q. Yeah. Is that something you've grown up
 3 saying your whole life?
 4 A. No.
 01:31:17 5 Q. Did you just decide to start using it
 6 when you were --
 7 MR. WITHERS: Objection. I mean, you
 8 know, this is -- object to the form.
 9 Argumentative. You can -- you can answer.
 01:31:28 10 BY MR. BILLIPS:
 11 Q. Go ahead. You can answer.
 12 A. I very rarely use the word.
 13 Q. Okay.
 14 A. Where I heard it from was probably in
 01:31:40 15 books at school or, I mean, I don't -- I don't
 16 know where I heard it. It's just --
 17 Q. What's your date of birth?
 18 A. I don't live in a bubble.
 19 Q. Yeah. What's your date of birth?
 01:31:53 20 A. February the 28th, 1954.
 21 Q. Okay.
 22 A. Martin Luther King actually had family
 23 and started a march in my hometown of Albany,
 24 Georgia, so --
 01:32:11 25 Q. Uh-huh.

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01:32:11 1 A. -- I've heard about racial slurs.
 2 Q. Well, you've heard them used and have
 3 used them yourself, correct?
 4 A. I've admitted to have using them.
 01:32:24 5 Q. Okay. But you're saying your sister,
 6 she has never done so?
 7 MR. WITHERS: Objection. Asked and
 8 answered.
 9 BY MR. BILLIPS:
 01:32:30 10 Q. Is that correct?
 11 A. I have never heard my sister use that
 12 word.
 13 Q. Okay. Do you belong to any civic or
 14 other organizations?
 01:32:49 15 A. I used to be, I'm not an active Mason.
 16 Q. What degree were you?
 17 A. 33rd degree.
 18 Q. Which rite?
 19 A. I can't remember, because I haven't been
 01:33:10 20 active in so many years. I can't remember if it
 21 was York or Scottish.
 22 Q. Okay. When were you last active?
 23 A. In the '80s.
 24 Q. Which Masonic temple?
 01:33:32 25 A. Albany, Georgia. I forget the number.

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01:33:54 1 Q. Any other organizations?
 2 A. No, sir.
 3 Q. Have you ever belonged to any other
 4 organizations?
 01:34:02 5 A. No, sir.
 6 Q. Okay. Do you belong to a church?
 7 A. Yes, sir. I'm still a member of First
 8 United Methodist Church, Albany, Georgia.
 9 Q. Okay. Do you attend a church here in
 01:34:18 10 Savannah?
 11 A. No, sir.
 12 Q. Have you ever?
 13 A. I have been in a church in Savannah,
 14 Georgia.
 01:34:25 15 Q. Which one?
 16 A. The Catholic church downtown. I don't
 17 know the name of it.
 18 Q. Why were you there?
 19 A. Because it was a Christmas Eve Service.
 01:34:41 20 My brother-in-law is Catholic, and we attended
 21 with him and his family.
 22 Q. Okay. Okay. Do you belong to any
 23 professional organizations, restaurant owners or
 24 restaurant operators or anything like that?
 01:35:04 25 A. I don't -- I don't know that I can

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01:35:06 1 answer that question because my company may
 2 subscribe to it, but I've not personally
 3 subscribed to it.
 4 Q. Okay. All right. Now, when you were
 01:35:41 5 looking at porn at work in the office that you
 6 shared with the managers at the restaurant, was
 7 this generally in the morning or could it have
 8 been at any time during the day?
 9 A. Morning.
 01:36:02 10 Q. Okay. Was that part of your normal
 11 routine when you would get to work?
 12 A. It was.
 13 Q. Check the computer, check the email,
 14 look at porn?
 01:36:10 15 A. Yeah. It was not normal or on a -- it's
 16 not what I normally did every day.
 17 Q. Okay. But it was a frequent occurrence?
 18 A. I don't know how many times it was.
 19 MR. WITHERS: Objection. Asked and
 01:36:27 20 answered.
 21 BY MR. BILLIPS:
 22 Q. Can you tell me how many times in a
 23 week?
 24 A. I cannot tell you that.
 01:36:31 25 MR. WITHERS: Objection. Asked and

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01:36:32 1 answered.
 2 BY MR. BILLIPS:
 3 Q. Could it have been more than five times
 4 in a week?
 01:36:36 5 A. I can't -- I can't tell you how many
 6 times.
 7 Q. When you would look at porn in the
 8 office, did you lock the door?
 9 A. I was us -- usually then there was no
 01:36:52 10 one there.
 11 Q. Okay. What time would you get to work
 12 in the morning?
 13 A. Whatever time that I felt like leaving
 14 the house to go into the office. Sometimes I've
 01:37:03 15 gotten there as early as 6:00 o'clock --
 16 Q. Uh-huh.
 17 A. -- a.m.
 18 Q. Sometimes you'd get there after the
 19 restaurant's open?
 01:37:11 20 A. Sure.
 21 Q. Okay. When you were there and other
 22 people were there and you were looking at porn,
 23 would you lock the door?
 24 A. I did not look at porn while other
 01:37:27 25 people were at work because it was something that

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01:37:30 1 I did before work in the privacy of myself.
 2 Q. Okay. Did you have a computer at home?
 3 A. I have had a computer at home.
 4 Q. During that time period did you have a
 01:37:53 5 computer at home?
 6 A. Yes.
 7 Q. Did you have internet access?
 8 A. Of course.
 9 Q. Why didn't you look at your porn at
 01:38:01 10 home?
 11 A. I did.
 12 Q. Okay. So in addition to work you would
 13 also watch it at home, but why didn't you limit
 14 your porn viewing to your home computer instead of
 01:38:12 15 also bringing it to work?
 16 A. Like I said, I only looked at porn in
 17 the mornings before anyone arrived for work.
 18 Q. How did you get caught?
 19 A. I didn't get caught. My attorney asked
 01:38:40 20 me had I ever done it, and I said, yes, I have.
 21 Q. Okay. But how did everybody come to
 22 find out about it before you admitted it to your
 23 lawyer?
 24 A. I'm not aware that anyone caught me.
 01:38:56 25 Q. Well, weren't you here in a meeting with

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01:39:50 1 to me or asked me except my attorney have I ever
 2 watched porn at work.
 3 Q. Okay. Did he ask you to stop watching
 4 porn at work?
 01:40:20 5 MR. WITHERS: Objection. Asked and
 6 answered. You can go ahead.
 7 THE WITNESS: I don't remember what
 8 he -- all I remember is he asked me had I ever
 9 done it, and I said yes.
 01:40:29 10 BY MR. BILLIPS:
 11 Q. Okay. And I think you said earlier that
 12 this was in connection with the EEOC mediations?
 13 A. I thought it was not -- I thought it was
 14 after the EEOC's allegation -- whatever it's
 01:40:48 15 called and that I was called into this meeting and
 16 asked to do certain things in my company.
 17 Q. Okay. Was the reason that the meeting
 18 was being held to your knowledge because of the
 19 EEOC charges that had been filed by the employees?
 01:41:10 20 MR. WITHERS: Objection. I thought we
 21 plowed this ground two hours ago and he explained
 22 the two meetings that he recalled. But you can go
 23 ahead and answer.
 24 THE WITNESS: I was called to this
 01:41:21 25 meeting in this office, and in the presence of Jim

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01:39:00 1 Mr. Gerard, Mr. Schumacher and Ms. Jackson in part
 2 to talk to you about the fact that you were
 3 looking at porn at work?
 4 A. The only person that asked me in that
 01:39:10 5 meeting if I had ever watched porn at work was my
 6 attorney.
 7 Q. Okay. If the only thing you were doing
 8 was looking at it before work, how is it -- can
 9 you think of any reason he would have had asked
 01:39:25 10 you that question if he didn't already know that
 11 you had been doing it?
 12 MR. WITHERS: Objection. Calls for
 13 speculation on what somebody else may think or
 14 know.
 01:39:34 15 BY MR. BILLIPS:
 16 Q. All right. Go ahead.
 17 MR. WITHERS: You can answer the
 18 question.
 19 THE WITNESS: I don't know why he asked
 01:39:39 20 the question.
 21 BY MR. BILLIPS:
 22 Q. Were you ever made aware that employees
 23 had been complaining or had complained about you
 24 looking at porn at work? Go ahead.
 01:39:47 25 A. I'm sorry. No one has ever complained

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01:41:24 1 Gerard, my corporate attorney, Lisa Jackson, Karl
 2 Schumacher and myself, and Mr. Gerard said, Bubba,
 3 have you ever viewed porn at work? I said, yes,
 4 sir, I have.
 01:41:36 5 And then the other things that they were
 6 asked of me is if that I would not be involved in
 7 my business.
 8 BY MR. BILLIPS:
 9 Q. Uh-huh.
 01:41:45 10 A. If all I would do is come in and be a
 11 celebrity to take photos and sign autographs. And
 12 I said, I'll do whatever y'all want me to do.
 13 Q. Okay. Is that what you -- is that what
 14 you have done since?
 01:42:00 15 A. No, sir.
 16 Q. Okay. Did you ever actually limit your
 17 involvement to coming in and signing photos and
 18 being a celebrity?
 19 A. I've tried, but it's -- it's kind of
 01:42:16 20 hard to own a business and -- and not be --
 21 Q. Uh-huh.
 22 A. -- participating in it.
 23 Q. Okay. Did -- was there another meeting
 24 at which the same subject was discussed?
 01:42:41 25 A. Not to my knowledge.

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01:42:42 1 Q. Okay. Because I heard your counsel say
2 something about the two meetings. Were there any
3 other meetings that you had with Jim Gerard
4 regarding the operation of your business?

01:42:54 5 A. No.

6 MR. WITHERS: Objection. I think that
7 he testified earlier about a meeting at or near
8 the time of the EEOC matters.

9 BY MR. BILLIPS:

01:43:02 10 Q. Okay. Was this the meeting at or near
11 the time of the EEOC matters?

12 A. This is the meeting and it was at this
13 table that we're sitting at is the only one that I
14 had.

01:43:11 15 Q. Okay. So this was the meeting around
16 the time of the EEOC matters where they asked you
17 about the porn?

18 A. Yes.

19 Q. Okay. Good enough. Did you ever ask
01:43:33 20 Ms. Jackson to bring pictures of herself to the
21 office?

22 A. Jokingly, yes.

23 Q. Did you ask her to bring pictures of
24 herself when she was young, jokingly?

01:43:45 25 A. Jokingly, yes. We were sitting in my

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01:43:47 1 office and I have my office is -- my restaurant is
2 full of old family photos of myself as a -- from
3 an infant all the way up to the present. And we
4 were sitting in there looking at some old photos
5 and laughing about them --

6 Q. Uh-huh.

7 A. -- because of the old hairdos and
8 everything. And I just casually said, you know,
9 I'd like to see some old photos of you, too.

01:44:13 10 Q. Did you tell her she had nice legs?

11 A. I have told her that one time.

12 Q. Did you tell her that two other
13 employees were fat girls?

14 A. I have not ever said that.

01:44:21 15 Q. Did you say that they were -- they
16 weighed too much to be wearing capri pants or
17 skirts?

18 A. No, sir.

19 Q. Did you ever tell Ms. Jackson, I can't
01:44:31 20 have them walking around like that?

21 A. No, sir.

22 Q. Did you institute a requirement that
23 female managers wear long sleeves?

24 A. No, sir. I believe it's a health code
01:44:40 25 that if you work in the restaurant industry you

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01:44:44 1 cannot serve food, work around food with --
2 without sleeves, underarm cover.

3 Q. Under -- you mean under, but they could
4 be short sleeves?

01:44:58 5 A. They could be short sleeves, yes.

6 Q. Okay. Did you institute a requirement
7 that female managers wear long sleeves?

8 A. No, sir.

9 Q. Okay. Did you ever indicate to Ms.

01:45:15 10 Jackson that you thought the -- some of the
11 employees that their arms were fat?

12 A. No, sir. I never have.

13 Q. Okay. Did you tell Ms. Jackson about
14 your trips to strip clubs?

01:45:36 15 A. I did not tell her about trips to strip
16 clubs, but I have been to strip clubs. And on one
17 occasion I did tell her that there was a lady
18 there that worked there that recognized me --

19 Q. Uh-huh. Uh-huh.

01:45:52 20 A. -- that used to work for me she said.

21 She told me that.

22 Q. How often did you go to strip clubs?

23 A. Rarely.

24 Q. Who did you go with?

01:46:05 25 A. I've been there with bachelor parties.

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01:46:09 1 Q. Uh-huh.

2 A. Two bachelor parties. I've been there
3 with friends.

4 Q. Uh-huh. What about employees?

01:46:19 5 A. Yes. An employee.

6 Q. Who?

7 A. His name is Adolphus Allen.

8 Q. Okay. How often did you and Adolphus go
9 to strip clubs?

01:46:34 10 A. How often?

11 Q. Uh-huh.

12 A. I never counted.

13 Q. How many times?

14 A. I never counted.

01:46:38 15 Q. Okay. More than five?

16 A. That might be a good number, five.

17 Q. Okay. Did y'all ever come back to work
18 and talk about it?

19 A. No, sir.

01:46:54 20 Q. Okay.

21 A. Only that one occasion when I did tell

22 Ms. Jackson that I was over there and that a young
23 lady came up to me and said that she used to work
24 for me.

01:47:04 25 Q. Uh-huh. Did you ever comment to a --

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01:47:12 1 strike.
 2 Was there a female employee who worked
 3 for you that got dentures?
 4 A. I don't -- I'm not aware of dentures.
 01:47:20 5 Q. Okay. Did you ever make a comment to
 6 Ms. -- or to that employee that after she got
 7 dentures that you bet her husband was going to
 8 like that?
 9 A. I don't remember saying that.
 01:47:35 10 Q. Was that Sandra Sikes? Did she have
 11 dentures?
 12 A. I don't know that Ms. Sikes has dentures
 13 or not.
 14 Q. Okay. Did you ever make such a comment
 01:47:44 15 to her?
 16 A. Not that I remember.
 17 Q. Is it possible you made the comment and
 18 you just don't remember it today?
 19 A. I just don't remember.
 01:47:51 20 Q. So maybe you did, maybe you didn't?
 21 A. I just don't remember.
 22 Q. Have you ever heard jokes about women
 23 giving oral sex after taking their dentures out?
 24 A. I probably have.
 01:48:09 25 Q. Okay. Did you tell Ms. Jackson or

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01:48:20 1 anybody else that you -- even if jokingly that
 2 you'd like to replace the female staff at Uncle
 3 Bubba's with Hooters girls?
 4 A. I believe I answered that earlier as no.
 01:48:31 5 Q. Okay. Did you have an employee working
 6 there who was or had been a Hooters girl?
 7 A. If she was, I was not aware of it.
 8 Q. Okay. When you met with Mr. Gerard and
 9 Ms. Jackson and Mr. Schumacher during this meeting
 01:48:54 10 you described, did they also ask you about racial
 11 comments?
 12 A. No, sir.
 13 Q. Okay. Did they ask you about any
 14 allegations of race discrimination?
 01:49:03 15 A. No, sir.
 16 Q. Did they ask you whether you had been
 17 alleged to have engaged in discrimination on the
 18 basis of age?
 19 A. Like I said, all I remember the meeting
 01:49:16 20 was about was like I've told you in this
 21 deposition.
 22 Q. Uh-huh.
 23 A. That's all I recall that it was about.
 24 Q. Now, the women who filed the EEOC
 01:49:28 25 charges, had any of them actually been fired?

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01:49:35 1 A. I don't know if -- that was Ms. Lisa
 2 Jackson's -- she handled that, not me.
 3 Q. Okay. Well, did you ever see any
 4 paperwork indicating they had been fired?
 01:49:50 5 A. I never looked.
 6 Q. Okay.
 7 A. Excuse me.
 8 Q. Now, there was an employee -- one of the
 9 employees made an allegation of retaliation. Was
 01:50:07 10 that Lane Thomas?
 11 A. I'm not sure that I understand your
 12 question.
 13 Q. Okay. One of the employees alleged that
 14 she was fired for speaking out on behalf of the
 01:50:19 15 other employees who had filed discrimination
 16 charges.
 17 A. I have heard that.
 18 Q. Okay. Do you know the name of that
 19 employee?
 01:50:26 20 A. I've heard that it was Ms. Thomas.
 21 Q. Okay. And do you know anything about
 22 the circumstances under which she was fired?
 23 A. No, sir.
 24 Q. Were you present the day that Ms. Thomas
 01:50:36 25 was fired?

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01:50:37 1 A. I don't remember if I was.
 2 Q. Okay. Did you ever talk to Ms. Jackson
 3 about the circumstances under which Ms. Thomas was
 4 fired?
 01:50:48 5 A. I'm sure we probably did.
 6 Q. Okay. Did you actually walk into a
 7 meeting at or around the time Ms. Jackson was --
 8 Ms. Jackson was telling Ms. Thomas to get out?
 9 A. I don't know if -- I don't recall
 01:51:05 10 walking in and --
 11 Q. Right after Ms. Thomas had been told to
 12 get out?
 13 A. I don't recall that.
 14 Q. Okay. Do you recall Ms. Thomas ever
 01:51:17 15 calling Ms. Jackson a stupid dyke?
 16 A. No, sir. I never heard that.
 17 MR. BILLIPS: Okay. Let's take just a
 18 couple-minute break.
 19 VIDEO TECHNICIAN: The time is 1:53 p.m.
 01:51:40 20 We're off the record.
 21 (Recess from 1:53 p.m. to 2:04 p.m.)
 22 VIDEO TECHNICIAN: The time is 2:04 p.m.
 23 This is the beginning of DV tape five. We're back
 24 on the record.
 02:02:30 25 BY MR. BILLIPS:

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02:02:34 1 Q. Mr. Hiers, I won't beat a dead horse,
2 but you said you had a computer of your own at
3 home, and yet you would leave your home and come
4 to work and one of the very first things you would
02:02:52 5 do is go in, turn the computer on and look at
6 porn. Did I get you right?
7 A. I told you that I have had a home
8 computer in the past. I've looked at porn on my
9 home computer, and I've looked at porn at my -- on
02:03:06 10 my office computer.
11 Q. Okay. And I just want to know why
12 couldn't you wait long enough to get back home to
13 look at porn?
14 A. I don't have an answer for that.
02:03:27 15 Q. Okay. You just couldn't wait?
16 A. I was not anxious.
17 Q. Well, according to you it was the first
18 thing you do in the morning before anybody else
19 got there, right?
02:03:40 20 MR. WITHERS: Object. I think that
21 completely mischaracterizes his testimony. He
22 said he didn't know how often he did it and you've
23 turned it into every day now. I object to the
24 mischaracterization.
02:03:49 25 BY MR. BILLIPS:

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02:03:50 1 Q. Actually, my question was according to
2 you it was the first thing you would do before any
3 other employees got there, right?
4 A. Correct. Because that was privacy.
02:04:00 5 Q. Yeah. But you just left your house
6 where you had complete privacy.
7 MR. WITHERS: Objection.
8 BY MR. BILLIPS:
9 Q. So why did you -- why didn't you get
02:04:07 10 your fix in there before you came to work?
11 MR. WITHERS: Objection. Asked and
12 answered. Argumentative. You can answer.
13 BY MR. BILLIPS:
14 Q. You can answer.
02:04:13 15 A. I've watched porn at my home computer,
16 no particular time. I've watched porn at my
17 office at a particular time, which is in the
18 mornings before other employees came to work so
19 I'd have privacy, just like I did at my home
02:04:31 20 computer.
21 Q. Did you ever make jokes about
22 masturbation?
23 A. I don't remember that.
24 Q. Did you ever tell any employees that you
02:04:43 25 had -- after you got a new phone that you hadn't

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02:04:47 1 had so much fun since you learned to masturbate?
2 A. I don't remember that.
3 Q. Do you deny it?
4 A. I don't remember that.
02:04:55 5 Q. It might have happened, maybe it didn't,
6 you just don't remember?
7 A. I don't remember that.
8 Q. Okay. Would you agree that would be
9 likely to be offensive to the employees at work?
02:05:06 10 A. I think it would be likely to some
11 people.
12 Q. Okay. Did you -- I'm going to just ask
13 you this. Did you ever see the photograph of Ms.
14 Jackson's father?
02:05:46 15 A. Never have.
16 Q. Okay. Did she ever show you any
17 pictures of her family?
18 A. No, sir.
19 Q. Did she have a picture of him at work?
02:05:58 20 A. I'm sorry?
21 Q. Did she have a picture of him at work?
22 A. Not that I recall.
23 Q. Okay. Did you ever tell her that he
24 looks like a nigger?
02:06:06 25 A. I never did.

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02:06:07 1 Q. Okay. When were you last married?
2 A. 2008 and -- or 2007 and divorced in
3 2009.
4 Q. Okay. Was your wedding catered by your
02:06:37 5 sister?
6 A. It was --
7 Q. Was she in charge of it?
8 A. She assisted --
9 Q. Okay.
02:06:47 10 A. -- in making decisions because it was
11 held at her house.
12 Q. Okay. Did she ever say anything to you
13 to the effect that what she would really like is a
14 bunch of little niggers to wear long-sleeved white
02:07:16 15 shirts, black shorts and black bow ties, you know,
16 in the Shirley Temple days they used to tap dance
17 around.
18 A. Never heard it.
19 Q. Okay. Do you know whether she said that
02:07:28 20 or something of that sort to Ms. Jackson?
21 A. I do not know.
22 Q. Did you or was there a time during which
23 Ms. Jackson hired a couple of African-American
24 hostesses to work in the front of the house?
02:08:47 25 A. I have had black and white hostesses --

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02:08:49 1 Q. Okay.

2 A. -- work for me.

3 Q. Did Ms. Jackson hire a couple of black

4 hostesses?

02:08:55 5 A. I'm not sure who hired them.

6 Q. Okay. Did one of them get fired after a

7 customer accused her of stealing from her purse?

8 A. I believe that's correct.

9 Q. Was there any evidence that you were

02:09:07 10 aware of this hostess had, in fact, stolen

11 anything from this customer's purse?

12 A. I don't think they ever found proof.

13 Q. Okay. Was there any -- well, y'all have

14 video cameras around that restaurant, don't you?

02:09:21 15 A. Yes, sir.

16 Q. Do you have them in the front as well as

17 the back?

18 A. Yes, sir.

19 Q. Do you have them in the office in the

02:09:26 20 back?

21 A. Yes, sir.

22 Q. Do you have them in the office off the

23 dining room?

24 A. They're all throughout the restaurant at

02:09:32 25 different locations.

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02:09:34 1 Q. Okay. Where would this customer's purse

2 have been? Is there a closet like a coat room?

3 A. I don't think it was a customer. I

4 think it was a co-worker.

02:09:45 5 Q. Okay. And did the cameras have a view

6 of the location in which this co-worker's purse --

7 A. I don't remember the exact view.

8 Q. Do you remember if anybody ever tried to

9 look at the cameras to see if this black hostess

02:10:05 10 had, in fact, taken any money out of this

11 co-worker's purse?

12 A. I feel sure someone did.

13 Q. Okay. Did you?

14 A. I don't remember if they asked me to

02:10:17 15 come look at it or not.

16 Q. Okay. But by looking at the various

17 tape recordings, you could have determined if this

18 hostess -- where this hostess was throughout the

19 time she was at work that day, correct?

02:10:39 20 A. It -- it depends on the angles of the

21 cameras, if she was within view.

22 Q. Okay. What locations in the restaurant

23 are not within the view of the camera?

24 A. I couldn't -- I could not describe that

02:10:53 25 to you.

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02:10:53 1 Q. Okay. Is the --

2 A. Rest rooms, of course.

3 Q. Okay. Right. One would hope. What

4 about the kitchen?

02:11:03 5 A. There are cameras in the kitchen.

6 Q. Okay. And are you aware of the

7 allegations involving Big Will that you grabbed

8 him and shook him?

9 A. Yes, I am.

02:11:18 10 Q. And the location at which that is

11 alleged to have occurred, would that location be

12 within sight of camera?

13 A. I would have to look at the cameras to

14 see if it was in that location.

02:11:34 15 Q. Did anyone do so to your knowledge?

16 A. Not to my knowledge.

17 Q. Okay. How long do those cameras -- how

18 long is the information on those cameras

19 maintained?

02:11:47 20 A. I'm not sure.

21 Q. Uh-huh.

22 A. I don't know how long it's held.

23 Q. Uh-huh. Within just a few days or

24 within a couple of weeks of that incident, Ms.

02:12:07 25 Jackson had given her notice and notified you of

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02:12:16 1 her intent to file a lawsuit, or at least to

2 pursue legal action against the company?

3 A. I think that happened in August of 2010.

4 Q. Okay. And did the company do anything

02:12:32 5 to preserve the videos that were in existence at

6 the time?

7 A. I don't know.

8 Q. Were you given any instructions to

9 preserve -- do you know what a litigation hold is?

02:12:46 10 A. Yes, sir.

11 Q. Okay. Were you given a litigation hold

12 in August of 2010?

13 A. I don't remember when it was, but we

14 received not to destroy information.

02:12:58 15 Q. Okay. And did you do anything to

16 attempt to preserve information such as what might

17 be on video cameras in the restaurant?

18 A. I don't know if -- I didn't participate

19 in it.

02:13:13 20 Q. Okay. Did -- was there a video camera

21 that showed your computer in the office?

22 A. No, sir.

23 Q. Okay. There was a video camera in that

24 office?

02:13:27 25 A. Front office.

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02:13:28 1 Q. In the front office. It's the back
2 office where your computer was?
3 A. You go in one door and you're standing
4 in one small office that we call the front office.
02:13:41 5 Then you go through one door and then that was the
6 other office, back office.
7 Q. Okay. And the back office is -- the
8 back office is where the computer was?
9 A. There's computers in both offices.
02:13:57 10 Q. Okay. The computer you watched porn on
11 was in the back office?
12 A. I watched the porn on that computer.
13 Q. So you've watched porn on both
14 computers?
02:14:06 15 A. Kitchen computer and office computer,
16 back office.
17 Q. Okay. Wait. I'm confused. There's a
18 computer -- is the back office computer the
19 kitchen computer?
02:14:17 20 A. No, sir.
21 Q. There's another computer in the kitchen?
22 A. There are three computers.
23 Q. Okay.
24 A. Kitchen office, main office, two
02:14:27 25 computers.

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02:14:28 1 Q. Okay.
2 A. This office. This office.
3 Q. Okay. And -- but there is a camera
4 only -- the camera only has a view of the front
02:14:42 5 office?
6 A. What we call the front office.
7 Q. Which is the one that leads into the
8 dining room?
9 A. The one that goes into the dining room
02:14:48 10 that has the safe in it.
11 Q. Okay. Where was your interview with Mr.
12 Frazier?
13 A. Kitchen.
14 Q. In the kitchen?
02:15:05 15 A. I was standing in front of the kitchen
16 office in the kitchen.
17 Q. Okay. And where was Mr. Frazier?
18 A. Standing in front of me at the kitchen
19 office door.
02:15:20 20 Q. Okay. And is -- are there cameras that
21 have a view of that door?
22 A. Like I said, I would just -- I would
23 have to look. We have two monitors in my office
24 that have cameras on it, and I don't remember
02:15:36 25 exactly where they're pointed.

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02:15:38 1 Q. Okay. All right. Now, did you ever
2 interrupt a meeting between Ms. Jackson and a
3 vendor, enter the office and say, I wish I could
4 put all those niggers on a boat to Africa?
02:16:07 5 A. I don't remember saying that.
6 Q. Do you deny saying it?
7 A. I don't remember saying that.
8 Q. You could have said it, you might not
9 have said it, you just don't remember?
02:16:17 10 A. I don't remember saying that.
11 Q. Okay. My question is do you have a
12 recollection one way or the other or do you simply
13 cannot remember whether you did?
14 A. I do not know or do not remember saying
02:16:27 15 that.
16 Q. Okay. It is possible that you did but
17 simply do not remember it?
18 A. I do not --
19 MR. WITHERS: Objection. Asked and
02:16:35 20 answered. Speculation.
21 BY MR. BILLIPS:
22 Q. Correct?
23 A. I do not remember saying that.
24 Q. Okay. Do you deny saying it?
02:16:41 25 MR. WITHERS: Objection. Asked and

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02:16:42 1 answered.
2 THE WITNESS: I do not remember saying
3 that.
4 BY MR. BILLIPS:
02:16:47 5 Q. Okay. As a result of your lack of
6 memory, you are not in a position to admit or deny
7 it, correct?
8 A. I do not remember saying that. I do
9 admit using the "N" word in a joke and I have used
02:17:04 10 it at work. Frequency I said it was rare. And I
11 regret ever using it, yes.
12 Q. Okay. Well, can you answer my question.
13 MR. WITHERS: He's answered your
14 question.
02:17:15 15 BY MR. BILLIPS:
16 Q. Are you able to admit or deny -- are you
17 able, given your memory, to deny saying the
18 statement that I just read, I wish I could put all
19 those niggers on a boat to Africa?
02:17:33 20 MR. WITHERS: He has -- he has answered
21 that question, and he's answered it about five or
22 six times now.
23 MR. BILLIPS: He keeps saying I do not
24 remember that. Well, I'm asking him is his memory
02:17:41 25 -- I'm following up. Is his memory sufficient to

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02:17:44 1 allow him to admit or deny saying it or can he
2 just -- he has no response whether it happened or
3 not.
4 MR. WITHERS: He has told you five or
02:17:53 5 six times that he doesn't remember saying that.
6 MR. BILLIPS: Sure.
7 MR. WITHERS: That's the answer.
8 BY MR. BILLIPS:
9 Q. I don't remember flying to the moon last
02:18:00 10 week, but I know I didn't. Do you know whether
11 you said that or not?
12 A. I do not remember saying that. I have
13 used the "N" word in the office reading it off the
14 telephone. How often I've ever used the word is
02:18:16 15 rarely. I don't remember.
16 Q. Do you know whether you said I wish I
17 could put all those niggers in the kitchen on a
18 boat to Africa?
19 MR. WITHERS: Objection. Asked and
02:18:28 20 answered. You can answer.
21 THE WITNESS: I do not remember saying
22 that.
23 BY MR. BILLIPS:
24 Q. Okay. Is there anything that would help
02:18:41 25 refresh your memory so that you could say whether

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02:18:43 1 you've said it or not?
2 A. I don't know if there's anything that
3 could refresh my memory. I do not remember saying
4 it.
02:18:53 5 Q. Okay. Did you have a security guard, a
6 driver?
7 A. I do have an employee that is a security
8 guard.
9 Q. Okay. Is he also your driver?
02:19:07 10 A. He has driven me when he was off duty
11 from my restaurant.
12 Q. What's his name?
13 A. His name is Adolphus Allen.
14 Q. Same guy that you went to those strip
02:19:19 15 clubs with?
16 A. Yes, sir.
17 Q. Okay. And is Mr. Allen
18 African-American?
19 A. Yes, he is.
02:19:26 20 Q. Did you ever say to him, don't you wish
21 you could rub all the black off you and be like
22 me?
23 A. Are you finished?
24 Q. Yeah.
02:19:32 25 A. No, sir. I never said that.

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02:19:35 1 Q. Okay. You remember that?
2 A. No, sir. I've never said that.
3 Q. That's what I'm saying. You remember
4 not saying it?
02:19:41 5 A. I remember not saying that.
6 Q. Okay. Did you ever say to him you just
7 look dirty, I bet you wish you could?
8 A. I don't remember saying that to him.
9 Q. Okay. Do you -- do you deny saying that
02:20:01 10 as well?
11 A. I do.
12 Q. Okay. Did you ever say to Ms. Jackson
13 in the presence of a restaurant manager and a
14 vendor that they should just send President Obama
02:20:16 15 to the oil spill in the Gulf so he could nigger
16 rig it?
17 A. That's the joke that I told using the
18 "N" word that I read off my telephone.
19 Q. Okay. Nobody laughed?
02:20:32 20 A. All three of us did.
21 Q. All three of you laughed?
22 A. Uh-huh.
23 Q. You, the restaurant manager and the
24 vendor?
02:20:37 25 A. Me, Lisa Jackson and Julian D. Fontaine.

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02:20:43 1 Q. Julian D. Fontaine. Do you think that's
2 a funny joke?
3 A. At the time it was.
4 Q. Okay. Sitting here in this deposition
02:21:01 5 in this lawsuit, it's not so funny, but at the
6 time you thought it was, right?
7 A. I do believe that if that was said in
8 front of an African-American person, it could be
9 hurtful.
02:21:17 10 Q. Okay. Well, don't you think there's
11 some white people who think that racism is
12 despicable and offensive as well?
13 A. I don't know what other people think.
14 Q. Well, do you know of any white people
02:21:29 15 who think that racism toward black people is
16 offensive and despicable?
17 A. I would think I do.
18 Q. Who?
19 A. I just think I know people that --
02:21:40 20 Q. Can you --
21 MR. WITHERS: Are you serious? We're
22 going to sit here and --
23 MR. BILLIPS: Yeah. Do you know --
24 MR. WITHERS: No. Let me -- let me make
02:21:46 25 an objection.

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02:21:47 1 MR. BILLIPS: Okay.
 2 MR. WITHERS: Are you serious? You're
 3 going to sit here and ask questions and waste time
 4 and have him name in this federal lawsuit everyone
 02:21:54 5 that fits that description? That's how you're
 6 going to use this time?
 7 MR. BILLIPS: Are you done?
 8 MR. WITHERS: Yeah.
 9 BY MR. BILLIPS:
 02:22:01 10 **Q. Can you name anyone, any white person**
 11 **that you know?**
 12 **A. I'm sure it's numerous.**
 13 **Q. Okay. You weren't offended by it or you**
 14 **wouldn't have told it.**
 02:22:16 15 **A. Like I said --**
 16 MR. WITHERS: Objection. Argumentative.
 17 BY MR. BILLIPS:
 18 **Q. Is that correct?**
 19 MR. WITHERS: Objection to form.
 02:22:21 20 Argumentative.
 21 MR. BILLIPS: Noted. You can answer.
 22 THE WITNESS: Like I said --
 23 MR. WITHERS: You don't need to note
 24 anything. It's noted for the record. I'm making
 02:22:29 25 my objections for the record. You can go ahead

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02:22:32 1 and answer.
 2 MR. BILLIPS: It's noted. You can
 3 answer.
 4 THE WITNESS: Like I said, this was sent
 02:22:37 5 to me through a text message on my telephone, and
 6 I recall sharing it with Lisa Jackson and Julian
 7 D. Fontaine in my office.
 8 BY MR. BILLIPS:
 9 **Q. What's Julian's race?**
 02:22:49 10 **A. I'm sorry?**
 11 **Q. What is Julian's race?**
 12 MR. WITHERS: You've named him as a
 13 witness in this case.
 14 BY MR. BILLIPS:
 02:22:56 15 **Q. What is his race?**
 16 **A. His race?**
 17 **Q. Yeah.**
 18 **A. Oh, he is European. White.**
 19 **Q. Okay.**
 02:23:06 20 **A. He's French to be specific.**
 21 **Q. Okay. Do y'all have a vendor who traps**
 22 **the wildlife?**
 23 **A. Yes, sir.**
 24 **Q. Okay. And did you ever tell the vendor**
 02:23:26 25 **that you also had a bunch of coons in the kitchen**

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02:23:32 1 **that he could trap?**
 2 **A. No, sir.**
 3 **Q. Have you talked to the vendor?**
 4 MR. WITHERS: Talked to him since August
 02:23:40 5 of 2010? Talked to him when? Objection. Time
 6 frame.
 7 BY MR. BILLIPS:
 8 **Q. Okay. Have you talked to the vendor at**
 9 **any point about whether you made that statement?**
 02:23:48 10 **A. No, sir. I have not.**
 11 **Q. Okay. Have you talked to him about**
 12 **anything relating to this lawsuit?**
 13 **A. I have not.**
 14 **Q. Okay. What's his name?**
 02:23:55 15 **A. I believe his name is Michael Roberts I**
 16 **believe is his last name. My managers on**
 17 **occasion -- they know how to contact him. I do**
 18 **not. When we have a problem at the restaurant,**
 19 **they contact him and he comes out and does some**
 02:24:20 20 **trapping.**
 21 **Q. Does he have a company?**
 22 **A. I don't know.**
 23 **Q. Okay. Did you tell a joke using the**
 24 **word nigger in front of the coordinator of a**
 02:24:31 25 **fund-raising event at Bethesda Boys Home?**

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02:24:34 1 **A. I don't remember that. I remember being**
 2 **at a fund-raiser.**
 3 **Q. Okay. Do you remember whether you told**
 4 **such a joke?**
 02:24:41 5 **A. No, sir. I do not remember that.**
 6 **Q. Okay. Is this the only time you told a**
 7 **joke about Barack Obama using the word nigger?**
 8 **A. That's the only time I remember telling**
 9 **it.**
 02:24:56 10 **Q. Okay. Now, Dustin Walls in March of**
 11 **2010 made a statement in which he threatened to**
 12 **fire all of the monkeys in the kitchen. Was that**
 13 **your understanding?**
 14 **A. That's what I heard.**
 02:25:26 15 **Q. Okay. Have you ever talked to Dustin**
 16 **about that?**
 17 **A. I've already answered that question**
 18 **today and, no, sir, I have not.**
 19 **Q. Okay. Are you aware of any disciplinary**
 02:25:38 20 **action taken against Dustin as a result of making**
 21 **that comment?**
 22 **A. No, sir. I do not know what takes place**
 23 **on a day-to-day basis at the Lady & Sons. I just**
 24 **take care of Uncle Bubba's.**
 02:25:51 25 **Q. Okay. Those are the kind of things that**

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02:25:55 1 are left to either the general manager or to Mr.
2 Schumacher?
3 A. Whoever is in charge of the Lady & Sons.
4 Q. Okay. Did Ms. Deen ever tell you that
02:26:19 5 she regretted having to discipline Mr. Walls?
6 A. No, sir. Never. I never heard that.
7 Q. Did she ever talk to you at all about
8 this incident?
9 A. We've never had a conversation about
02:26:29 10 that incident.
11 Q. Have you ever had a conversation with
12 the human resources consultants that came in?
13 A. No, sir.
14 Q. Okay. What about your human resources
02:26:40 15 director, has he ever talked about it?
16 A. No, sir. This is strictly all hearsay
17 through the grapevine that he said that. I really
18 don't even know if it's true or not.
19 Q. Okay. Now, the human resources
02:26:51 20 consultants, MacWorks, came in during the spring
21 and summer of 2010?
22 A. I believe that's correct.
23 Q. And they interviewed some people at the
24 restaurants?
02:27:08 25 A. I think that was part of their duties.

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02:27:10 1 Q. Okay. Did they interview you?
2 A. I believe they did one -- on one
3 occasion.
4 Q. Okay. And did you sit there and answer
02:27:19 5 all of the questions that they had?
6 A. If they asked me questions, I answered
7 them.
8 Q. Okay. Did you get up and leave?
9 A. I don't remember that.
02:27:28 10 Q. Okay. Did you go to the training that
11 they put on later?
12 A. I went -- I do recall coming downtown to
13 one training event for a short amount of time.
14 Not from beginning to end.
02:27:50 15 Q. Okay.
16 A. Just to see just as a viewer.
17 Q. Okay. Did you feel that you had any
18 need to participate in that kind of training,
19 diversity training, human resources training,
02:28:08 20 things of that sort?
21 A. I feel like that anyone could use --
22 always use continuing education.
23 Q. Okay. Why didn't you stay for the whole
24 training?
02:28:20 25 A. I may have had previous engagements.

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02:28:22 1 Q. Well, do you remember why you left?
2 A. No, sir. I don't recall.
3 Q. Okay. Now, were you ever made aware
4 that Ms. Jackson had complained about using the
02:28:42 5 word nigger in the workplace?
6 A. Never. The only time I ever heard
7 anything about was the pornography sitting in this
8 office. No one ever reprimanded me about using
9 the "N" word.
02:29:01 10 Q. Okay. Without being reprimanded for
11 using the "N" word at work, do you still know that
12 it's wrong?
13 A. Like I've testified today, I've admitted
14 using the word. And do I regret using it, yes, I
02:29:32 15 do.
16 Q. Okay. Well, I'll object and move to
17 strike as nonresponsive. Do you agree that it was
18 wrong for you to have done so?
19 A. I agree.
02:29:48 20 Q. Okay. Do you recall there being a
21 meeting in the kitchen at Uncle Bubba's in which
22 you began beating on your chest and challenging
23 anyone in the kitchen who wanted to to fight you?
24 A. I remember having kitchen meetings. I
02:30:22 25 don't recall beating my chest and inviting anyone

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02:30:25 1 to fight me.
2 Q. Do you remember saying, come get some.
3 Come on, you want a piece of me. Meet me on the
4 dock you mother fuckers.
02:30:33 5 A. I don't remember saying that.
6 Q. Do you deny it?
7 A. I do not remember saying that.
8 Q. Okay. So you can't deny it or admit it?
9 A. I remember having meetings.
02:30:43 10 Q. Okay. When you're intoxicated, do you
11 sometimes -- are you sometimes unable to remember
12 what had occurred?
13 A. I've never been in a blackout that I can
14 remember.
02:31:05 15 Q. Well, you've never been in a blackout
16 that you can remember. Okay.
17 A. That's not what I said.
18 Q. Okay. Have you ever been told that you
19 did something, whether you were in a blackout or
02:31:18 20 not, have you ever been told after you were drunk
21 when you sobered up that you did something when
22 you were drunk that you did not remember doing?
23 A. No, sir. Nobody's ever said that to me.
24 Q. Okay. Now, in the middle of August of
02:32:30 25 2010, was there a dinner for the vendors of the

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02:32:35 1 restaurant hosted at the restaurant?
 2 A. I do remember that.
 3 Q. Okay. And did you arrive after the
 4 dinner was already in progress?
 02:32:44 5 A. Yes, sir, I did.
 6 Q. Did you go up to Ms. Jackson and grab
 7 her by the face and kiss her cheek and tell the
 8 group, I love her. She's my boss and she isn't
 9 going anywhere.
 02:32:54 10 A. Not in those exact words.
 11 Q. Tell me what words you used.
 12 A. I remember walking up to the table and
 13 there was a group of table -- there was a group at
 14 the table, ten to twelve people. There was Ms.
 02:33:06 15 Jackson and Julian D. Fontaine and they stood up.
 16 I shook Julian's hand, put my arm around Ms.
 17 Jackson, and I said, y'all met my general manager.
 18 You know, she's the boss. Isn't she great.
 19 Q. Okay. Did you kiss her on the cheek?
 02:33:24 20 A. I did not kiss her on the cheek.
 21 Q. Okay.
 22 A. My girlfriend was just standing several
 23 feet away from me.
 24 Q. She was at the bar, right?
 02:33:36 25 A. Not at the bar.

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02:33:38 1 Q. Do you remember any of the people who
 2 were at the table?
 3 A. I knew three people sitting at the
 4 table.
 02:33:46 5 Q. Who were they?
 6 A. Lisa Jackson, Julian D. Fontaine, and at
 7 the head of the table a district manager. His
 8 name is Billy Herndon.
 9 Q. District manager for who?
 02:34:08 10 A. US Foods. This was a US Foods Service
 11 customer appreciation dinner, I believe.
 12 Q. Okay. Did you drink at that dinner?
 13 A. At that dinner I had one cocktail.
 14 Q. Okay. Had you been drinking before
 02:34:33 15 dinner?
 16 A. Before I came to that, I had a cocktail
 17 at home.
 18 Q. Okay. Were these self-poured cocktails?
 19 A. Always self-poured --
 02:34:47 20 Q. Okay.
 21 A. -- at home.
 22 Q. What about at the dinner?
 23 A. At the dinner they -- the bar has
 24 jiggers.
 02:35:01 25 Q. Okay. So -- well, did the bar pour it

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02:35:21 1 for you or did you?
 2 A. The cocktail that I had for dinner at my
 3 restaurant was poured by someone working the bar
 4 that night.
 02:35:30 5 Q. Okay. And how much -- how many shots
 6 did they give you?
 7 A. I don't know.
 8 Q. How big was your glass?
 9 A. It was a cocktail glass.
 02:35:40 10 Q. Did it have anything in it besides Jack
 11 Daniel's?
 12 A. Always mixed.
 13 Q. Okay. Did you have any complaints that
 14 you directed toward Ms. Jackson later that
 02:35:56 15 evening?
 16 A. No, sir. I did not.
 17 Q. Okay. Did you -- were you not getting
 18 served?
 19 A. No, sir. It was perfect service.
 02:36:05 20 Q. Okay. Now, if you were aware of a
 21 manager who had a propensity to engage in sexual
 22 harassment or racial harassment, would you agree
 23 that that person should be fired?
 24 A. Well, I believe so. What does
 02:36:50 25 propensity mean?

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02:36:52 1 Q. That they were likely to do it.
 2 A. They were likely to do it?
 3 Q. Yeah. That they had a history of doing
 4 it or they had a tendency --
 02:37:07 5 MR. WITHERS: Objection. Improper --
 6 BY MR. BILLIPS:
 7 Q. -- to engage -- to engage in racial or
 8 sexual harassment.
 9 MR. WITHERS: Objection. Improper
 02:37:14 10 hypothetical. You can answer. Lack of foundation
 11 as well.
 12 THE WITNESS: If -- if they were likely
 13 to do that, I don't think that I would want them
 14 working for me.
 02:37:26 15 BY MR. BILLIPS:
 16 Q. Okay. Would you agree that that would
 17 be the appropriate response for an employer to
 18 take with regard to such person?
 19 A. Appropriate response?
 02:37:39 20 Q. Yeah. To terminate them.
 21 A. To terminate them. I do. Or some type
 22 of reprimand, depending on the offense.
 23 Q. Certainly to remove them from a position
 24 where they could exercise any control or authority
 02:37:52 25 over other people?

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02:37:53 1 A. Like I said, you know, if -- if
2 something like that happened, it depends on the
3 offense. And if it ever happened, you know, there
4 should be some type of reprimand.

02:38:11 5 Q. Now, have you ever been disciplined or
6 reprimanded for anything?
7 MR. WITHERS: In his life?
8 BY MR. BILLIPS:
9 Q. While working as an employee of Uncle
02:38:19 10 Bubba's.
11 A. Just the taking of money that we've
12 discussed here today by my sister.
13 Q. And the reprimand you received from her
14 was a verbal don't do that again?

02:38:39 15 A. Correct.
16 Q. Okay. Have you ever been reprimanded
17 for anything else?
18 A. No, sir.
19 Q. Okay. Do you know if your sister knew
02:38:50 20 you were watch -- looking at porn?
21 A. I'm sorry?
22 Q. Do you know if your sister knew you were
23 looking at porn at work?
24 A. She didn't know I was doing it at work.
02:38:59 25 She knows now.

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02:39:00 1 Q. Okay. Did she reprimand you when she
2 found out?
3 A. Not about porn.
4 Q. Okay. Just about stealing?
02:39:07 5 A. Just about the money.
6 Q. Okay. Did she reprimand you for using
7 the word nigger to subordinate employees?
8 A. No, sir. Like I said, I only used that
9 word in a joke that I recall, and I only used it
02:39:25 10 very rarely. And I admit using it, and I regret
11 using it.
12 Q. Right.
13 A. No one has ever reprimanded me for using
14 it.
02:39:35 15 Q. Right. When did you first start to
16 regret using that word?
17 A. During -- I guess during this lawsuit.
18 Q. Okay. Now, when -- when you were at
19 work, did employees ever come to you complaining
02:40:23 20 about this or that going on at the restaurant?
21 MR. WITHERS: Objection to the term this
22 or that as vague.
23 BY MR. BILLIPS:
24 Q. Complaining about just the day-to-day
02:40:33 25 operation of the restaurant. And I'm talking

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02:40:38 1 about non-managerial employees.
2 A. I have heard employees come in and
3 complain because the restaurant was maybe left
4 dirty from the previous shift.

02:40:56 5 Q. Okay.
6 A. Nothing major.
7 Q. Okay. When people came to you with
8 those kind of complaints, did you tell them that
9 they needed to take them to Lisa Jackson?

02:41:05 10 A. I try to let my managers do their job.
11 Q. Okay. So did you -- did you tell the
12 employees and tell Ms. Jackson to tell the
13 employees that those complaints should be brought
14 to her?

02:41:15 15 A. I don't remember if I told the
16 employees, but I did tell my managers that I want
17 them to handle complaints.
18 Q. Okay.
19 A. And the running of my business.
02:41:31 20 Q. Okay. And so -- and part of that would
21 be for the managers to tell the employees, bring
22 these complaints to us?
23 A. I would imagine they did tell them that.
24 Q. Okay. And that was consistent with your
02:41:44 25 direction to them, correct?

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02:41:46 1 A. I asked my managers to run my
2 restaurant.
3 Q. So is that a yes?
4 A. I asked my managers to run my
02:41:54 5 restaurant.
6 Q. So you expected your managers to
7 communicate to the employees bring your complaints
8 to us, correct?
9 MR. WITHERS: Objection. Asked and
02:42:06 10 answered. And improperly characterizes his
11 previous testimony.
12 BY MR. BILLIPS:
13 Q. Is that what you asked them or is that
14 what you expected of them?
02:42:18 15 A. I expected them to do the duties of
16 running my restaurant.
17 Q. Okay.
18 A. And if anyone had any complaints, I had
19 an open-door policy.
02:42:27 20 Q. Sure. But you also wanted your managers
21 to make sure they knew -- employees knew they were
22 supposed to come to the managers?
23 MR. WITHERS: Objection. Asked and
24 answered.
02:42:35 25 BY MR. BILLIPS:

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02:42:36 1 Q. Is that correct?

2 A. I do not know if they knew who they were

3 supposed to come to, but I do have an open-door

4 policy. If they wanted to bypass the general

02:42:45 5 manager or front house managers, I had an

6 open-door policy. I've always said that.

7 Q. Did you ever tell an employee who had

8 come to you with a complaint, go back and talk to

9 Lisa, or go back and talk to Melissa or anything

02:42:58 10 like that?

11 A. Yes, I have.

12 Q. Okay. Mr. Hiers --

13 A. Uh-huh.

14 Q. -- your email -- your emails, are they

02:45:17 15 still on the computer at Uncle Bubba's?

16 A. We have done nothing to destroy any

17 information.

18 Q. Is there any automatic deletion of

19 emails on the computers at Uncle Bubba's?

02:45:30 20 A. I don't know about automatic deletion.

21 Q. Okay. Have you or to your knowledge has

22 anyone else gone on the computer to look for

23 emails to or from you?

24 A. I do not know that --

02:45:50 25 Q. Okay.

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02:45:53 1 A. -- question.

2 Q. Okay. So you have not done so and you

3 don't know if anybody else has?

4 A. I very rarely know how to get emails.

02:46:08 5 Q. Okay. And the emails that were on this

6 computer have at all times been available,

7 accessible to anybody who sat down at the computer

8 and -- and opened Microsoft Outlook?

9 A. And like I said earlier today, in the

02:46:40 10 beginning when we first got the Uncle Bubba's

11 email address --

12 Q. Uh-huh.

13 A. -- there was one computer that had --

14 anyone could sit at it and click open a window.

02:46:54 15 Q. Right.

16 A. I don't know the year, I believe it was

17 before Lisa Jackson left, that we all got private

18 emails.

19 Q. Okay. And did you each have your own

02:47:20 20 log-in accounts?

21 A. Correct.

22 Q. Okay. And did you send and receive

23 emails?

24 A. I have received emails and I can

02:47:46 25 probably count on one hand how many emails I've

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02:47:50 1 ever sent in my life.

2 Q. Okay. Have you seen -- or have you sent

3 any emails to anyone regarding anything having to

4 do with this case?

02:48:07 5 A. Absolutely not.

6 Q. Okay. Did you forward emails that you

7 received from other people?

8 A. I don't even know how to forward email.

9 Q. Okay. The cameras at the restaurant, do

02:48:43 10 they record to a computer or to a tape?

11 A. I believe hard drive.

12 Q. Okay. Now, the person who was --

13 strike.

14 The company or the Uncle Bubba's

02:49:20 15 restaurant has what's called a manager of the day

16 log; is that right?

17 A. MOD log. Correct.

18 Q. Okay. And what does this MOD log look

19 like? Is it like a spiral notebook or some other

02:49:38 20 kind of log book?

21 A. It is not spiral.

22 Q. Uh-huh.

23 A. The ones that I remember I was

24 purchasing was like a ledger book.

02:49:49 25 Q. Okay. And is this a book that all of

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02:49:52 1 the managers working at the restaurant are able to

2 write in?

3 A. Yes, sir.

4 Q. Okay. And whoever is the manager on

02:50:03 5 duty, that's what MOD stands for is manager on

6 duty?

7 A. Correct.

8 Q. Whoever is the manager on duty is

9 supposed to write down anything of any

02:50:12 10 significance?

11 A. Correct.

12 Q. And then any other manager, or yourself,

13 would have the ability to flip back through the

14 book and see what was written?

02:50:23 15 A. Yes, sir.

16 Q. Okay. Now, is it the practice of the

17 restaurant at the end of the summer to reduce the

18 hours or shorten the shifts of some of the

19 employees because the tourist season is -- is

02:50:42 20 winding down?

21 A. Yes. Because of business. Business is

22 slow.

23 Q. Uh-huh.

24 A. So therefore there are some hourly

02:50:55 25 cutbacks.

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02:50:55 1 Q. Okay. And during the tourist season,
2 the employees who are working at the restaurant
3 work longer hours and longer weeks?
4 A. They may work more hours.
02:51:14 5 Q. Right.
6 A. I'm not sure they -- the restaurant is
7 open two shifts a day, seven days a week.
8 Q. Okay.
9 A. Many hours.
02:51:25 10 Q. Okay.
11 A. Some employees are students and they
12 cannot -- they can't work certain days of the
13 week, so they may work what we call a double.
14 Q. Right. And then when the summer is
02:51:40 15 over, those hours get cut back, right?
16 A. Yes, sir. Business slows down.
17 Q. And if you've got employees who are
18 disagreeing with each other, it makes it easier to
19 put them on different shifts, right?
02:52:01 20 A. I'm not aware of anybody being separated
21 like that.
22 Q. Okay. Do the employees get -- have you
23 noticed that employees get more tense and cranky
24 as the summer goes on and they're working longer
02:52:21 25 hours?

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02:52:28 1 A. I'm aware that I have requested that
2 people not work doubles because I feel like it
3 could cause fatigue. I have worked in the
4 workplace many jobs, and I know after I get over
02:52:48 5 10 or 12 hours, I'm not as sharp as I was at hour
6 number two.
7 Q. Okay. Now, you were present during the
8 deposition of Ms. Jackson, correct?
9 A. Yesterday?
02:53:04 10 Q. Yeah.
11 A. I was present.
12 Q. And you were present when Ms. Jackson
13 testified about the manager on duty log, right?
14 A. It was a long day. I was present.
02:53:24 15 Q. Okay. Do you recall her testimony that
16 the reference to waiting for two weeks meant
17 waiting until the summer was -- in two more weeks,
18 the summer would be over?
19 A. I do not know what she was referring to.
02:53:40 20 Q. Okay. Do you have any reason to
21 disbelieve her testimony?
22 MR. WITHERS: Objection. That's not a
23 proper question.
24 BY MR. BILLIPS:
02:53:48 25 Q. Well, do you have any facts that would

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02:53:50 1 contradict what she said?
2 A. I could probably produce -- my company
3 could probably produce some reports from the
4 computer system that would --
02:54:02 5 Q. Uh-huh.
6 A. -- accurately tell you when our season
7 starts slowing down.
8 Q. Is it generally in the mid-late October
9 time frame or mid-late August time frame?
02:54:14 10 A. Sir, it's been sporadic ever since I've
11 been open there. Sometimes Octobers are great.
12 Q. August I said. Mid to late August.
13 A. August can be sporadic.
14 Q. Okay. Now -- but Ms. Jackson was aware
02:54:36 15 that that MOD log was available to be read by and
16 written in by every other manager working there?
17 MR. WITHERS: Objection as to what
18 someone else might be aware of or believe.
19 BY MR. BILLIPS:
02:54:52 20 Q. Well, wouldn't she have been aware of
21 that?
22 A. Would Ms. Jackson -- repeat your
23 question.
24 Q. Would Ms. Jackson have been aware that
02:55:00 25 all of the other managers had access to the MOD

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02:55:03 1 log and were themselves writing in it?
2 A. Of course she would.
3 Q. Okay.
4 VIDEO TECHNICIAN: Excuse me, Counsel.
02:55:18 5 Just to let you know, we have about five minutes
6 before we will need to do a tape change.
7 MR. BILLIPS: Okay.
8 BY MR. BILLIPS:
9 Q. Now, have you talked to Adolphus Allen
02:56:12 10 about his knowledge of the facts relating to this
11 case?
12 A. No, sir.
13 Q. Have you ever had a conversation with
14 him about the fact that Ms. Jackson is pursuing a
02:56:22 15 claim against the company?
16 A. I believe he's aware of it.
17 Q. Okay. Has he ever indicated to you
18 what, if anything, he knows?
19 A. No, sir.
02:56:35 20 Q. Okay. Mr. Allen still works -- I'm
21 sorry. Strike. Mr. Allen works for Uncle
22 Bubba's?
23 A. Mr. Allen does lots of duties for me.
24 Q. Okay.
02:56:52 25 A. I am currently single.

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02:56:55 1 Q. Uh-huh.
 2 A. I own two dogs. I just recently got
 3 back from a cruise, six night, seven day. He
 4 stays at my house, protects my house and cares for
 02:57:06 5 my dogs. And he does security work at Uncle
 6 Bubba's.
 7 Q. Okay. My question was who is his
 8 employer of record? Is it Uncle Bubba's?
 9 A. Of record. His full-time employer is
 02:57:21 10 the Ports Authority of Savannah, I guess, is what
 11 it's called. He's a longshoreman.
 12 Q. Okay. Is he a -- is he on the payroll
 13 of Uncle Bubba's?
 14 A. Yes, he is.
 02:57:35 15 Q. Okay. And the -- what he does at Uncle
 16 Bubba's is to serve as a security guard?
 17 A. Correct.
 18 Q. Okay. Maria Bartley. Who is Maria
 19 Bartley?
 02:57:53 20 A. An employee of Uncle Bubba's.
 21 Q. What does she do there?
 22 A. She works in the kitchen.
 23 Q. In what capacity?
 24 A. As a cook.
 02:58:08 25 Q. Was she present on the day that you

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02:59:36 1 she said but, Bubba, he's fantastic. He does
 2 everything around here. And then I got to
 3 thinking about it, hmm, you're right. He's worth
 4 it.
 02:59:44 5 Q. And actually what you said to her is you
 6 are the only person who would pay a Mexican \$15 an
 7 hour?
 8 A. I never said that.
 9 Q. You never said that?
 02:59:53 10 A. I never said that.
 11 Q. Julian D. Fontaine. Do you know where
 12 Mr. D. Fontaine is, where he's working?
 13 A. He works for US Food Service.
 14 Q. Where?
 03:00:13 15 A. Savannah, Georgia.
 16 Q. When did he leave Uncle Bubba's?
 17 A. Julian D. Fontaine has never worked for
 18 Uncle Bubba's.
 19 Q. Okay. Where did he work?
 03:00:40 20 A. US Food Service.
 21 Q. Oh, okay. I don't know why I'm thinking
 22 that. Do you know what he knows about the
 23 allegations in this case or y'all's defenses?
 24 A. No, sir.
 03:00:58 25 Q. Have you ever spoken to him about Ms.

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02:58:11 1 interviewed Mr. Frazier?
 2 A. She was. She was one of the persons
 3 that I interviewed. I interviewed three people.
 4 Q. Okay.
 02:58:21 5 A. Maria Brantley, Delphine Jones and Will
 6 Frasier.
 7 Q. Is it Brantley or Bartley?
 8 A. I'm not sure how it's pronounced.
 9 Q. Okay. Was there an employee working in
 02:58:32 10 the restaurant that you referred to as amigo?
 11 A. Yes, sir.
 12 Q. What was his real name?
 13 A. Oh, gosh. He was Mexican and -- and we
 14 all called him amigo.
 02:58:53 15 Q. Okay. You don't remember his real name?
 16 A. Not without somebody helping me with it.
 17 I don't recall. I saw his real name one day a
 18 week when I signed his paycheck.
 19 Q. Okay. Who gave him that nickname?
 02:59:11 20 A. I don't know.
 21 Q. Okay. Did you ever have a conversation
 22 with Ms. Jackson about how much he was being paid?
 23 A. I was -- probably in the beginning and
 24 then I was astounded when I heard that she was
 02:59:31 25 paying him being a dishwasher \$15 an hour. And

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03:01:00 1 Jackson's case?
 2 A. No. He just knows that there's a
 3 lawsuit and then she resigned.
 4 Q. Okay. Has he ever said anything to you
 03:01:09 5 indicating he has any knowledge of any relevant
 6 facts?
 7 A. No, sir.
 8 Q. Have you talked to him about this joke
 9 that you told?
 03:01:16 10 A. Have I talked to him about the joke that
 11 I told?
 12 Q. Yeah.
 13 A. No, sir.
 14 Q. Okay.
 03:01:24 15 VIDEO TECHNICIAN: Excuse me, Counsel.
 16 You have about one minute and we'll have to
 17 change.
 18 MR. BILLIPS: All right. Let's stop.
 19 VIDEO TECHNICIAN: Okay. The time is
 03:01:30 20 3:03 p.m. We are off the record.
 21 (Recess from 3:03 p.m. to 3:15 p.m.)
 22 VIDEO TECHNICIAN: The time is 3:15 p.m.
 23 This is the beginning of DV tape six. We're back
 24 on the record.
 03:13:25 25 BY MR. BILLIPS:

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03:13:30 1 Q. Mr. Hiers, you understand that you are
2 still under oath?
3 A. Yes, sir.
4 Q. All right. William Frazier, what does
03:13:42 5 he do for Uncle Bubba's?
6 A. He is a kitchen employee, cook.
7 Q. Okay. Does he have any managerial
8 duties?
9 A. I'm sorry. William Frazier?
03:13:59 10 Q. Yeah.
11 A. No, sir.
12 Q. Okay. Does he have any responsibility
13 in his job for speaking on behalf of the company?
14 A. No, sir. Not to my knowledge.
03:14:18 15 Q. Okay. Other than the incident where you
16 are alleged to have grabbed him and shook him, do
17 you know of anything else Mr. Frazier may know
18 relating to this case?
19 A. No, sir. I have no knowledge.
03:14:41 20 Q. Okay. John Hall. What does John Hall
21 do?
22 A. He's a kitchen manager.
23 Q. Okay. How long has John Hall been
24 working there? I think I asked you this earlier.
03:14:54 25 A. Oh, six, six and a half years.

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03:14:56 1 Q. Okay.
2 A. An African-American man.
3 Q. Okay. Was Mr. Hall present during the
4 Big Will incident?
03:15:16 5 A. No, sir.
6 Q. Okay. Ambrose Harrison. Mr. Harrison
7 does not work for Uncle Bubba's, does he?
8 A. No, sir.
9 Q. Mr. Harrison was injured in a car
03:15:30 10 accident; is that correct?
11 A. Correct.
12 Q. He was hit by a car?
13 A. He was hit by a car I heard.
14 Q. And what, if anything, does he know that
03:15:40 15 would be relevant to this case?
16 A. I have not spoke to Mr. Harrison in
17 years.
18 Q. Okay. Mr. Harrison had worked for Uncle
19 Bubba's for just a couple of months when he was
03:15:49 20 hit by that car?
21 A. I don't know if it was a couple of
22 months, but it was not a long period of time.
23 Less than a year I know than when he got hit by a
24 car.
03:15:59 25 Q. It was less than 90 days, wasn't it?

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03:16:03 1 A. Sir, I do not know.
2 Q. Wasn't there an issue about whether his
3 -- he was properly covered under the company's
4 insurance?
03:16:10 5 A. I do not know.
6 Q. Did you have a conversation with the
7 insurance agent about whether Mr. Harrison was
8 properly covered by the insurance after he was in
9 his car wreck?
03:16:21 10 A. I recall the insurance agent calling me,
11 and he may have told me that there was like a
12 90-day waiting period for employees.
13 Q. And Mr. Harrison, somebody had put the
14 wrong date for his -- when his insurance coverage
03:16:39 15 was supposed to start?
16 A. I heard that.
17 Q. Okay.
18 A. I don't know.
19 Q. And you and the insurance agent talked
03:16:46 20 about how you needed to make -- to not report it
21 to the insurance company because if you did the
22 insurance agent would lose his license?
23 A. I don't have knowledge of that
24 conversation.
03:16:55 25 Q. Okay. Did you have such a conversation?

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03:16:58 1 A. No, sir. I did not.
2 Q. Okay. Did you tell Ms. Jackson that if
3 you were ever -- that if she ever repeated the
4 conversation that you would deny it?
03:17:12 5 A. I never had that conversation with her.
6 Q. Okay. But it is a fact that Mr.
7 Harrison actually was not eligible for the
8 insurance coverage?
9 A. I do not recall.
03:17:22 10 Q. Okay. Did the insurance agent tell you
11 his secretary had made a mistake and missed --
12 A. I do not know.
13 Q. Okay. Ms. McCurry -- I'm sorry. Ms.
14 McCurry's position is what?
03:17:44 15 A. Manager.
16 Q. Is she a -- what kind of manager?
17 A. Front house manager.
18 Q. Front house manager. That's what I
19 thought. Who does she supervise?
03:17:58 20 A. I'm sorry?
21 Q. Who -- what positions does she
22 supervise?
23 A. Front house restaurant operations.
24 Q. Help me out. What positions?
03:18:10 25 A. Who does she supervise?

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03:18:11 1 Q. Yeah. What positions?
 2 A. Servers. When she's on duty, she is in
 3 charge of servers, bussers, runners, bartenders,
 4 and if they even need a little help expo-ing,
 03:18:29 5 she'll jump in and help expo.
 6 Q. Okay. Paula Puckett, what does she do?
 7 A. She is a server.
 8 Q. Do you know what, if anything, she knows
 9 relevant to this case?
 03:18:45 10 A. I do not know what she knows.
 11 Q. How long has she been there?
 12 A. Ever since I opened in December of 2004.
 13 Q. Okay. Does she have any managerial
 14 responsibilities?
 03:18:59 15 A. No, sir.
 16 Q. Okay. Candace Robinson. What does Ms.
 17 Robinson do?
 18 A. Candace Robinson. A server.
 19 Q. Okay. What's her race?
 03:19:15 20 A. I'm sorry?
 21 Q. Candace Robinson, what's her race?
 22 A. Her race. I think she's white.
 23 Q. You're not sure who she is?
 24 A. No, sir. I've had numerous employees
 03:19:28 25 over the past eight years, and some I remember and

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03:19:32 1 some I don't.
 2 Q. Okay. Paula Puckett, what's her race?
 3 A. She is Caucasian.
 4 Q. Okay. Tameka Rogers, what's she do?
 03:19:45 5 A. Tameka Rogers is a black female kitchen
 6 prep slash cook.
 7 Q. What does she know?
 8 A. I do not have any knowledge of what she
 9 knows.
 03:20:20 10 Q. Okay. Have you spoken to Ms. Puckett
 11 about this case?
 12 A. No, sir. I have not.
 13 Q. Have you spoken to Ms. Robinson about
 14 this case?
 03:20:33 15 A. No, sir. I have not.
 16 Q. Have you spoken to Ms. Rogers about this
 17 case?
 18 A. No, sir. I have not.
 19 Q. Okay. Have you given any -- have you
 03:20:49 20 given any directive to employees at Uncle Bubba's
 21 that they are not to speak to Ms. Jackson?
 22 A. No, sir. I have not.
 23 Q. Okay. Have you told any employees that
 24 they're not to speak to Ms. Jackson's counsel?
 03:21:08 25 A. No, sir. I have not.

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03:21:09 1 Q. Okay. Stephanie Strong, what's she do?
 2 A. She is a front house manager.
 3 Q. What's her race?
 4 A. What is her race?
 03:21:22 5 Q. Race.
 6 A. Race. White. Female.
 7 Q. Okay. Do you know what she knows of
 8 relevance?
 9 A. I do not know what she knows.
 03:21:33 10 Q. Okay. David Baracette works for
 11 MacWorks; is that right?
 12 A. That's correct.
 13 Q. Is MacWorks still doing any work for any
 14 of the Paula Deen companies?
 03:21:48 15 A. Yes, sir.
 16 Q. What is MacWorks doing for the Paula
 17 Deen companies?
 18 A. I don't -- I'm not in charge of that. I
 19 don't know what he's doing.
 03:21:56 20 Q. Okay. Are they still doing any work for
 21 Uncle Bubba's?
 22 A. I have seen him at Uncle Bubba's.
 23 Q. Okay. Phillip Brandon Branch, what does
 24 he do?
 03:22:17 25 A. He is my sister's personal assistant.

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03:22:29 1 Q. Okay. Do you have any idea what he
 2 knows?
 3 A. I do not know what he knows.
 4 Q. Why did you list him as somebody having
 03:22:45 5 knowledge of facts relevant to plaintiff's
 6 allegation?
 7 A. I -- I didn't come up with the list.
 8 Q. Okay. Did you verify the interrogatory
 9 responses?
 03:22:56 10 A. I've -- I've read the list.
 11 Q. Okay. And have you signed under oath
 12 that this list is true and accurate? Have you
 13 signed anything verifying the truth of the
 14 interrogatory responses?
 03:23:06 15 A. I don't know if I've ever signed
 16 anything.
 17 MR. BILLIPS: Has he verified his
 18 interrogatory responses?
 19 MR. WITHERS: I can't remember if he
 03:23:13 20 did. It's on the back.
 21 MR. BILLIPS: It's not on the back.
 22 MR. WITHERS: Okay.
 23 MR. BILLIPS: I was thinking maybe you
 24 had sent one later separately.
 03:23:21 25 MR. WITHERS: Honestly, I don't know.

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03:23:23 1 MR. FRANKLIN: Go to a time out.
 2 MR. BILLIPS: If he hasn't, will you get
 3 us a verification.
 4 MR. WITHERS: Sure.
 03:23:30 5 BY MR. BILLIPS:
 6 Q. Amanda Dobbs.
 7 A. Uh-huh.
 8 Q. Who is Amanda Dobbs?
 9 A. My sister's housekeeper.
 03:23:42 10 Q. What is her race?
 11 A. White female.
 12 Q. And what, if anything, does she know?
 13 A. I do not know what she knows.
 14 Q. Do you know who Libby Summers is?
 03:23:57 15 A. I do.
 16 Q. Who is Libby Summers?
 17 A. Libby Summers is a former employee of
 18 Follow Productions that worked on television shows
 19 preparing food for Paula Deen's best dishes.
 03:24:17 20 Q. Okay. And do you know why Libby Summers
 21 was terminated?
 22 A. Only hearsay.
 23 Q. What's your hearsay that you've heard?
 24 A. I heard that she was very rude to my
 03:24:29 25 sister's housekeeper and that she falsified bills

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03:24:36 1 to the corporate office and receiving money was
 2 the two things that I heard.
 3 Q. Okay. Do you know why -- what, if any,
 4 connection Libby Summers' termination has to the
 03:24:55 5 allegations in this lawsuit?
 6 A. I have no knowledge of that.
 7 Q. Okay. Patrick Dobbs, who is he?
 8 A. He is the husband of Amanda Dobbs. He's
 9 the groundskeeper and handyman at my sister's
 03:25:19 10 home.
 11 Q. Okay. What's his race?
 12 A. White male.
 13 Q. Do you know of anything he knows
 14 relevant to this case?
 03:25:37 15 A. No, sir. I do not know.
 16 Q. Okay. Mary Nodzack. What's Mary
 17 Nodzack do?
 18 A. She is a white female kitchen employee
 19 that works in my prep department in the kitchen.
 03:25:58 20 Q. Okay. Was she one of the people that
 21 you questioned about the Mike Comer incident?
 22 A. No, sir.
 23 Q. Okay. Was she there that day?
 24 A. I don't know.
 03:26:11 25 Q. Sandra Sikes, what does she do?

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03:26:14 1 A. White female, front house manager.
 2 Q. How many front house managers work on
 3 any given shift?
 4 A. One to two.
 03:26:33 5 Q. Okay. Have you ever talked to her to
 6 find out what she knows, if anything, relevant to
 7 this case?
 8 A. Ms. Sikes?
 9 Q. Yeah.
 03:26:45 10 A. I do not know what she knows about this
 11 case.
 12 Q. Has she ever come up and volunteered to
 13 you any information about Ms. Jackson?
 14 A. No, sir.
 03:26:54 15 Q. Okay. Is there any reason sitting here
 16 today that you can think of why you would not --
 17 or why if Ms. Jackson had continued to work for
 18 the company up until now that you would have
 19 terminated her employment based on things you have
 03:27:25 20 learned while this lawsuit was going on?
 21 A. I do not have any knowledge of wanting
 22 to terminate her.
 23 Q. Okay. So if she was working there
 24 today, as far as you know -- as far as you -- in
 03:27:46 25 your mind, you wouldn't have any reason to fire

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03:27:49 1 her?
 2 A. I was surprised when she turned in her
 3 resignation.
 4 Q. Okay. So you wouldn't have any reason
 03:27:55 5 to fire her sitting here today?
 6 A. We worked together good and I would not
 7 have any knowledge of firing her.
 8 Q. Okay. Nakir Albatin.
 9 A. I'm sorry?
 03:28:09 10 Q. Who is Nakir Albatin?
 11 A. I think you're talking about the man
 12 that we call Albatin.
 13 Q. Albatin. Okay. Nakir Albatin.
 14 A. Yeah. See, I'm not sure. Albatin.
 03:28:25 15 Q. What's he do?
 16 A. He is a kitchen cook.
 17 Q. Okay. What does he know about anything?
 18 A. I do not know what he knows.
 19 Q. Okay. Did you ever talk to him about
 03:28:43 20 this case?
 21 A. No, sir. I have not.
 22 Q. Tara Helmly.
 23 A. White female, front house server.
 24 Q. Okay. Do you know anything she might
 03:28:58 25 know?

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03:28:58 1 A. No, sir. I do not know what she knows.
 2 Q. Do you know how long she's worked there?
 3 A. A long time. Seven years.
 4 Q. April McDonald.
 03:29:10 5 A. Black female cook.
 6 Q. Okay. Do you have any idea what
 7 information she might have?
 8 A. No, sir. I do not know what she knows.
 9 Q. Was she present during the Big Will
 03:29:32 10 incident?
 11 A. I do not know if she was.
 12 Q. Okay. Brandon Oldfield. Who is Brandon
 13 Oldfield?
 14 A. A former white male front house manager.
 03:29:48 15 Q. Did he quit or was he fired?
 16 A. He was fired.
 17 Q. Why was he fired?
 18 A. I'm sorry? I'm sorry?
 19 Q. Why was he fired?
 03:29:56 20 A. Stealing money.
 21 Q. Okay. Who did he steal from?
 22 A. Uncle Bubba's Seafood & Oyster House.
 23 Q. How did you catch him?
 24 A. Video.
 03:30:10 25 Q. Where did he take it from? Where did he

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03:30:13 1 take the money from?
 2 A. Out of the safe.
 3 Q. Okay. Was he stealing it out of the
 4 petty cash or out of the deposits?
 03:30:29 5 A. He was doing some pretty fast moves that
 6 morning that they showed me on the video. I
 7 believe he was taking it out of petty cash.
 8 Q. Okay. And when was Mr. Oldfield fired?
 9 A. I do not have recollection of that date.
 03:30:41 10 Last year.
 11 Q. Okay. Who -- he was fired last year?
 12 A. Yes, sir.
 13 Q. How long had he worked there?
 14 A. I would have to look at his file. Four
 03:30:53 15 years, possibly.
 16 Q. Okay. Did you confront him about
 17 stealing from the company?
 18 A. I did not.
 19 Q. Did anyone to your knowledge?
 03:31:04 20 A. Yes, sir.
 21 Q. Who did?
 22 A. The general manager.
 23 Q. That was John Hall?
 24 A. No. He's the kitchen manager. That
 03:31:14 25 would be Louis Ross.

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03:31:15 1 Q. He's kitchen manager. Louis Ross.
 2 That's right. And did Mr. Ross report to you what
 3 Mr. Oldfield said?
 4 A. What he said?
 03:31:22 5 Q. Yeah. When he was confronted, did he
 6 admit it?
 7 A. Yes. I believe he did, but I don't know
 8 if he reported anything he said.
 9 Q. Okay. But he told you that Mr. Oldfield
 03:31:36 10 admitted stealing it, the money?
 11 A. Yes. He, Mr. Ross, said that Mr.
 12 Oldfield admitted taking the money because they
 13 showed him the video of him taking the money.
 14 Q. Okay. Did he say how many -- on how
 03:31:52 15 many other occasions he had stolen from the --
 16 A. I was not in any questioning --
 17 Q. Okay.
 18 A. -- questioning of Mr. Oldfield.
 19 Q. Okay. Now, prior to the deposition
 03:32:46 20 yesterday, were you aware of any of the
 21 information about Ms. Jackson's family history
 22 that she testified to?
 23 A. Was I aware before yesterday?
 24 Q. Uh-huh.
 03:33:02 25 A. Only privileged information with my

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03:33:04 1 attorney.
 2 Q. Okay. Okay. You had not heard any of
 3 that information from Ms. Jackson prior to
 4 yesterday?
 03:33:11 5 A. Some things, no.
 6 Q. Okay. Now, did -- did you ever
 7 discipline Ms. Jackson for any reason?
 8 A. I recall that she made me sign a
 9 write-up one time because she was late to work and
 03:34:30 10 she felt like that it was fair.
 11 Q. Okay.
 12 A. That's all -- that's the only -- and I
 13 didn't -- I didn't do it. I just said, okay, I'll
 14 sign it.
 03:34:38 15 Q. Okay. Was there ever any other occasion
 16 that you're aware of that Ms. Jackson was
 17 disciplined for anything?
 18 A. Not by me or anyone else I'm not aware
 19 of.
 03:34:50 20 Q. Okay. You felt she was a good employee
 21 and a hard worker?
 22 A. That's the way I felt.
 23 Q. Okay. During the time that she worked
 24 there, did you trust her?
 03:35:08 25 A. Absolutely.

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03:35:10 1 Q. Okay. In your experience, was she
2 always truthful?
3 A. I thought so.
4 Q. Okay. Did she have a reputation in the
03:35:19 5 workplace for being truthful?
6 A. Not always.
7 Q. Okay. Now, during the time that Ms.
8 Jackson worked at -- I may have covered this
9 earlier. Ms. Jackson worked for Uncle Bubba's.
03:36:00 10 The day-to-day personnel management, at least for
11 the upper managers, was vested in Mr. Schumacher;
12 is that correct?
13 A. Correct.
14 Q. Okay. Now, after the EEOC mediations, I
03:36:29 15 think you've discussed this meeting with Mr.
16 Gerard, one of the things that you agreed to was
17 that you would not have any role in terminating
18 employees; is that correct?
19 A. I believe that would be correct to say.
03:36:50 20 Q. Okay. And the people who were -- who
21 maintained that authority were Ms. Jackson and Mr.
22 Schumacher; is that correct?
23 A. Well, especially Ms. Jackson.
24 Q. Okay. She was -- she was the person who
03:37:12 25 was supposed to take those actions going forward?

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03:37:15 1 A. I was not to interfere with any
2 day-to-day operations, any hiring and firing or
3 scheduling or anything like that. Just to take
4 pictures and sign autographs.
03:37:27 5 Q. Okay. And let Ms. Jackson be
6 responsible for everything else?
7 A. Everything else.
8 Q. Okay. Do you have a credit card that is
9 a company Uncle Bubba's credit card?
03:37:55 10 A. I do.
11 Q. Do you have a credit card from any of
12 the other Paula Deen companies?
13 A. I do not.
14 Q. Have you ever used your Uncle Bubba
03:38:04 15 credit card at a strip club?
16 A. I have not.
17 Q. Okay. Have you ever --
18 A. Personal cash only.
19 Q. Okay. Have you ever used a credit card
03:38:18 20 of any sort at a strip club?
21 A. No, sir.
22 Q. Okay. Not the kind of thing you want
23 showing up on a credit card; fair?
24 A. I would say it's pretty private.
03:39:12 25 Q. Now, Mr. Hiers, in 2010, I forget what

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03:39:20 1 you said your pay was at the beginning of the
2 year, but did you receive -- continue to receive
3 the same paycheck? How were you paid, every two
4 weeks?
03:39:34 5 A. I was paid weekly.
6 Q. Okay. Did you continue to receive the
7 same amount in your paychecks throughout 2010?
8 A. No, sir. I believe I told you that I
9 got a raise in 2010.
03:39:47 10 Q. Okay. Do you remember what -- what
11 month that was?
12 A. No, sir. I do not. I would have to
13 look at company records.
14 Q. Do you remember what it was raised to?
03:39:56 15 A. I know that instead of bringing home
16 \$600 a week, I am now currently bringing home
17 2,000 a week.
18 Q. I'm sorry. You said 600. Was it 16 --
19 A. 1,600.
03:40:10 20 Q. And it went up to 2,000?
21 A. Correct.
22 Q. Okay. And you actually got that in your
23 paycheck each week?
24 A. Got what? Which one?
03:40:18 25 Q. 2,000.

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03:40:18 1 A. I'm currently getting in my paycheck
2 bring home 2,000 a week.
3 Q. Okay. And when you got the raise in
4 2010 to 2,000 a week, did you get a paycheck with
03:40:31 5 a take-home pay of \$2,000 each week?
6 A. When I got a raise to \$2,000 a week --
7 Q. That was in 2010?
8 A. -- that started in 2010, I don't recall
9 when, to the present.
03:40:47 10 Q. Okay. But I guess what I'm -- what I'm
11 trying to get to is that was not just a paper
12 raise, you actually got paid that much, correct?
13 A. I could carry the check to the bank and
14 cash it.
03:41:05 15 Q. Okay.
16 MR. FRANKLIN: The best kind.
17 BY MR. BILLIPS:
18 Q. So how was the money that you had stolen
19 accounted for?
03:41:17 20 A. As income.
21 Q. Uh-huh. Was it --
22 A. It was reported on my income tax return.
23 Q. Was it accounted as a distribution of
24 profits or as an advance against wages?
03:41:34 25 A. I'm not an accountant. You'd have to

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03:41:38 1 ask Mr. Schumacher that question.
 2 Q. Okay. But it was not taken out of your
 3 wages as you went forward throughout 2010?
 4 A. I paid taxes on that money.
 03:41:50 5 Q. Sure. But that money was not taken out
 6 of the wages that you got paid each week?
 7 A. No.
 8 Q. And in 2011 you got paid \$2,000 a week?
 9 A. Two.
 03:42:04 10 Q. To the present?
 11 A. To the present.
 12 Q. Okay. Have you ever gotten a
 13 distribution of profit from Uncle Bubba's?
 14 A. Only in the form of a Christmas bonus.
 03:42:16 15 Q. Okay. Did you get a distribution of
 16 profit in 2010 in the form of a Christmas bonus?
 17 A. I do not remember.
 18 Q. Okay.
 19 A. If I did, it was given back to the
 03:42:33 20 company. That would be a question for Karl
 21 Schumacher.
 22 Q. Okay. Now, Mr. Hiers, has the filing of
 23 this lawsuit caused you to make efforts to hire
 24 more black employees to work in the front of the
 03:44:56 25 restaurant?

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03:44:58 1 A. Absolutely not.
 2 Q. Okay. Has it caused you to undertake to
 3 hire more white employees in the back of the
 4 restaurant?
 03:45:06 5 A. Absolutely not.
 6 Q. Have you, in fact, hired more black
 7 employees to work in the front of the restaurant
 8 than you had previously?
 9 A. No, sir.
 03:45:16 10 Q. Okay. So what employees -- what black
 11 employees, if any, work in the front of the
 12 restaurant currently?
 13 A. You want me to name them?
 14 Q. Uh-huh.
 03:45:32 15 A. Okay. There's a lady called -- that we
 16 call her Nini. You know, the full names we'd have
 17 to get from their files.
 18 Q. That's fine.
 19 A. There is this short lady. I can't
 03:46:04 20 remember her name at the time. I know that those
 21 two ladies are hostesses.
 22 Q. Uh-huh.
 23 A. That's the only two that I can recall in
 24 the front of the house at the present time because
 03:46:25 25 they're hostesses.

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03:46:26 1 Q. Okay.
 2 A. Oh, no. We do have a black server.
 3 Q. Uh-huh.
 4 A. You know, I've just got so many
 03:46:37 5 employees. They have to wear name tags. I'm
 6 sorry. I just can't recall her name.
 7 Q. Okay. All right. You know you have a
 8 black server and two black hostesses?
 9 A. That's what I know.
 03:46:53 10 Q. Okay.
 11 A. That's what I can recall.
 12 Q. Do you have any white employees working
 13 in the back of the house in the kitchen?
 14 A. Very few. I think we have one.
 03:47:03 15 Q. Who is that?
 16 A. Mary Nodzack -- dack. She's a long-term
 17 employee. I still can't pronounce her last name.
 18 MR. BILLIPS: Okay. Give us just a
 19 minute to talk.
 03:47:21 20 MR. WITHERS: Do you want us to leave
 21 or --
 22 MR. BILLIPS: Yeah.
 23 VIDEO TECHNICIAN: The time is 3:49 p.m.
 24 We're off the record.
 03:58:20 25 (Recess from 3:49 p.m. to 4:01 p.m.)

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03:59:33 1 VIDEO TECHNICIAN: The time is 4:01 p.m.
 2 We're back on the record.
 3 BY MR. BILLIPS:
 4 Q. All right. Mr. Hiers, if you were aware
 03:59:54 5 of a manager engaging in abusive behavior towards
 6 subordinate employees, would you discipline that
 7 manager?
 8 A. I would --
 9 MR. WITHERS: Objection. Asked and
 04:00:04 10 answered. And an improper hypothetical. You can
 11 go ahead and answer.
 12 THE WITNESS: I would do an
 13 investigation and take appropriate actions.
 14 BY MR. BILLIPS:
 04:00:13 15 Q. Okay. Did you ever do an investigation
 16 of Lisa Jackson during her employment?
 17 A. Not that I recall.
 18 Q. Did you ever discipline her?
 19 A. Not that I recall.
 04:00:21 20 Q. Okay. Are you aware of Ms. Jackson ever
 21 engaging in any abusive behavior toward employees?
 22 A. I've heard of some.
 23 Q. Okay. But you have not investigated it?
 24 A. Well, I did talk with Ms. Jackson and
 04:00:34 25 she denied it.

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04:00:36 1 Q. Okay. And that satisfied you, correct?
 2 A. Yes, it did.
 3 Q. Okay. Were you aware during her
 4 employment with Uncle Bubba's that on occasion she
 04:01:15 5 would take items home for safekeeping?
 6 A. A couple of times I did hear this.
 7 Q. Okay. And she -- for example, there was
 8 some like three-tiered plate tray thing.
 9 A. I'm familiar with what you're
 04:01:39 10 describing.
 11 Q. Okay. And she would take these home and
 12 take these things -- take things home and then
 13 when they were needed bring them back to the
 14 restaurant?
 04:01:49 15 A. I believe that was fair to say as it was
 16 yesterday.
 17 Q. Okay. And you didn't have a problem
 18 with her doing that because you didn't have
 19 anywhere to keep it at the restaurant?
 04:02:02 20 A. No. We did have a storage problem.
 21 Q. Okay. So this was a benefit to the
 22 restaurant for her to take these things home?
 23 A. Yes, sir. Chef coats, she would take
 24 them home and bring them back. I was aware of
 04:02:15 25 that.

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04:02:15 1 Q. Okay. Was -- after she left Uncle
 2 Bubba's, to your knowledge, has anyone ever
 3 written her a letter, or sent her an email, or in
 4 any other form made a demand for the return of any
 04:02:34 5 of these items?
 6 MR. WITHERS: Objection. Asked and
 7 answered hours ago.
 8 BY MR. BILLIPS:
 9 Q. You can answer.
 04:02:39 10 A. I recall hearing, I think, that she had
 11 a conversation with my front house manager Sandra
 12 Sikes --
 13 Q. Uh-huh.
 14 A. -- about getting the items back to the
 04:02:50 15 restaurant.
 16 Q. Which items?
 17 A. Whatever items she had at home.
 18 Q. Okay. And did you or Ms. Sikes or
 19 anybody else ever follow up on that?
 04:03:13 20 A. I did not. I don't know if anyone else
 21 did or not.
 22 Q. Okay. Why not?
 23 A. I don't know why.
 24 Q. Just wasn't that important?
 04:03:22 25 A. I don't know why.

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04:03:24 1 Q. Okay. Where would you have kept them if
 2 you got them back?
 3 A. Well, since Ms. Jackson has left, there
 4 are some additions done to the restaurant that we
 04:03:52 5 now have a little extra space.
 6 Q. Okay. When were those additions done?
 7 A. I believe it started in 2000 -- fall of
 8 2010 --
 9 Q. Uh-huh.
 04:04:08 10 A. -- completed 2011. I'm not -- I'm not
 11 exactly sure how long it took.
 12 Q. Okay. All right.
 13 (Exhibit 30 marked for identification.)
 14 BY MR. BILLIPS:
 04:05:09 15 Q. I want to show you a copy of a letter
 16 from Melissa McCurry to Ms. Jackson sent to her
 17 shortly after her resignation.
 18 Have you -- I want you to take an
 19 opportunity to read the letter.
 04:05:27 20 A. Yes. Thank you. I am reading it as you
 21 speak.
 22 Q. Okay?
 23 A. Okay.
 24 Q. Exhibit 30 -- Exhibit 30 to your
 04:06:09 25 deposition --

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04:06:09 1 A. Yes, sir.
 2 Q. -- or in Exhibit 30, Ms. McCurry
 3 expresses a number of opinions about Ms. Jackson,
 4 makes a number of statements to and about Ms.
 04:06:24 5 Jackson.
 6 A. She does.
 7 Q. And are these, the statements contained
 8 in Exhibit 30, consistent with what Ms. McCurry
 9 has said to you about Ms. Jackson?
 04:06:40 10 A. No.
 11 Q. Okay. So Ms. McCurry has not told you
 12 how she really feels about Ms. Jackson or she
 13 didn't tell Ms. Jackson how she really feels about
 14 her?
 04:06:54 15 A. This is the first time I've ever seen or
 16 read this letter.
 17 Q. Uh-huh.
 18 A. I did not know really exactly how
 19 Ms. McCurry felt about Lisa Jackson. I do know
 04:07:07 20 that there -- Lisa -- I do recall, I believe, and
 21 it was an accusation towards Melissa while at work
 22 about leaving a Coke container out front --
 23 Q. Uh-huh.
 24 A. -- and it upset Ms. McCurry.
 04:07:27 25 Q. Okay. But Ms. McCurry had, in fact,

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04:07:30 1 failed to clean up a Coke container and she was
 2 upset about it, getting chewed out about it?
 3 A. I don't know.
 4 Q. Okay. But what she says in this letter
 04:07:46 5 to Ms. Jackson is, thank you so much for being
 6 such a great person.
 7 A. I think on a day-to-day basis they did
 8 get along pretty good --
 9 Q. Okay.
 04:07:56 10 A. -- and just had a few run-ins, a few.
 11 Q. Okay. Okay. So this is consistent with
 12 your observation of the way they got along?
 13 A. Absolutely.
 14 Q. Okay. Good enough.
 04:08:06 15 A. And, you know, I loved working with her,
 16 too.
 17 MR. BILLIPS: Okay. All right. There
 18 are some issues relating to items on the privilege
 19 log that we've had a couple of conversations
 04:08:35 20 about. We anticipate that it's going to be
 21 necessary to file a motion to compel.
 22 And to the extent there is any further
 23 production by the defendant of any additional
 24 documents that may implicate Mr. Hiers' knowledge
 04:08:58 25 of relevant facts, we would suspend the deposition

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1 ATTESTATION
 2
 3 I, the undersigned, have read the
 4 foregoing transcript, and, with the exception of
 5 any corrections specified on the attached
 6 correction sheet, attest it constitutes a true and
 7 correct transcription of my testimony given at the
 8 time and place specified therein.
 9
 10
 11
 12 (Signed): _____
 13 Earl "Bubba" Hiers
 14
 15 WITNESS: _____
 16
 17
 18
 19 DATE: _____
 20
 21
 22
 23
 24
 25

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04:09:02 1 for the purpose of bringing him back to discuss
 2 those items.
 3 Subject to that, I am -- I can tender
 4 the witness, if you have any questions.
 04:09:13 5 MR. FRANKLIN: I have no questions.
 6 Thank you.
 7 MR. WITHERS: No questions.
 8 MR. BILLIPS: All right. Then if you
 9 would like, we could just go right ahead with
 04:09:22 10 Ms. McCurry.
 11 MR. WITHERS: Okay. We need to go ahead
 12 and get off the record here, Shawn.
 13 VIDEO TECHNICIAN: The time is 4:11 p.m.
 14 This deposition is concluded. We're off the
 15 record.
 16 (Signature reserved.)
 17 (Deposition concluded at 4:11 p.m.)
 18
 19
 20
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 24
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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) _____
 24 Earl "Bubba" Hiers
 25

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1 CERTIFICATE

2

3 STATE OF GEORGIA:

4 COUNTY OF CHATHAM:

5

6 I hereby certify that the foregoing
7 transcript was taken down, as stated in
8 the caption, and the questions and
9 answers thereto were reduced to
10 typewriting under my direction; that the
11 foregoing pages 1 through 236 represent
12 a true, complete, and correct transcript
13 of the evidence given upon said hearing,
14 and I further certify that I am not of
15 kin or counsel to the parties in the
16 case; am not in the regular employ of
17 counsel for any of said parties; nor am
18 I in anywise interested in the result of
19 said case.
20 This, the 21st day of February, 2013.

21

22

23

24 _____
RACHAEL MILLER, RPR, CSR, CCR 2807

25