

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY
Court of Common Pleas

SC Court of Appeals

R. Keith Kelly, Circuit Court Judge

Appellate Case Number 2016-000232

Civil Action Number 2014-CP-42-1759

Denise Parker,.....Respondent,

v.

The National Honorary Beta Club,.....Appellant.

RECORD ON APPEAL

VOLUME 2 OF 2

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CERTIFICATE OF COUNSEL

¹ The Court's Exhibit No. 1 includes all pages and lines of Ken Dinkins' Deposition Transcript, including portions not read into the record. Portions of the designated excerpts not read into the record are noted on Page 455.

1 that I knew as the new executive director that I needed to
2 work on, to look at, was making sure that those -- you heard
3 time and time again, we are very, very small. We are small.
4 We have 21, 22 people. So making sure that those people got
5 along and that those departments worked well together.

6 Q. What kind of things did you do when you first started
7 in your position as executive director? What did you do?

8 A. Well, for the first six months, like I would do with
9 any job, I basically took a look at the organization to see,
10 because being on the outside looking in is a lot different
11 than the inside looking out. So one of the things that I
12 noted very early is we had very, very weak leadership within
13 the organization, within the office, and very poor
14 management of those people in the leadership position. I'm
15 sure at work you had bosses that have not been real
16 successful and a lot of internal problems with. That was
17 who we are. So identifying that those problems need to be
18 dealt with first.

19 Basically looking at the organization from the top
20 down, so one of the things that I knew we had to work on was
21 the fact that we needed stronger management and stronger
22 leadership in those positions. So in June of 2013, I
23 requested from the board that we obtain three new positions.
24 Those positions would have been two new national sponsors
25 and the position of a COO, or chief operating officer.

1 A. Yes, it shows the new national sponsors that were
2 convention. That would be Mr. Garland and Ms. Meyer. And
3 it also shows the new COO, which is Mr. Hart.

4 Q. Okay. Now, focusing specifically on the convention
5 department, who was in charge of the convention department?

6 A. Mr. Garland was the person in charge of the convention
7 department.

8 Q. And describe the various -- the jobs that were held by
9 Ms. Anderson, Ms. Meyer, and Mr. Garland.

10 A. Sure. Ms. Anderson, Ms. Meyer, and Mr. Garland are
11 what we call national sponsors. You have heard of that
12 term. They are sponsors or former teachers who were
13 sponsors of the club who have now assumed jobs in the
14 national office. That's the title of national sponsor.

15 So also Mr. Garland and Ms. Meyer, as has been
16 discussed yesterday, were the new directors of leadership.
17 We currently had that hired outside of our office, but we
18 were also in the position and they worked in that regard.

19 Q. Now, Ms. Parker and Ms. Horne, what were their job
20 responsibilities?

21 A. Ms. Parker and Ms. Horne were support staff, clerical
22 of sorts to those individuals.

23 Q. I'm handing you Defendant's Exhibit No. 1, which has
24 been admitted into evidence. What is that?

25 A. This is the job description of a convention

1 coordinator.

2 Q. What is -- what position -- whose job does that
3 correlate to?

4 A. That correlates to the job of Ms. Horne and Ms. Parker.

5 Q. So those would be these positions here?

6 A. Yes.

7 Q. Were they the support staff, the clerical staff for the
8 convention department?

9 A. Yes, sir.

10 Q. Besides the issue of new leadership, did you try to
11 address or implement any other changes within the Beta Club?

12 A. Oh, certainly.

13 Q. What kinds of things did you attempt to change?

14 A. We were an organization -- like I say, when we talk
15 about the morale issues and the problems with the office.
16 So to re-focus us on those teachers, and part of our mission
17 is to focus with our students, are making sure that our
18 clientele was who we addressed.

19 We were an office that -- I tell you what. You would
20 love working there. You still would, but people would go to
21 lunch and be gone an hour, hour and a half, two hours.
22 There was no monitoring of those issues. So if you were a
23 teacher -- and you know from the teaching perspective those
24 people have time in the morning -- if you have ever tried to
25 get ahold of a teacher at school working with your children,

1 you know how difficult that is. You have time in the
2 morning. They have time in the afternoon. They may have
3 fun period during the day, but primarily they do a lot of
4 their calls at lunch, and being in education I knew that.
5 So I spent -- I made hundreds of calls a day. Us being
6 connected to education, I knew that we had to have that
7 lunch covered. Our whole building didn't go to lunch at the
8 same time, so one of the first things that I did was
9 reorganize our lunch schedule, making sure that the
10 individuals who went to lunch went to lunch in a more
11 staggered pace, that we were more on time, that a lunch hour
12 was truly a lunch hour. We are also flexible if you needed
13 to go to the doctor, you needed to do something, we are
14 flexible with that, but having to make sure that in that
15 flexibility, let's say you had to be gone for an hour, if
16 you just took a half an hour lunch. In Ms. Parker's case
17 she was to have a half an hour lunch. So if there needed to
18 be something done, we were flexible in that regard too.
19 They could like extend their day and complete their work at
20 that time, but we had to have that lunch hour covered making
21 sure that each department had individuals into it in case we
22 got calls or had questions.

23 Like if you were on line registering for a convention
24 and you had a problem or a tech issue, you would need
25 somebody in tech. If you were in membership and couldn't

1 get your kids entered in, you would have needed to take care
2 of that with membership; or you got a convention question or
3 hotel question, you would have had to been able. Prior to
4 that for a two-hour period you could have called our office
5 and you would have to do the voicemail or you would have had
6 to call back.

7 Q. So you changed the lunch schedule?

8 A. Yes.

9 Q. And what was the purpose for that?

10 A. That purpose was to keep us student focused, to keep us
11 teacher focused, and to organize our building. So we were
12 truly addressing -- we were truly a business, that we were
13 not so much concerned with ourselves, but we were meeting
14 the needs of the clientele which we serve.

15 Q. Okay. Thank you.

16 Did you attempt to implement any other changes besides
17 leadership and lunches?

18 A. One of the issues that I also as a new person had to
19 deal with were budget and the budget issues and the
20 connection in my organization.

21 One of my charges has been to tighten our belt, quote,
22 end quote. And I knew as a former board member one of our
23 long-range plans is to use -- we use whatever excess funds
24 we had to increase our scholarship base. So I know that's
25 an ongoing goal to endowment scholarship so that it takes

1 care of itself, besides the basic revenue that we make from
2 students and from conventions.

3 So one of the things that I also did was to
4 reorganization who was going to conventions and that had a
5 two-fold purpose, one of which the new national sponsors
6 were the people who would travel to those conventions. That
7 replaced the support stuff. That's a budgetary savings, in
8 the fact that the overtime that that required. Our
9 convention in the summer is nine days long. We begin at six
10 or seven in the morning, and we go to ten to midnight each
11 day. So you can imagine the overtime that it would cost our
12 organization by taking individuals who went into overtime
13 past that eight-hour day. And also the same thing at the
14 state level. Anything we do at the office, which is
15 typical. It's legal and what should be done. You know, if
16 you are working overtime, you need to be paid overtime.
17 However, to bring our finances more in line, we stopped
18 paying overtime.

19 Q. Did you do any changes in --

20 So, had Ms. Parker gone to conventions previously?

21 A. Yes, she had.

22 Q. How was this change going to affect her?

23 A. It would have affected her in the fact that often when
24 you go to travel with us, you get a \$50 per diem a day, too.
25 So that -- which is, I know a lot of money, but sometimes

1 it's depending where you are. If you are moving through an
2 airport, your Coke is \$4, so, you know, that should take its
3 weight. She would have not received the stipends for that
4 and she would have also seen a reduction in her salary, in
5 the fact that she would not have been doing overtime.

6 Q. Did you make any changes in who was attending
7 sponsorship training or participating in sponsor training?

8 A. We did that as well.

9 Q. Well, first off, before you go there, what is sponsor
10 training?

11 A. Sure. We just finished sponsor training. Sponsor
12 training is when anywhere from 50 to 55 teaches from across
13 the nation comes to Spartanburg. They are here for four
14 days and they receive intensive training, and we also try to
15 show them a good time, because they are volunteers. And so,
16 therefore, in the evening, of course, we will take them out
17 to dinner. We may have a plan of activities that have on
18 one particular afternoon, but they are primarily here for
19 the focus of being trained for that specific purpose of how
20 to go back to manage their state to understand that bulletin
21 and run a successful state convention.

22 Q. And what changes did you make?

23 A. The changes we made -- there are also prior to the
24 addition of national sponsors or additional staff in that
25 regard that the support staff did travel, was with those

1 people and provided assistance in that training, so we
2 changed that as well.

3 Q. What was the purpose for making that change?

4 A. The purpose of that training, again, is you are looking
5 at educators who are specifically used to working with those
6 teachers and who are focused on those kids and understanding
7 some of the problems and being front line of what those
8 teachers face.

9 You are looking, like I said, at 50 some teachers who
10 have jobs, just like we all do, and who are taking on huge
11 hours of volunteerism in order to produce what they are
12 going to produce at the convention level.

13 Q. Did this particular change have any economic benefit
14 for the Beta Club, who was -- changing who was involved in
15 the cost of --

16 A. Yes, once again, you saw the reduction of overtime
17 hours in regard to support staff.

18 Q. So would Ms. Parker previously have been involved in
19 sponsorship -- sponsor training?

20 A. Yes.

21 Q. Was she going to be involved in sponsor training any
22 more?

23 A. No, she would not have been.

24 Q. How would that have affected her?

25 A. It would have affected her really two ways, one of

1 which, of course, was the fact that that front-line
2 relationship with those teachers would have changed
3 dramatically, because it would -- she would be more support
4 staff. So from knowing them firsthand, and I understand we
5 will get to that, she would have assumed her role stronger
6 in the support staff role, but on the other level, the fact
7 that of reduction in overtime hours.

8 Q. Now, in the midst of all these changes did you
9 personally ever experience any reaction from Ms. Parker
10 regarding these changes?

11 A. Yes.

12 Q. What kind of reaction did you experience?

13 A. The reaction I experienced was her what I will term as
14 negativity, the visual aspect of the dramatic change in her,
15 once these decisions were made.

16 Q. What was that dramatic change that you are talking
17 about?

18 A. She became more withdrawn.

19 She has been referenced as being quiet. My grandmother
20 would say be careful of the quiet ones. But the fact that
21 her nonverbal is very, very strong. If she's unhappy, you
22 know that. You understand that. You see that.

23 Q. How?

24 A. In meetings. For example, we come together in one room
25 when we meet. You would see -- when we are talking about

1 the changes or things that go into effect, you see a lean
2 back and you see those infamous crossed her arms. You see
3 that very sour look on her face.

4 If some other leadership person was talking about
5 something or a change, you would hear the "huh". That --
6 it's almost like a sound of a tennis player makes when they
7 hit the tennis ball and that vocals out almost to the signal
8 of defiance, insubordination, not agreeing with what those
9 people are saying or talking about. And to the new
10 individuals and also the veteran individuals in our
11 building, it's pretty much a signal that she was not on
12 board with it in that regard; that constant rolling of eyes.

13 Also her failure to speak to myself. You would address
14 her good morning or say hello. She would not respond to
15 you, more of a withdrawn, more negative, digging my heels
16 in, things are changing that I'm not part of that.

17 Q. Did other people share with you problems they may have
18 had with her?

19 A. Yes.

20 Q. Who would those individuals have been?

21 A. Primarily those individuals are the people who worked
22 with her most directly. That would have been her
23 supervisors, Ms. Meyer and Mr. Garland.

24 Q. And what kind of problems did Mr. Garland and Ms. Meyer
25 share with you?

1 MR. MURPHY: Objection.

2 THE COURT: Okay. What's the objection?

3 MR. MURPHY: Hearsay.

4 MR. BRIGHT: Your Honor, I'm going to get him to
5 say the very things they testified about yesterday.

6 MR. MURPHY: They can testify to what they said,
7 but he can't testify to what they said.

8 THE COURT: Mr. Bright?

9 MR. BRIGHT: My comment is did they share those
10 issues with you.

11 The bottom line is, Your Honor, the question here
12 in this case is intent, is one of intent. This goes to what
13 was his intent. What information did he have in his mind at
14 the time he made this decision to terminate her employment.
15 And you cannot get into the issue of that intent without
16 sharing what was the information that had been provided to
17 him, so it's not being offered to prove those things. They
18 offered that themselves. This is just to show what was in
19 his mind.

20 THE COURT: Okay.

21 MR. MURPHY: Your Honor, they can fully testify,
22 and I didn't object when they testified that they went
23 around and kept having these meetings and what they said to
24 Mr. Bright. I never once objected. They can testify to
25 that. He can't. It's hearsay. There is no exception to

1 this.

2 THE COURT: Well, I don't think he's asking to
3 what they said. He's asking -- it's the intent.

4 Go ahead. It's overruled.

5 MR. BRIGHT: Thank you, Your Honor.

6 BY MR. BRIGHT:

7 Q. What kind of problems -- and I don't want you to tell
8 me what someone specifically told you, okay? Let's steer
9 clear of that.

10 What kind of problems were being shared with you by who
11 you just identified, Mr. Garland and Ms. Meyer?

12 A. The problems that are being shared with me are the --
13 like you say, are the very problems that the individuals
14 discussed with you yesterday; the difficulty in getting
15 things done and working with Ms. Parker. Problems like the
16 bulletin or the handbook and the difficulty of getting her
17 to do what she prior had done in our organization. And I
18 know that seems -- I know, without seeing it myself, that
19 seemed like, okay, is it that big a deal? It is that big a
20 deal, in the fact that it kicks off who we are. Those are
21 about two inches thick and there are 40 some odd of them.

22 Q. What did you understand was the problem with the
23 bulletins and handbooks?

24 A. That there was being an obstruction of getting that
25 process and there are specific deadlines that those have to

1 be out and they have to be exactly correct, that everything
2 in them has to be correct in order for those teachers to
3 execute and those kids not to be disqualified. So it's very
4 much a part of who we are in the convention market.

5 Q. Beyond the issue of the bulletin, what other kind of
6 problems were shared with you about Ms. Parker and her
7 performance?

8 A. The fact that she was not being helpful in making them
9 successful. Things like not helping them with the copying
10 machine. And a copy machine is fairly simple if it is an
11 average copy machine. We have two copy machines that are
12 like -- they are like twice as big as that stand over there,
13 and they have tons of functions. If you were to ask me if I
14 could run them, I would say no. I would have to go get
15 somebody to help me run them. It's not like we have small
16 ones here where you just put a piece of paper in there and
17 it copies that paper. They do -- excuse me. They do
18 multiple things there. They can fold paper. They can
19 staple paper. They can make books. They are very
20 complicated machines. So someone coming new in our building
21 is not going to know how to run those machines and would
22 have to have assistance to do that. And they are the
23 machines that produce over a 100,000 programs a year in
24 connection to all of the other things that we do. They
25 referred to it yesterday as the print shop. It will take up

1 about a third of our floor space on the second floor and
2 that's where those machines reside. It is truly a print
3 shop.

4 Q. And what was the issue with that equipment that was
5 being shared with you by your staff?

6 A. That even though there was supporting staff in the
7 room, that that's staff which truly their function is to run
8 those machines; that the new individuals were charged were
9 having to run those machines and take care id it in that
10 regard.

11 Q. And I don't care about anybody else, other than Ms.
12 Parker.

13 A. Sure.

14 Q. Was the indication that Ms. Parker was not helping with
15 that process?

16 A. Very much so.

17 Q. What did you -- what did you understand was happening?

18 A. That while she was in the room and observing them
19 working at those machines at very specific times and the
20 things were going wrong, that she was not assisting them or
21 helping them or training them on that particular machine.

22 Q. Were there other problems, other than the handbooks and
23 the helping with the copy machines?

24 A. Yes. Things like simple finding of things.

25 And I don't think either of them mentioned yesterday,

1 which I know this was one particular incident -- our spot is
2 in the basement, and so it is a storage area. Someone who
3 has been in our building for decades knows where everything
4 is. If I were to ask some of the veteran people, and we
5 have -- we have about three people who are near their
6 seventies, so they have been with us for decades. If I were
7 to ask one of them where something is, they could go right
8 there and tell me where that is; or if they go there and go
9 "well, it used to be here, but let me make sure it's not
10 moved over here." And finding stuff in the basement to help
11 those people be successful with their job, or finding things
12 in their office, those two particular people that were on
13 the stand yesterday share a joint office. Their desks are
14 right beside each other. So Ms. Parker's knowledge of that
15 office and the fact that her office was right beside them,
16 she would have known where everything was in that office.
17 If there was a file on a state or a program that needed to
18 be pulled, she would have knowledge of that.

19 Q. Okay. So what was the issue that was brought to your
20 attention?

21 A. The issue that was brought to my attention is they were
22 receiving no help or assistance in finding things. They
23 would ask for that. It would be like "it's in there, find
24 it," basically.

25 Q. Okay. Now, on October 21st, 2013, you had a meeting

1 with Ms. Parker, is that correct?

2 A. Yes, I did.

3 Q. Let me hand you what's been admitted into evidence as
4 Defendant's Exhibit No. 6. Do you recognize that?

5 A. Yes, I do.

6 Q. What is that?

7 A. This would be the employee conference form that was
8 used with Ms. Parker on October the 21st to document our
9 conversation.

10 Q. Why were you sitting down with her on October 21st,
11 2013?

12 A. Keep in mind that we had lots of issues in the office,
13 so given my about five or six months of looking into
14 problems, there were other individuals who had issues that
15 we were working on, lots of programs that were looking at
16 too, it was simply the fact that this was the time in which
17 I had seen Denise evolve and the fact that I felt there
18 needed to be more serious talk with her to improve the
19 issues that we were seeing -- or that I was seeing and that
20 we were having.

21 We are an office of a win-win situation. We -- because
22 a lot of us are educators and work with children, we are not
23 one that in a typical -- you probably have a series of -- I
24 mean, this probably created by myself, a typical work
25 environment you might have several levels you go through or

1 you need to do this, you need to do that. We are not that
2 type of office. We try to make sure everything is working
3 and successful. We look at long observations of periods of
4 people. We want to make sure that we give them that
5 opportunity to go, until they get to the point that I feel
6 that we need to do something.

7 This date is also crucial because of all the things
8 that we have done since October, but it is November, either
9 the first or second week of November, it depends, that we
10 will begin what I call our convention season, that we are
11 out on the road, there can be no mistakes, that the staff
12 that is left back, the support staff, has to carry a huge
13 responsibility, because Ms. Anderson, which I talked about,
14 Mr. Meyer -- Ms. Meyer, Mr. Garland are on the road nonstop.

15 Q. What did you discuss -- what did you tell Ms. Parker
16 about this particular warning?

17 A. We talked about --

18 Q. This particular document?

19 A. This particular document talks about her sustaining a
20 professional growth strategy.

21 Q. What did you mean by that?

22 A. We talked about the office. The office was going
23 through changes, so one of the things that I wanted to look
24 at, rather than for us to say "you need to do this, you need
25 to do that, you need to do this," to get people to look at

1 their job, to understand what they need to do the job. It
2 was a rare opportunity for people to look at their job, to
3 look at their job description. We were also providing job
4 descriptions. We did attempt lots of things, to see what
5 their professional growth strategy would be, what would
6 assess their only personal skill level, to know where they
7 wanted to take that, if they needed to know anything, to
8 help them be more successful and their job. So professional
9 growth strategy is just an analysis of what do I do, am I
10 being successful, how am I helping, how am I meeting that
11 growth objective in that regard.

12 Q. And what was her failure in that regard?

13 A. Her failure in that regard was -- goes back to the
14 attitude of this is the way I have always done it and this
15 is what I'm going to do. There was no vision, no desire to
16 move past the basic elementary things that she had always
17 done.

18 Q. You also mentioned "does not demonstrate mastery
19 professional skills." What professional skills are you
20 talking about?

21 A. Professional skills there, I'm talking about, like you
22 heard. Both sides of this case talked about the
23 significance in their testimony of what professionalism is.
24 It's being a team player. It's being cooperative. It's
25 being collegial. It's being positive. It's who we are.

1 And those are her particular issues, that she does not
2 master those professional skills in being part of who we
3 are, being positive and moving forward.

4 Q. All right. Now, let's move to the professional manner
5 in which she addressed people. What were you addressing
6 there?

7 A. We had discussions there in the fact of understanding
8 who her supervisors were and that she needed to be
9 respectful of them and do what she was asked in that regard.

10 I think Ms. Parker testified that I just threw this at
11 her and told her to sign it and didn't say anything, which
12 that conversation would have been 20 to 30 minutes. There
13 was discussion in regarding to these things.

14 Q. Now, looking at the bottom of this, it says "actions to
15 be taken." Did you give her any direction on what your
16 expectation was?

17 A. Yes.

18 Q. What did you tell her?

19 A. And just as it's written there. And keep in mind when
20 you look at -- this is a conference, so it's assisting to
21 coach her to do better.

22 In education, which we were from, and I know we have
23 moved into business, we pretty much coach individuals. Just
24 like we work with kids, we try to get them to do better, so
25 the same pattern of behavior; just like an employee would

1 be, like working with teachers, we work on them constantly
2 to get better.

3 To work on a professional image at all times and that
4 was to continue to be positive and not so negative.

5 Working with co-workers to ensure that the department
6 objectives are achieved and assistance is positive in regard
7 to professional duties. And that's reinforcing her to be
8 positive with people she works with.

9 And when you look at the aspect of objectives being
10 achieved, were those objectives achieved? Yes, they were
11 achieved, in the fact that no matter -- and that's all of
12 us. If anybody drops the ball, that's not going to mean
13 then that an objective is not achieved. We put in endless
14 hours of staying late and stuff, so her department
15 objectives would have been achieved, but not through her
16 assistance to get those done.

17 Q. Now, one of the issues that was testified yesterday was
18 about these bulletins and that was in the August, early
19 September time frame.

20 A. Sure.

21 Q. Why does it take until October 21st to address these
22 issues with her?

23 A. Particularly October the 21st, like I said, it has to
24 be taken care of in the fierce nature of that because of
25 where this department moved in November. So the date is

1 significant, in the fact that it needs to be done before the
2 end of October, before the first of November, so that we
3 knew that the individuals staying back, as you see those are
4 two people who were balancing that area, plus the other
5 three would come back and forth in a given time, and if
6 there needs to be help, a lot of us do that regardless,
7 but --

8 Q. Why wouldn't it be done in September? Why couldn't you
9 have done this in September?

10 A. Because of the overwhelming responsibilities of our
11 business in September and October. September and October
12 are our membership months. We will get 2,000 to 3,000 kids
13 a day, so that is an endless processing.

14 At the same time, October 1 is when we open our
15 scholarship window. Is it October 1? So it goes up today,
16 which means that every senior across the nation, or their
17 mothers, or their teacher is working with our office to make
18 sure within that month, and it ends in November, that all
19 their scholarship applications are to us and all of them is
20 processed.

21 You are also looking at a time in which we are
22 producing -- all the teachers have come back to the school.
23 Our merchandise department is in full force. We are
24 producing a catalog there. Marketing is in full swing, so
25 we are focused on the every day-to-day working of that

1 business.

2 So getting to the specifics of the personnel and
3 continue working, that was not the priority until things
4 began to slow down a little bit.

5 Q. Okay. You sat down with her again in November, did you
6 not?

7 A. Yes, sir.

8 Q. In fact, it was about two weeks later?

9 A. Yes.

10 Q. I have handed you what's been marked and admitted as
11 Defendant's Exhibit No. 7. What is that?

12 A. This is the second employee conference and that would
13 be dated November the 4th, 2013.

14 Q. Now, why were you meeting with her again on November
15 4th?

16 A. There were two issues. One, I had not visually seen
17 any improvement or desire of Denise to become any more
18 positive, and that's hard to quantify. You know a bad
19 attitude, because the bad attitude you know it, and that's
20 what I saw on a daily basis. So no changes in activity.

21 Keep in a mind, within this two weeks that we also had
22 I think it was like the very next day past that I was just
23 doing a check of e-mails and answering e-mails and noted
24 that there were almost 200 e-mails that had not been
25 addressed by Ms. Parker.

1 Q. Well, looking at this particular document, there are
2 two specific issues that are mentioned, correct?

3 A. Yes, sir.

4 Q. All right. First is continued negativity?

5 A. Right.

6 Q. Have you just told us about that?

7 A. Yes.

8 Q. Was there anything that had happened -- was there
9 anything -- was there any outburst? Was there anything --
10 anything in particular that you can recall between November
11 21st and -- or October 21st and November 4th that had
12 happened that led you to the conclusion that there was
13 continued negativity?

14 A. No, there would be nothing overt or no dramatic event
15 that would have led to that continued activity.

16 Q. Well, then why are you saying there is continued
17 negativity?

18 A. Denise at the time was filling in for membership for a
19 lady who is out on medical leave, so at that time she would
20 have been sitting at a desk that was out in the open, like
21 that desk, one would have been here, one would have been
22 here, and that space is open to our hallway. So it's very,
23 very visual to everybody that would pass by. My office
24 would be one, two, three doors down from that. So very much
25 any time you walked down the hall, you were a part of that.

1 If I went into that area and said good morning to the
2 membership people, you would have had the lady on the left
3 would have been all cheery and bubbly and good morning to
4 people and myself. The person on the right was not even
5 addressed at all.

6 Q. Who was the person on the right?

7 A. And that would be Ms. Parker. She would have kept her
8 face in this computer and to avoid any contact or any
9 communication to myself.

10 Q. And what was the second issue that you raised?
11 Communication and failure to respond to e-mails, what was
12 that about?

13 A. That was the fact that our membership department, it's
14 crucial that those e-mails are addressed every day. And you
15 see from the discussions we have had that the number that
16 come in in any particular day.

17 Q. What would those e-mails -- what would those e-mails be
18 about?

19 A. Those e-mails are primarily e-mails from teachers who
20 specifically order to finish off their school.

21 And, yes, it's been mentioned that we have spam, and
22 there may be things. We have a very, very strong spam
23 filter, and our organization, whose technology is based on
24 everything you work -- you work with technology or you have
25 computers, you know -- like medical, or anywhere we would

1 be, you have very strong filters to prohibit that. Do some
2 get through? Sure, occasionally some do that, but our
3 filter would prohibit that from being that large, if there.

4 Q. All right. Let me hand you what's been marked and
5 admitted as Defendant's Exhibit No. 8. And, if you would,
6 tell the jury what that is about.

7 A. Exhibit 8 is an e-mail to Ms. Cooper.

8 Q. And who is Ms. Cooper?

9 A. Ms. Cooper would be the department chair of membership.

10 Q. And that's her on this chart, is that correct?

11 A. She's a department head, correct.

12 Q. And what purpose were you sending her an e-mail?

13 A. Because when I checked with Jay Moore, who was our IT
14 person -- and I check on members all the time. I'll check
15 on phone calls. I'll clerk on e-mails. I'll make it
16 random. There is no specific reporting. There is nothing
17 that they have to give me. If I pass his office, you know,
18 the double monitors, most showed that, he will pull those up
19 for me and I can look at those, or he will just tell me the
20 numbers if I say that, or I'll give him a note. It's
21 however he gives them to me. We are not really specific in
22 reporting regard, but I had Jay give me -- he checked on
23 numbers and so those numbers I send to Melody. And you see
24 by looking at this paper and the people who were working on
25 e-mails across the building, I re-focus in that regard. I

1 pulled several.

2 Q. Let's talk about that. What did you understand those
3 numbers reflected?

4 A. It was my understanding that these numbers reflect
5 e-mails from our teachers, from our sponsors. So when I
6 look at a 143 e-mails, I'm assuming, because it's my
7 understanding, because that's what they are, that they are
8 communication to our building, that there is that many
9 e-mails from our public, our clientele or our teachers, that
10 are coming into the building in regard to membership, which
11 is where that person would have been.

12 Q. Over what period of time?

13 A. In a day.

14 Q. So this is 143 e-mails coming in. And who were they
15 coming in to?

16 A. The 143 are coming in to Leigh Mason and that's who
17 would have been coded in the computer, and Denise was
18 filling in for her at that time.

19 Q. And let me refer you to the last page of this exhibit.
20 Ms. Cooper sends you a response to your e-mail and what does
21 it reflect with regard to what Ms. Parker was responsible
22 for while she was in the membership department?

23 A. Sure. There are also 51 that were under Denise's
24 actually e-mail as well, so that's why that total is like
25 194.

1 But Ms. Cooper says "Denise answers the ones that come
2 to Leigh's in-box," and she references that "I answer all
3 the e-mails that come to Beta Club at org for junior and
4 senior high."

5 Q. So did you understand that Ms. Parker was responsible
6 for the e-mails that were being -- that were coming in for
7 Ms. Mason?

8 A. Yes.

9 Q. All right. And how many e-mails in that one day period
10 of time had come in identified for Ms. Mason?

11 A. Within a 24-hour period, a hundred and -- oh, for Ms.
12 Mason? 143.

13 Q. And how many for Ms. Parker?

14 A. For Ms. Parker, 51.

15 Q. And how many e-mails did these numbers reflect had been
16 sent -- or how many e-mails had been sent by Ms. Parker in
17 that same time period?

18 A. Six.

19 Q. Ms. Parker?

20 A. Oh, Ms. Parker, one. And for Ms. Mason, five. So
21 under her charge or direction she would have sent a total of
22 six out of 194 received.

23 Q. Now, 194 received, six sent. What did that -- what did
24 those numbers mean to you?

25 A. To me, my understanding, that if you have only sent six

1 responses to 194 e-mails, then you have major job issues.

2 Q. Now, let us be clear. Did you go at any point in time
3 and pull those e-mails and see what they were about?

4 A. No.

5 Q. Do you know whether or not Mr. Moore pulled those
6 e-mails to see what they were about?

7 A. Mr. Moore would not pull those e-mails.

8 Q. So it's fair to say that sitting here today you don't
9 know exactly what those e-mails were about?

10 A. No, I do not.

11 Q. In your experience what do you suspect they were about?

12 A. I suspect they were communication from our teachers
13 into our office.

14 Q. Would there be some spam in there?

15 A. Yes.

16 Q. Would there be some UPS notifications in there?

17 A. UPS, possibly, but as was testified yesterday, that UPS
18 comes when the weather is bad and we get those notifications
19 if a box doesn't delivery. Weather in October is pretty
20 good across the country, so it is rare that we get a weather
21 issue for UPS. Usually UPS sends back -- like if a box is
22 sent out close to Christmas and that school is already
23 closed, it would get sent back, and thus we get a
24 notification it could not be delivered, but we will only get
25 that notification and then we will also get the box back, so

1 we know that that's not the case.

2 Q. So let's get back to Defendant's Exhibit No. 7, which
3 was the conference note that you had for Ms. Parker. Did
4 you share your concerns with Ms. Parker?

5 A. Yes, I did.

6 Q. And what do you remember telling her?

7 A. We talked about -- we reviewed -- again, this is an
8 employee conference, so it is our continued effort, our -- I
9 say my continued effort, and I say our because when I have
10 conferences that are with an employee of a more serious
11 nature or conference nature, I have my administrative
12 assistant in there with me.

13 Q. And who was that?

14 A. Ms. Laura Lewis.

15 Q. Okay. Why do you have her in there?

16 A. I have her in there in case I come to issues like I am
17 here today, so it is to make sure that I don't -- and also
18 you have to be cautious in regard to if it were a less
19 serious nature and I was having a one-on-one conversation
20 with an employee with you, I would not have anyone with me
21 in the office, but when I'm dealing with a more serious
22 natures, I do have someone with me.

23 Q. Now, when you initiated this meeting with Ms. Parker,
24 was it your intention to terminate her employment?

25 A. No, absolutely not, it's not my intention to terminate

1 at that time.

2 Q. I draw your attention to the bottom of this document of
3 the November 4th, 2013, it says actions to be taken.

4 A. Right.

5 Q. What actions did you want her to take?

6 A. It's reminding her that I see no visual improvement in
7 her being positive in her work environment and that she
8 needs to make sure she re-focuses on her e-mails and makes
9 sure that she responds to those very promptly and get those
10 responses out to individuals.

11 Q. Did you share that with Ms. Parker?

12 A. Yes.

13 Q. How did she respond?

14 A. Unlike the first meeting, Ms. Parker had completely
15 shut down. She was not responsive. She was --

16 Q. Are you saying she was nonresponsive in this meeting,
17 or in the previous meeting?

18 A. In this meeting.

19 Q. In this meeting. Okay.

20 A. She was not appearing that she understood, that she was
21 listening. She was denying everything, that she had
22 absolutely answered all of her e-mails and that that wasn't
23 a problem, and there was no negativity in that regard. And
24 like I said, begin to escalate her voice as well.

25 Q. What do you mean escalate her voice? What does that

1 mean?

2 A. The frustrations of her denying these issues.

3 Q. What did you conclude from her demeanor and from the
4 escalation of her voice?

5 A. I concluded from the demeanor and the escalation of her
6 voice that Ms. Parker was not going to change, that she was
7 not going to be positive in our environment and was
8 unwilling to work on that regard.

9 Q. Is that the point in time that you made the decision to
10 terminate her employment?

11 A. That was the point in time.

12 Q. Had you gone into the meeting with that intention?

13 A. No.

14 Q. Would you have ever put down actions to be taken if you
15 intended to terminate her?

16 A. No.

17 Q. Did you ever say to Ms. Parker "I hear you were
18 negative with the board"?

19 A. No.

20 Q. Would you have ever said anything like that?

21 A. I would not have, no.

22 Q. Did anyone ever tell you that Denise had said anything
23 to the Internal Affairs Committee of the board?

24 A. No.

25 Q. And did Mr. Dinkins, Dr. Dinkins --

1 A. No, he did not.

2 Q. Well, let me finish my question.

3 A. Oh, sure.

4 Q. Did Dr. Dinkins ever tell you that Denise ever said
5 anything to him as a part of the Internal Affairs Committee
6 meeting a week prior?

7 A. No.

8 Q. Did any board member ever share with you any
9 information about Denise Parker and the meeting with the
10 Internal Affairs Committee on October 25th, 2013?

11 A. No, the board does not deal directly in personnel
12 issues. Those are my responsibility.

13 Q. Now, did you know there was a meeting of the Internal
14 Affairs Committee?

15 A. Yes.

16 Q. All right. What is the Internal Affairs Committee of
17 the board?

18 A. The Internal Affairs Committee is the committee that is
19 appointed on the board to just do an annual checkup -- it
20 can be twice a year, but typically an annual checkup of how
21 things are going in the office.

22 Q. And how do they go about that?

23 A. They go about that by talking -- they begin their
24 meeting with talking to the staff committee in the building.

25 Q. And was Ms. Parker a part of that staff committee?

1 A. Yes, she was, one of three.

2 Q. Are you in there when they are talking?

3 A. Oh, no.

4 Q. Go on.

5 A. And that staff committee is a committee that will
6 announce if you have issues or particular problems in the
7 building, or anything that you want to discuss. That can be
8 anything from -- we have had from trimming the bushes
9 outside, to we need a new refrigerator. They could be very
10 simple things, or they can be issues of working and pay
11 raises, or under insurance, or things like that. And they
12 bring those to that committee and that committee brings them
13 to me to resolve.

14 Q. Which committee brings them to you?

15 A. The Staff Liaison Committee.

16 Q. All right. Go ahead.

17 A. If they are not particular issues that I can resolve --
18 I typically can take care of all of them -- well, they go to
19 staff first. They go to a staff meeting and they are
20 discussed with the staff and the staff decides what needs to
21 go with regard to the CEO. That gives them that
22 confidentiality from whatever they may have shared. So the
23 staff will address me in a staff meeting if there is
24 particular issues and then I resolve those issues. If I
25 don't trim the bushes out front, and we did get a new

1 refrigerator, that those move on to the Internal Affairs
2 Committee.

3 Q. So there is a Liaison Committee that gathers concerns
4 of employees?

5 A. Yes..

6 Q. And they meet with a committee of the board?

7 A. Correct.

8 Q. Called the Internal Affairs Committee?

9 A. Yes.

10 Q. Now, do you ever get any feedback from the Internal
11 Affairs Committee after their meeting with the Liaison
12 Committee?

13 A. I get a very general overview, in the fact that they
14 release a report and that report is filed within our
15 minutes. And so they may -- they will talk to me about the
16 general overview of that.

17 Q. Does the board ever give you any specifics about who
18 said what from the Liaison Committee?

19 A. No, absolutely not.

20 Q. Does the board ever give you any specifics on any
21 problems any specific employee has?

22 A. No, and that's why that's designed that way. It goes
23 through a filtering process where they can talk. And they
24 don't have to go particularly to that meeting. If you had
25 an issue and you wanted to talk to Ms. Parker, because you

1 have to realize, too, in a meeting you are going to go in
2 the door in a room, but if someone had talked to her about
3 something, she could take it to her committee and then her
4 committee would discuss that and see if they wanted to move
5 that forward.

6 Q. Mr. Bright, did you fire Ms. Parker because she spoke
7 with the board in the Internal Affairs Committee on October
8 25th, 2013?

9 A. No, I did not.

10 Q. Why did you fire her?

11 A. Ms. Parker was terminated because of her continued
12 negativity and the fact that she would not assist and help
13 and do her job responsibilities.

14 MR. BRIGHT: Your Honor, if I may have a moment?

15 THE COURT: Yes, sir.

16 (Off the record)

17 (Back on the record)

18 MR. BRIGHT: Your Honor, I think that's all the
19 questions that I have of this witness.

20 THE COURT: Okay. Gentlemen, I suspect that
21 cross-examination would take more than about 20 minutes.

22 MR. MURPHY: Yes, sir.

23 THE COURT: Okay. All right. We are a little bit
24 early on our break, but I don't want to -- I don't like to
25 break up testimony when a witness is on cross or direct, and

1 so, therefore, ladies and gentlemen, we are going to take
2 our morning break at this point. This would be a good solid
3 15 minutes, or so, break.

4 Again, I hope nobody smokes, but if I still have a
5 smoker and he or she wants to go outside, we will escort you
6 out there.

7 Ladies and gentlemen, don't discuss the case.
8 Don't think about it. Don't talk about it whatsoever. It's
9 certainly not at an end.

10 Madam Forelady, will you take the jury out with
11 Madam Bailiff?

12 (The following takes place outside the presence of
13 the jury panel)

14 THE COURT: Okay. Mr. Bright, you may leave the
15 stand and refresh yourself, get some water, use the facility
16 or whatever. You can't talk to anyone about your testimony,
17 and just prior to the jury coming back in if you would be
18 kind enough to come back and take your seat there again.

19 THE WITNESS: Sure. Thank you.

20 THE COURT: Thank you.

21 We will be in recess.

22 (Whereupon, proceedings were recessed)

23 (Whereupon, proceedings were reconvened)

24 THE COURT: We ready for the jury, right?

25 MR. MURPHY: Yes, sir.

1 MR. BRIGHT: Yes, Your Honor.

2 THE COURT: We are ready when they are.

3 (The following takes place in the presence of the
4 jury panel)

5 THE COURT: Madam Forelady, any matters from the
6 jury?

7 JURY FORELADY: No, Your Honor.

8 THE COURT: Everybody is ready?

9 JURY FORELADY: Yes.

10 THE COURT: All right.

11 Yes, sir.

12 MR. MURPHY: Thank you, Your Honor.

13 CROSS EXAMINATION BY MR. MURPHY:

14 Q. Mr. Bright, you started your testimony by saying that
15 at the time that you became CEO, you were aware that there
16 were already morale issues in the department -- in the
17 corporation?

18 A. Good morning, sir.

19 I knew that there were morale issues, yes. There has
20 always been morale issues in the office from my being on the
21 board.

22 Q. Now, not one witness in this case who was employed
23 during that time has testified to any morale issue prior to
24 the time that you became CEO, did they?

25 A. I don't think so, sir.

1 Answer.

2 BY MR. MURPHY:

3 Q. Give us a context. Glenn Stribling was talking about
4 something you said in a staff meeting after you became a
5 CEO.

6 A. Now, you asked me to answer the question.

7 Q. Yes.

8 A. If you want me to answer the question, please let me
9 answer the question.

10 Q. Please do.

11 A. Don't let me begin and you scream "answer the
12 question," please.

13 I thank you for not cussing me today. I appreciate
14 that, unlike our last meeting, sir.

15 Q. I never cussed you, sir.

16 Answer the question.

17 A. Now, the question again? Please rephrase.

18 Q. Glenn Stribling told this jury about the comment you
19 made about that if they had problems, to go to Bobby Hart
20 and you were not the compassionate person. He talked about
21 that statement that you made as CEO after you joined the
22 organization.

23 A. That wasn't what Glenn talked about yesterday.

24 However, what he was actually talking about --
25 obviously that was his interpretation. That's what he

1 Q. The convention. I misspoke. Let rephrase that. I
2 appreciate that.

3 You testified Mr. Garland was in charge of the
4 convention department in September of 2013?

5 A. Yes.

6 Q. So when Mr. Garland yesterday told this jury that when
7 he had these concerns and he couldn't do anything about them
8 because he wasn't really the department head, he wasn't
9 telling you the truth, was he?

10 A. No, sir, it's not that he wasn't telling the truth.

11 Let me put that in perspective. There was no
12 individual at the time who was the official -- you're out of
13 context in --

14 You realize that this is a two-year cycle? So in
15 confusing this jury, you are looking at 2013, and you are
16 looking at 2015.

17 Q. I'm only asking you about --

18 A. Would you let me finish, please?

19 MR. MURPHY: Your Honor, it's nonresponsive.

20 THE COURT: Okay. Let --

21 A. I'm trying to answer the question.

22 THE COURT: He's trying to answer the question.

23 Go ahead, but be specific.

24 A. Okay. So Mr. Garland is the current head of that
25 department. He assumed that leadership role and the fact

1 that no one in that department wanted that leadership role.

2 When he was talking to the jury yesterday, he was
3 talking about that I was officially what he considered the
4 department head. He had not been named at this specific
5 time in which you are talking about. So, therefore, you are
6 also looking at the fact that because the evaluations and
7 the management of people across the department was not being
8 handled correctly, that I assumed that role. And so,
9 therefore, I was -- would have been in his mind in charge of
10 the overall evaluation of that.

11 Prior to that the individual department people
12 evaluated. So if you look at the evaluations in our
13 building, they are all flawless.

14 BY MR. MURPHY:

15 Q. I didn't ask you about any of that. I didn't ask you
16 about what his role is today. I didn't ask you about what
17 he thought on the stand.

18 Your testimony to this jury on direct was that in the
19 fall of 2013, Richie Garland was in charge of the convention
20 department. That was your testimony.

21 A. Are you answering the questions for me, or do you want
22 me to answer the question?

23 Q. Answer the question, and just the question, please.

24 A. And your question was, sir?

25 MR. MURPHY: Your Honor, could I get an

1 instruction?

2 THE COURT: Yeah, ask him -- I'm -- ask him a
3 question and I'll --

4 BY MR. MURPHY:

5 Q. Isn't it true that you told this jury on direct that
6 Richie Garland was head of the convention department in
7 September of 2013?

8 A. That would not be true, because I have not told this
9 jury on direct that.

10 THE COURT: Okay.

11 BY MR. MURPHY:

12 Q. Let's talk about this lunch and the lunch change. How
13 long was Denise's lunch before you made the change?

14 A. How long? Denise has a half hour lunch.

15 Q. How long did she have after you made the change?

16 A. Denise would still have a half hour lunch.

17 Q. Okay.

18 A. However, Denise could have taken an hour. That option
19 is up to her. We have that flexibility.

20 Q. When you talked about cutting overtime and your need to
21 cut overtime, I think you said you can only imagine the
22 overtime. In fact, what Dr. Alford testified about on
23 Monday was that the total amount of overtime that she earned
24 for the entire year was about \$1,000.

25 A. I think the doctor looked at one year, yes?

1 Q. Correct.

2 A. Right. And did he not also say that it was the year
3 that she was dismissed in?

4 Q. Correct, in November.

5 A. So -- in November. So it depends -- if she is looking
6 at a full calendar year from January 1 to January 1, if you
7 are looking at the fiscal year that would look at it, which
8 would be from July to July, I do not know how he would have
9 assessed it, but you are looking at one year.

10 One, you have a one year compared to any other year is
11 not going to be the same. If Denise did not travel to the
12 national convention, that would be nine days of overtime she
13 would not have received. That documentation he did not
14 research, or he looked at the analysis of Denise's thirty
15 some years and how much. As he stated, I think I'm correct,
16 he looked at one year in which he had about a thousand
17 hours.

18 Q. Well, then tell the jury how much overtime did Denise
19 make in 2012, the whole year?

20 A. In the specific year?

21 Q. Yeah.

22 A. According to the doctor a 1,000. I don't have those
23 records with me. If you want me to run back to the office,
24 I can pull that for you.

25 Q. I don't want you to run back to the office.

1 Do you know how much she made in 2012 in overtime?

2 A. With me today, no, sir.

3 Q. Do you know how much she made in 2011 in overtime?

4 A. No.

5 Q. Do you know how much she made in 2010 in overtime?

6 A. Nor 1974. I mean, you -- I don't have that with me.

7 Like I said, I can pull those records, but to speak to that
8 answer to you, sir, no, I cannot.

9 Q. Let's talk about -- you talked about the -- on direct,
10 yes, there were two different groups or two different sides,
11 as you called it, witnesses talking about the cause of
12 morale issues. Do you recall talking about that?

13 A. Yes, representing the side that was here that you
14 pulled in and the side that Ms. Bright pulled in.

15 Q. Let's talk about the witnesses on each side.

16 A. Okay.

17 Q. We will call one Denise's side and we will call one
18 Beta's side.

19 Let's talk about the characteristics of the different
20 witnesses that are testifying in front of this jury.

21 On the Beta Club's side, you are talking about the
22 morale issues and what you say Denise did wrong. Do you
23 have any nonexempt employees testifying for you?

24 A. No, sir, I do not.

25 Q. All your employees --

1 MR. BRIGHT: I'm going to object, Your Honor. I
2 don't see the relevance of that, of any --

3 MR. MURPHY: It talks about bias of the witnesses,
4 Your Honor.

5 THE COURT: It's overruled. Go ahead.

6 BY MR. MURPHY:

7 Q. In fact, do you have anybody testifying for your side
8 that isn't currently on your payroll and under your
9 supervision?

10 A. No, we do not.

11 Q. Does Denise have any exempt employees testifying on her
12 side?

13 A. One -- so far she has not.

14 Q. Okay. Is Lanie Curry an exempt employee?

15 A. Elaine Curry would be a nonexempt employee, sir.

16 Q. Are any of Denise's witnesses currently employed by
17 Beta Club, other than Jay Moore?

18 A. No, sir, they are not.

19 Q. Now, let's go to this understanding that you have of
20 Ms. Parker not helping people find things. All of your
21 understanding of her not helping people find things is based
22 solely on what other people told you?

23 A. Yes, sir.

24 Q. You didn't witness of any this yourself?

25 A. I did not witness her telling people that they could

1 A. It is my explaining the question, sir. It's my answer
2 to your question.

3 Q. Now, this meeting on October 21, this is the first time
4 you ever sat down and told Denise that you had any problems
5 with her performance.

6 A. This is the first time that I considered her problems
7 mounting, the fact that I needed to address her on them,
8 yes, sir.

9 Q. I didn't ask when the first time you felt it.
10 This is the first time that you ever sat down with
11 Denise and talked to her about performance issues?

12 A. Which is what I just answered, yes.

13 Q. And before you typed this up and before you met with
14 Denise on October 21, you never got her side of the story on
15 any of these issues, did you?

16 A. I am discussing these issues with her on the 21st. It
17 is that time in which it would be discussion to discuss
18 these issues.

19 Q. You already typed up the warning. You already made
20 your conclusions before you ever got Denise's side of the
21 story.

22 A. As any supervisor would do, sir --

23 MR. BRIGHT: Your Honor, I'm going to object
24 again, and I might need to request a side-bar.

25 THE COURT: Okay.

1 and your own observations?

2 A. Yes, which I said yes.

3 Q. What else?

4 A. I told you what else. My observations being in that
5 building on a daily basis, being around her, how she
6 addresses me.

7 You are asking this group, this court, for five --

8 MR. MURPHY: Your Honor, he's making argument.

9 THE COURT: Yes. Hang on, sir.

10 THE WITNESS: Yes, sir.

11 THE COURT: I think you are trying to answer his
12 question --

13 THE WITNESS: Yes.

14 THE COURT: -- but just take a breath here,
15 because he's just asking you a straight question. And if
16 you will just answer that, I think you will be all right.

17 THE WITNESS: Yes, sir.

18 A. If you could rephrase your question, please, sir?

19 BY MR. MURPHY:

20 Q. In creating your October 21, 2013 document, did you
21 consider information, other than the information Richie
22 Garland provided you, the information Shannon Meyer provided
23 you and your own observations?

24 A. My own observations and working with Denise on a daily
25 basis, yes, sir.

1 Q. Anything else?

2 A. And how she interacts and works with other people in
3 the office.

4 Q. Anything else?

5 A. That's all I can think of at this time, sir.

6 Q. Now, let's go through some of these reasons.

7 The first reason, item of concern you had down, was
8 failure to obtain professional growth strategy, is that
9 correct?

10 A. Yes, sir.

11 Q. You are not aware of anybody telling Denise she had to
12 learn a new skill or something new in order to do her job at
13 the Beta Club?

14 A. Am I aware of anyone telling her that?

15 Q. Yeah.

16 A. I think that Shannon testified that she had difficulty
17 with search and replace. If that is a difficulty, then that
18 would probably be discussion with her, in the fact that that
19 would probably be something that she would need to work on.

20 Q. You mentioned your deposition. Do you remember I took
21 it, correct?

22 A. Yes, sir.

23 Q. Do you remember you were under oath?

24 A. Yes.

25 Q. Turn to page 66, please.

1 I'll read the question I asked you. I'll start at line
2 6.

3 A. Okay.

4 Q. The question is "are you aware of anybody ever telling
5 Denise she had to learn a new skill or learn something new
6 in order to do her job at the Beta Club?

7 "A. Am I aware?"

8 "Q. Yes.

9 "A. No, sir."

10 Did I read that correctly?

11 A. As you are pulling this out of context from this whole
12 section, and I think you have to look at the whole section
13 to fully understand what we are talking about, but as you
14 are stating it, sir, directly pulling out this line, you are
15 correct.

16 THE COURT: Mr. Bright, please, when he asks a
17 question, just answer the question, okay?

18 THE WITNESS: Okay.

19 THE COURT: You have a lawyer that can take care
20 of other things.

21 THE WITNESS: Okay. Think you, sir.

22 BY MR. MURPHY:

23 Q. You are not aware of anybody telling Denise she had any
24 role in growing the Beta Club?

25 A. We all have roles in growing the Beta Club, sir. We

1 discussed those in the staff meetings, in which she would be
2 present.

3 Q. Okay. Go to page 67 of your deposition, and I'll begin
4 at line 6.

5 A. Okay.

6 Q. My question is "did anybody ever tell Denise Parker
7 that she had any role in growing the Beta Club that you are
8 aware of?"

9 Your answer then was "specifically no."

10 Did I read that correctly?

11 A. Yes, sir, "specifically no."

12 Q. When we talked about does not demonstrate an
13 exceptional mastery of professional skills, the example you
14 cited for me was initiative, correct?

15 A. I'm not sure, sir.

16 Q. Let's go to page 73 of your deposition.

17 A. What line, please?

18 Q. I'm going to begin on line 11.

19 Here is my question:

20 "Q. I'm asking you what you mean by that term. Can
21 you name for me -- let's just name one skill start -- name
22 one professional skill that Denise Parker did not
23 demonstrate exceptional mastery of.

24 "A. A professional skill that she would not have
25 demonstrated mastery of would be initiative."

1 Did I read that correctly?

2 A. Yes, sir.

3 Q. And you can't give me one example of where Denise
4 failed to demonstrate initiative.

5 A. Yes, sir, I can.

6 Q. Go to page 75.

7 A. You --

8 Q. We begin at line 5. My question then --

9 MR. BRIGHT: What page and line is that?

10 MR. MURPHY: 75.

11 MR. BRIGHT: Thank you.

12 BY MR. MURPHY:

13 Q. "Q. You're changing the question again, sir. Your
14 statement was that Denise failed to take initiative. I'm
15 asking you, can you give me an example of where Denise ever
16 failed to take initiative?

17 "A. The answer you want, no."

18 Did I read that correctly?

19 A. You are reading it correctly, sir, but not with my
20 emphasis. I'm asking you here the answer you want, no.

21 And if you reference back to your other where you cut
22 me off, but you also cut me off during deposition, you see
23 that you stopped it. So to pull specific issues and ask me,
24 I will read directly from this and answer that question,
25 sir, but you are not giving us the whole picture and how

1 this deposition actually took place.

2 Q. Go to page 74 and add a little more context, if you
3 would like.

4 A. Thank you, sir.

5 Q. At line 19, "can you give me one example of where
6 Denise did not take initiative?

7 "A. I cannot give you an example of where she did.

8 "So --

9 Is that your -- did I read that correctly?

10 A. What's after so, sir?

11 Q. I will read after "so". Fair enough.

12 "Q. Again, sir, I'm not trying to play this game.

13 "A. I'm not playing a game. I'm just telling you no.

14 The answer would be no.

15 "Q. So you cannot give me a single example where
16 Denise Parker failed to demonstrate initiative?

17 "A. I cannot tell you where she took initiative, no."

18 Did I read all that correctly?

19 A. No, sir.

20 Q. What didn't I read correctly?

21 A. Because you started at line 21 and you failed to read
22 the dashes. It says "I cannot give you an example where she
23 did so," and I'm speaking and there is dashes. The reason
24 there are dashes is that I'm interrupted and you go "again,
25 sir, I'm not going to play the game." So you are telling me

1 who is playing the game here, sir?

2 And then you go on and we talk about this. You are
3 looking for a specific example, so you are confusing all
4 over the place. So what is your question, sir?

5 Q. Is there any words that were said during those passages
6 that I did not read with 100 percent accuracy?

7 A. Yes, sir, word, no, but you are not giving this jury
8 exactly as it's presented. You are not reading --

9 Q. The dashes --

10 A. -- if I'm interrupted. If there are dashes, you are
11 not putting those in, sir. If I can't finish the sentence,
12 I'm not able to answer, what you are attempting to do now.

13 Q. Okay. Well, let's point to the jury where you gave me
14 an example where she didn't take initiative. Where did you
15 bring it up?

16 A. You use the word initiative. Give me a specific
17 question that you are asking, please? What is the question?

18 MR. MURPHY: Your Honor, I think I'll move on at
19 this point.

20 A. I'm trying.

21 BY MR. MURPHY:

22 Q. Let's go on to professional manner in which co-workers
23 are addressed.

24 Now, that's a reference to Meyer, Garland, and
25 yourself, correct?

1 A. Correct, sir.

2 Q. And you don't have any other information about that,
3 other than what's already been testified to in court?

4 A. Can you be more specific, please?

5 Q. Is there any example of professional manner in which
6 co-workers are addressed, other than what's already been
7 testified to?

8 A. And what I have talked about as well?

9 Q. Anybody that's testified.

10 A. Well, when you talked to Denise and she will not
11 respond back to you, which makes it very difficult to carry
12 on a conversation.

13 Q. Is there any other example of professional manner in
14 which co-workers are addressed that led to this warning,
15 other than what's already been testified to here in court?

16 A. That I can speak of right now, sir, no.

17 Q. The only thing prior to you writing out that warning
18 that Denise Parker did to you that you believe was not
19 addressing you in a professional manner was the fact she
20 didn't say good morning to you?

21 A. No, sir, Denise will not speak to you.

22 Q. Let's go to your deposition, page 91.

23 A. Yes, sir.

24 Q. Line 4.

25 "Q. Let's break that down. Prior to October 21, 2013,

1 did Ms. Parker do anything towards you that you believe is
2 her not addressing you in a professional manner, other than
3 the fact she said very little and would not say good morning
4 to you?"

5 The answer was "no."

6 A. As it is stated here, you are correct, sir.

7 Q. And you can't address or you can't provide any example
8 of where Denise Parker ever failed to address Ms. Meyer in a
9 professional manner, can you?

10 A. Repeat the question, please.

11 Q. Do you have any knowledge that Denise Parker ever
12 failed to address Ms. Meyer in a professional manner?

13 A. Can I quote you the exact phrases, no, sir.

14 Q. You don't know of any task that Shannon Meyer ever
15 asked Denise Parker to do that Denise did not complete?

16 A. I know what Ms. Shannon told you yesterday, sir. Yes,
17 I do know now that now.

18 Q. You didn't know that when you gave the warning, though.

19 A. And you are referring to what warning?

20 Q. The warning of -- the one we talked about, October 21,
21 2013.

22 A. And the line says?

23 Q. At the time that you wrote that, you didn't know of any
24 task that Shannon Meyer ever asked Denise Parker to do that
25 Denise did not complete?

1 A. You are referring to this letter?

2 Q. That one.

3 A. And you are referring to what line on this document?

4 Q. I'm not referring to any line in the document.

5 I'm saying at the time that you wrote that, you did not
6 know of any task that Shannon Meyer ever asked Denise Parker
7 to do that Denise Parker did not complete?

8 A. The line says "professional manner in which co-workers
9 are addressed." I am a co-worker of Denise's. I just gave
10 you an example of that.

11 Q. I didn't ask you what the line said.

12 A. She's not talking to -- but I'm telling you, sir --

13 MR. MURPHY: Your Honor --

14 A. She's not talking to me. You are referencing if she
15 addresses co-workers. Not only am I her co-worker, I'm the
16 immediate supervisor of that building.

17 THE COURT: Mr. Bright, I think maybe he's asking
18 a different question maybe not specific to that.

19 THE WITNESS: Okay.

20 THE COURT: Listen to his question one more time,
21 please.

22 THE WITNESS: Okay.

23 BY MR. MURPHY:

24 Q. My question, you wrote this warning on October 21,
25 2013. You didn't know of any task that Shannon Meyer ever

1 asked Denise Parker to do that Denise Parker did not
2 complete.

3 A. I'm not sure that I recall. I think there is something
4 in my deposition?

5 Q. Yeah, there is. Let's go to page 77.

6 A. Okay. Thank you.

7 And what line, sir?

8 Q. 19.

9 "Q. Do you know of any task that Shannon Meyer ever
10 asked Denise Parker to do that Denise Parker did not
11 complete?

12 "A. Specifically no."

13 Was that your sworn testimony that I read correctly?

14 A. The line again, please?

15 Q. 19.

16 "Do you know of any task that Shannon Meyer ever asked
17 Denise Parker to do that Denise Parker did not complete?

18 "A. Specifically no."

19 A. Right. The word specifically is there, yes, sir. I
20 could not think of anything specifically at that time.

21 You have to remember, this is almost two years.

22 Q. Sir, your deposition was taken July 29th, 2015,
23 correct?

24 A. Correct, sir, but --

25 Q. That's about three months ago.

1 A. This deposition, yes, but you are referencing me on
2 things that happened almost two years ago, so the very
3 specifics of that is I would not remember them, no.

4 Q. And you don't know that Shannon Meyer ever complained
5 to Richie Garland about Denise's attitude?

6 A. Now, the word complaint, if we look at the
7 interpretation of complain, because if you look at complain,
8 if you are asking me because Shannon talked about it
9 yesterday, and I'm referencing what I heard yesterday too,
10 that we were in conversation. She talked about issues.

11 If you are asking me if she complained, and you can
12 pull my deposition, I don't know if you are or not, you are
13 going to see no, because Shannon does not complain.

14 In my mind complaint is when I have an official formal
15 complaint that this is a major problem, this needs to be
16 taken care of.

17 So what page are we on there?

18 Q. Well, let's go back to your deposition --

19 A. Okay.

20 Q. -- because I have no knowledge that you didn't
21 understand the word complain, so let's go to page 4. If you
22 look at the instructions I gave you at the beginning of your
23 deposition.

24 In reviewing the rules, I said, beginning on line 23,
25 "second, and most importantly, if I ask you any question you

1 don't understand, ask me to rephrase it. Tell me what you
2 don't understand about it and we will try to get you a
3 question that you do understand."

4 Did I say that to you in your deposition?

5 A. You have that list on this page. I understand the word
6 complain very well.

7 Q. Let's go to page 78.

8 A. But my interpretation of what complaint is in regards
9 to Shannon. You see Shannon on the stand, you know she is
10 not a complainer.

11 What page, sir?

12 Q. 78.

13 A. Line, please?

14 Q. Line 9 I asked you "do you know if Shannon Meyer ever
15 complained to Mr. Garland about Denise Parker?"

16 "A. No."

17 Did I read that correctly?

18 A. You did, sir, yes.

19 Q. You didn't ask me for any clarification of it, did you?

20 A. No, sir, I did not.

21 Q. I didn't get all this stuff about your interpretation
22 meaning complaint. The only thing you said was no.

23 A. As it's written there, yes, sir.

24 Q. And Denise Parker -- I'm sorry, Shannon Meyer never
25 complained to you about Denise Parker's attitude?

1 A. Again, my interpretation of complain, if she talked to
2 me about problems with Denise, yes, as she said on the
3 stand. I was in conversations with her in regards to that,
4 yes.

5 Q. Let's go same page, line 12.

6 "Q. Did Ms. Meyer complain to you about Denise
7 Parker's attitude?

8 "A. Ms. Meyer does not complain, so no."

9 A. Exactly. I'm saying -- I'm trying to say very
10 consistent she does not complain, so a formal complaint, no.
11 I'm glad that that's there. Thank you.

12 Q. And there are no documented complaints or concerns from
13 Barbara Anderson, are there?

14 A. The only conversation I would have had with Barbara --

15 Q. I didn't ask about conversations. I'm asking, there is
16 no documented complaints or concerns with Barbara Anderson?
17 No documentation she ever complained about Denise Parker?

18 A. As the witnesses told you yesterday, sir, they would
19 have had nothing on paper. So if you are asking if there
20 was complaints on paper by Ms. Anderson, no, sir.

21 Q. And in this warning you never told Denise that she was
22 being persnickety, or giggling, or rolling her eyes
23 inappropriately, did you?

24 A. I used the word persnickety I know in my deposition in
25 describing Denise, yes.

1 Q. I didn't ask you about what words that you used in your
2 deposition. I'm talking about what you said to Denise.

3 You never told Denise --

4 A. Would I call Denise in a meeting persnickety, no, sir,
5 I would not.

6 Q. You never told Denise that she was giggling or rolling
7 her eyes?

8 A. No, sir, those are not listed on the paper.

9 Q. Okay. And you can't give me specific examples of any
10 situation in which Denise Parker ever failed to address a
11 co-worker in a professional manner?

12 A. I gave you an example of myself, sir, yes, I did.

13 Q. Go to your deposition.

14 A. What page, please?

15 Q. 94.

16 Here is what I asked you three months ago:

17 "Q. Can you give me a specific example of any
18 situation in which Denise Parker failed to address any
19 co-worker in a professional manner?

20 "A. As I stated, most of hers were nonverbal, so a
21 specific example, no."

22 A. Again, at that time, I'm sorry, I did not give you a
23 specific example. You are correct.

24 Q. And you were under oath to answer my questions
25 truthfully at that time.

1 "Q. Are there any other issues?

2 "A. Not that I can recall."

3 Did I read that correctly?

4 A. Exactly right. Emphasis on line 22, "not that I can
5 recall" at that time.

6 Q. Now, you testified on direct that you knew the Staff
7 Liaison Committee was going to be meeting with the Internal
8 Affairs Committee in the upcoming board meeting in October.

9 A. I said that the Internal -- repeat that again, please,
10 sir.

11 Q. Okay. Let me just ask it in a simply way.

12 A. Okay.

13 Q. You knew there was going to be an Internal Affairs
14 Committee meeting with the Staff Liaison Committee at the
15 October 25th and 26th board meeting -- in conjunction with
16 the 25th and 26th board meeting?

17 A. I know, sir, that any time the Internal Affairs
18 Committee holds a meeting, that they do talk to the Staff
19 Liaison Committee, yes, sir.

20 Q. You knew that meeting was coming up at the end of the
21 week of October 21?

22 A. Yes, I would have known that, yes.

23 Q. And --

24 A. And that date varies. It could be at any time. Like
25 it's sometime in the fall. Sometime we don't have a IA

1 meeting at all. It depends. Typically they are in the
2 spring. We did have one this fall, though.

3 Q. No. Let's make this real simple.

4 A. Okay.

5 Q. There is a board meeting on the 25th and 26th of
6 October, correct?

7 A. I would assume so. I don't have that documentation in
8 front of me.

9 Q. I'll show you Plaintiff's Exhibit No. 8. Do you see
10 Board of Directors meeting?

11 A. Yes, sir.

12 Q. What are the dates?

13 A. The dates at the top, sir, are October 25th and 26th.

14 Q. And as executive director and CEO of the corporation,
15 you certainly knew that meeting was coming up?

16 A. Oh, certainly.

17 Q. And you testified on direct you know the purpose of the
18 Internal Affairs Committee meeting with the Staff Liaison
19 Committee is to address any concerns of the employees?

20 A. They do have that opportunity, yes, sir.

21 Q. And Monday your lawyer asked a lot of questions about
22 Denise and he even drew this red line up here coming up to
23 the 25th. Do you remember all those questions that he asked
24 her about "going into that meeting, you knew that you were
25 on thin ice." Do you remember that?

1 A. No, sir.

2 Q. You don't remember him asking "you knew your job was in
3 jeopardy? You knew that you were on thin ice? You knew Bob
4 Bright was upset with your performance and you were on thin
5 ice?"

6 A. I know that he talked about the issues. I don't know
7 the specific quotes that you are quoting. Some of your
8 quotes have not been exactly correct, so I don't want to say
9 I remember that line.

10 Q. Do you recall him asking her that she knew her job was
11 in jeopardy when she went into that meeting with the
12 Internal Affairs Committee?

13 A. Again, I don't know if he said her job was in jeopardy.

14 Q. Now, the Internal Affairs Committee was Messers Conley,
15 Stout, Dinkins, Campbell, and Wall, correct?

16 A. And we are in the year 2013. That changes every year.
17 I will say I think you are correct.

18 Q. Okay. And you understood that these men -- if the name
19 is different, I understand --

20 A. Right.

21 Q. -- what you are saying, but whoever they are that met
22 with Denise, you understood that they were members meeting
23 with Denise in their roles as the Internal Affairs
24 Committee?

25 A. I understand that they meet with the Internal Affairs

1 Committee, yes, sir.

2 Q. Which is a committee formed by the board?

3 A. It's a committee formed by our office, elected by our
4 office to representatives of the people in our office, if
5 they have issues, and the committee that can address the
6 board, yes, sir.

7 Q. I think you misunderstood the question. I'm referring
8 to the Internal Affairs Committee.

9 A. Oh, I'm sorry.

10 Q. That's okay.

11 The Internal Affairs Committee is comprised solely of
12 members of the board?

13 A. The Internal Affairs Committee, yes, they are members
14 of the board.

15 Q. But let's talk about the Staff Liaison Committee. The
16 Staff Liaison Committee, you knew Denise was on that?

17 A. Denise -- in this particular year of 2013, Denise is on
18 that. Denise may be able to speak to specifics. They have
19 different terms, whether they are on there. How many years
20 I don't know. Denise was on that. Pat Mabry was on that,
21 and Barbara Anderson would have been on that at the time.

22 Q. And you just said that they are elected by their
23 co-workers?

24 A. Yes, sir, they are.

25 Q. Can you explain to the jury if Denise was such a

1 disruptive force and negative person to be around all the
2 time, why would her co-workers elect her to be their
3 representative to the board?

4 MR. BRIGHT: I'm going to object, Your Honor. I
5 don't see any relevance to that at all.

6 THE COURT: It calls for speculation.

7 MR. MURPHY: Okay.

8 BY MR. MURPHY:

9 Q. Now, you testified on direct you met with the board
10 after they met with the Staff Liaison Committee.

11 A. Did I testify that I met with the board? Yeah, I had a
12 board meeting. Sure I would have.

13 Q. Let me be a little more specific.

14 Do you need more water?

15 A. No, I have got it behind me. Thank you.

16 Q. You met with the -- my question may have been worded
17 improperly.

18 You met with the Internal Affairs Committee after they
19 met with their Staff Liaison Committee?

20 A. The Internal Affairs Committee will do a summary
21 service for their -- yeah, that's protocol.

22 Q. And you met with them in person?

23 A. I would have to be there, yes, sir.

24 Q. And you did discuss Denise Parker in your meeting with
25 the Internal Affairs Committee, didn't you?

1 A. No.

2 Page please?

3 Q. Go to page 21. I'm going to start reading at line 21.

4 A. Okay.

5 Q. "Q. What did you say about Denise to the Internal
6 Affairs Committee --

7 MR. BRIGHT: Your Honor, may we approach?

8 THE COURT: Yes.

9 (Whereupon, the lawyers approached the bench for
10 an off-the-record discussion)

11 THE COURT: All right, ladies and gentlemen, once
12 again it's going to take a few minutes for me to rule on an
13 issue. Do not talk about this case whatsoever.

14 Madam Forelady, take the jury out with Madam
15 Bailiff.

16 (The following takes place outside the presence of
17 the jury panel)

18 MR. BRIGHT: May I approach?

19 THE COURT: All right. Yes, sir. I need -- do I
20 have that transcript -- no, I have --

21 MR. MURPHY: Your Honor, do you mind --

22 THE COURT: I don't have --

23 MR. MURPHY: Do you mind a condensed version?

24 MR. BRIGHT: I'm bringing the actual pages.

25 MR. MURPHY: I think he ought to see all the

1 THE COURT: Well, that's fine. We will go
2 whatever we need to go.

3 MR. MURPHY: No expectations that we are going to
4 end this wrestling match.

5 THE COURT: I understand. I understand, and
6 I'm --

7 MR. MURPHY: Every single question.

8 THE COURT: I understand. But, you know, we are
9 not going to stay late and keep our jury late, but if that
10 means we are here Saturday, we will be here Saturday. If it
11 means we are here Sunday, we will be here Sunday, but we are
12 going to finish this case.

13 MR. BRIGHT: Understood, Your Honor.

14 THE COURT: Okay. All right. We will have our
15 jury.

16 (The following takes place in the presence of the
17 jury panel)

18 THE COURT: Madam Forelady, any matters for the
19 jury?

20 JURY FORELADY: No, Your Honor.

21 THE COURT: Okay. All right.

22 Yes, sir.

23 MR. MURPHY: Thank you, Your Honor.

24 BY MR. MURPHY:

25 Q. Page 21. We begin on line 21. "What did you say about

1 Denise to the Internal Affairs Committee in the fall of
2 2013?

3 "A. Updating with personnel how things were going and
4 specifically regarding Denise, just the fact that her
5 negative attitude and the difficulties of her being in the
6 building.

7 "What did you say about that?

8 "A. That's pretty much what I said."

9 Let's go to page 23, beginning at line 16.

10 "Q. In the fall of 2013, did you tell the Internal
11 Affairs Committee that you were intending to take any action
12 against Denise Parker?

13 "A. I'm trying to get my date right. Just a minute.
14 Yes.

15 "Q. What did you tell the Internal Affairs Committee?

16 "A. The possibility that -- I discussed with the
17 Internal Affairs Committee the possibility of dismissal."

18 Did I read that correctly?

19 A. You have quoted that out of context, but, yes, you have
20 read what's written.

21 THE COURT: Sir, Mr. Bright?

22 THE WITNESS: I'm sorry.

23 THE COURT: Please, you have a lawyer who will
24 take care of matters. Just answer the questions, okay?

25 THE WITNESS: All right.

1 BY MR. MURPHY:

2 Q. Let's go back through this.

3 A. Sir, could I answer?

4 Q. There is no question.

5 A. Okay.

6 Q. Let's talk about timing now.

7 We agree you gave --

8 A. We are finished with this for now?

9 Q. Yes.

10 We agree that you gave Denise the warning on October

11 21, right?

12 A. Yes.

13 Q. Okay. And there were no problems with Denise the rest
14 of that week, were there?

15 A. Could I see the calendar?

16 Q. There were no problems with Denise the rest of that
17 week, October 21?

18 A. I'm not saying that there are no problems. I'm saying
19 there are not specific incidents that I can cite, but if you
20 are asking me if I saw any change, any direction that Denise
21 took, any improvement in her attitude, behavior, my answer
22 would be no.

23 Q. Did I ask you that?

24 A. I don't know if you asked me that, sir. That's my
25 answer to the question that you asked.

1 Q. My question was -- what I asked you was, was there any
2 problems with Denise the rest of that week?

3 A. You are referring to the week of the -- what?

4 Q. The 21st.

5 A. The problems would be my observations that there were
6 issues, yes.

7 Q. Let's go to your deposition. Page 117, line 17.

8 "Q. After you gave this write-up to Ms. Parker on
9 October 21, 2013, the one that we have marked as Exhibit 3,
10 which is part of your Document 1, did you have any other
11 issues with Denise for the rest of that week?

12 "A. I do not recall any specific issues."

13 Did I read that correctly?

14 A. At the time, yes, you read it exactly right. I did not
15 recall any issues at that time.

16 Q. You don't recall anyone else telling you that they had
17 any problems with Denise that week?

18 A. As it stated here, I did not recall any at that time.
19 We certainly weren't looking at dates and calendars and
20 dealing with issues that we are dealing with today.

21 That's your interpretation, sir, yes.

22 Q. Let's go to the next week.

23 A. Yes, sir.

24 Q. The week of the 28th, November 1. You don't recall
25 having any problems with Denise that week?

1 A. I would have been out of the office that week, sir.

2 Q. And you can't recall a single negative thing that she
3 did that week? You weren't even there.

4 A. Yes, sir, but because I'm not there doesn't mean that
5 those things never happened. That particular week I would
6 have been at a leadership convention with students earlier
7 in the week, and the national convention later in the week.

8 Q. There were no problems with Denise that week, were
9 there?

10 A. I did not say that. I don't know if there were issues.

11 Q. Do you know of any problems with Denise?

12 A. We confirmed that I was not in the building at that
13 time.

14 If you are asking me right now if I can list the
15 specific issues, I cannot.

16 Q. Okay. So the week of the 28th, no problems. Mr.
17 Bright not here. Okay.

18 Now, November 4th, that was your next meeting with
19 Denise Parker, right?

20 A. Yes.

21 Q. And prior to that meeting on November 4th there were no
22 problems with Denise Parker, on that day?

23 A. Oh, no.

24 Q. Okay.

25 A. Wait a minute. My oh no is not no. It's like oh, no,

1 because I would have been back in the building on the 4th --

2 Q. Right.

3 A. -- and I would have seen no change, no issues, no
4 change in demeanor from Denise whatsoever. She was still
5 the same person. The issues that I had discussed with her
6 in the October 21 had not been addressed, so I decided to
7 meet with her again on the 4th to stress the significance
8 that I see no changes.

9 Q. Look at page 120.

10 A. In the deposition, sir?

11 Q. Yes.

12 Beginning on line 11, "did you have any problems with
13 Denise Parker on November 4th?

14 "Other than the meeting, none that I'm aware of."

15 A. Right. Again, at this time none that I could think of
16 that I was aware of, yes.

17 Q. Okay. Go to page 124, and go to line 18.

18 "Q. Can you identify for me one single thing Denise
19 Parker did on November 4th that was negative prior to your
20 termination meeting with her?

21 "A. Specifically no."

22 A. And, again, sir, specifically no. There is not one
23 specific incident. It's a culmination of all of the issues;
24 of the continued negativity, not being positive, not being
25 cooperative, not being part of our team. All that which

1 we've established.

2 I said several times. I know you keep going back to
3 that issue, specifically there is not an issue. It's not
4 like Denise cussed at someone. It's not like she spits on
5 them. It is the environment in which she works that she has
6 created for other people to work in, and you have testimony
7 as to what that type of environment is.

8 Q. No, no, no, no, no, no, no. Richie Garland and Shannon
9 both said yesterday there were no problems after
10 mid-September. Do you remember that?

11 A. I know they discussed with you the fact that -- are you
12 talking about handbook? I mean, you are pulling specific
13 dates, so I don't know exactly what frame you are in.

14 Q. Richie and Shannon never complained about her after
15 September 15, did they? Neither one of them complained to
16 you after that mid-September time frame.

17 A. No, sir, that's not correct.

18 Q. So when they said yesterday they weren't complaining
19 after that time, they weren't telling the truth?

20 A. I think they were talking to you about the fact that
21 they would travel and out of the building and they weren't
22 directly dealing with her as much, but I think they also
23 provided examples of when she did do some papers, because
24 you went on about you got papers on this date and that date
25 and which department she was in and what she was doing. You

1 also talked about when she was in membership and working, in
2 that regard.

3 Q. And both of them testified that there were no problems
4 with Denise Parker in the month of October, didn't they?

5 A. Both of them testified that they were not in the
6 building very much the month of October, which they would
7 not be, because they have an extensive travel schedule, but
8 I don't know the specific dates or the issues of October of
9 2013.

10 Q. Now, sir, both of these witnesses testified to this
11 jury that there were no problems with Denise Parker in the
12 month of October, didn't they?

13 A. I don't know, sir. I don't remember, but, I mean, you
14 keep saying that to the jury, but the specific dates I don't
15 know from the other day, or what context that you were in.

16 Q. Let's talk about this meeting in which you terminated
17 Denise Parker.

18 A. Do you have a copy for me, sir?

19 Q. Yes. I'm referring you to Plaintiff's Exhibit 4.

20 A. Thank you.

21 Q. You didn't give Denise Parker one single specific
22 instance in this meeting on November 4 where she had been
23 negative?

24 A. This meeting was longer. I don't know the specific --
25 remember, like I say, you are looking at a two-year time

1 frame, so you are going to ask me the specific incident that
2 I talked about during that meeting and those words verbatim
3 I cannot give you, but I do know that a continuing
4 negativity was on this form that we discussed, this
5 continued negativity.

6 Q. On November 4th, 2013, did you ever give Denise Parker
7 a single specific example of where she had been negative or
8 not responded to an e-mail promptly?

9 A. We discussed e-mails, the numbers of e-mails and that
10 she was not addressing them. She did have discussion that
11 she denied that.

12 She also denied her negativity and we would have had
13 discussion in regards to negativity in this meeting yes,
14 sir.

15 Q. Go to one page 127 of your deposition, please, sir.
16 Line 17.

17 "Q. On November 4, 2013, did you ever give Denise
18 Parker a single specific example of where she had been
19 negative or not responded to an e-mail promptly?

20 "A. I do not remember the specific conversations of
21 that meeting, no."

22 Did I read that correctly?

23 A. Which is exactly what I just told you. I do not know
24 specific conversations verbatim of that meeting.

25 Q. In fact, sir, you never documented a single instance of

1 negativity, did you?

2 A. Particular incidences, no, sir.

3 Q. And with regard to the e-mails, you never gave her an
4 example of where she didn't respond to an e-mail promptly?

5 A. She would have had those examples. We discussed
6 numbers and those examples would have been on her computer,
7 sir.

8 Q. Did you ever give Denise Parker an example of where she
9 did not respond to an e-mail promptly?

10 A. Nor has Denise provided you any examples either, sir.
11 So you are looking at that.

12 Denise also had the opportunity to --

13 MR. MURPHY: Your Honor --

14 THE COURT: Mr. Bright. Mr. Bright --

15 THE WITNESS: Yes.

16 THE COURT: -- please, once again, answer his
17 questions, please, just the question itself.

18 THE WITNESS: I'm sorry, sir.

19 BY MR. MURPHY:

20 Q. Did you give Denise Parker a specific example of where
21 she ever failed to respond promptly to an e-mail?

22 A. As you have stated, as we have checked in the
23 deposition, I don't remember the exact specific comments
24 that happened two years ago.

25 Q. If you don't remember what you said two years ago and

1 you can't answer any of my questions about what was said in
2 these meetings, how are you able to testify about it from
3 your lawyer on direct?

4 A. Can you provide examples?

5 Q. Do you recall testifying for most of this morning about
6 what happened in this case, and what you talked to Denise
7 about, and what she said in the meeting, and her attitude in
8 the meeting, and --

9 A. Oh, I can talk about Denise's attitude in this meeting,
10 yes.

11 Q. How is it you can't recall what was said in the
12 meeting? How can you do that?

13 A. Because just like you are doing now. You remember when
14 someone is raising their voice and they're argumentative,
15 when they are not listening to you, just like you are doing
16 now. This I'll remember. The stuff you said typically two
17 years, they are not going to remember and I'm not going to
18 remember, sir. I'm sorry.

19 Q. But when the jury assesses your whole story --

20 A. Yes, sir.

21 Q. -- the truth of it, you don't recall what was said in
22 that meeting specifically?

23 A. Specifically, no, sir, I'm not giving you examples of
24 that today.

25 Q. Okay. And prior to firing Denise, you never did

1 anything to determine the substance of the e-mails that she
2 sent?

3 A. If you are asking me if I read the e-mails on her
4 computer, sir, no, I do not.

5 Q. I didn't ask you if you read them on the computer. I
6 said you didn't do anything to figure out the substance of
7 the e-mails she sent?

8 A. The substance of 194 e-mails?

9 Q. The substance of one.

10 A. It would be my interpretation, sir, that if you get a
11 194 e-mails and what we do and if you have not sent or
12 replied to any of those e-mails, then you are not being
13 effective in your job.

14 If you, sir, as an attorney did not respond to 194
15 e-mails, there would be issues.

16 MR. MURPHY: Your Honor, I'm trying to get through
17 this and I didn't ask anything about any of that.

18 THE COURT: Well, go ahead.

19 MR. MURPHY: All right.

20 BY MR. MURPHY:

21 Q. I'm going to ask you just this question.

22 A. Yes.

23 Q. Prior to firing Denise, you did nothing to determine
24 the substance of any e-mails she sent?

25 A. This conference --

1 THE COURT: Sir, answer. Mr. Bright --

2 THE WITNESS: Yes.

3 THE COURT: -- it's yes or no answer, please.

4 A. If you want me to answer yes or no.

5 THE COURT: Yes, sir.

6 A. Repeat the question. I will answer as you want me to
7 answer.

8 BY MR. MURPHY:

9 Q. Prior to firing Denise, did you do anything to
10 determine the substance of any of the e-mails she sent?

11 A. I did not determine the substance of the -- the answer
12 would be no, I did not read those e-mails.

13 Q. And you never asked to see any of her e-mails?

14 A. No, sir, I did not go through her e-mails.

15 Q. And you never did anything to determine whether anyone
16 sent Denise an e-mail requesting information to which she
17 did not promptly respond?

18 A. You are asking me the same question over and over
19 again. I have told you I did not read her e-mail.

20 Q. Well, you didn't do anything else. Other than read
21 e-mails, you never did anything else to determine whether
22 anybody ever sent Denise an e-mail requesting information to
23 which she did not respond?

24 MR. BRIGHT: I'm going to renew my objection, Your
25 Honor, to relevance and asked and answered.

1 THE COURT: I think it's asked and answered.

2 Move on.

3 MR. MURPHY: Well, just to tell you, too, Your
4 Honor, other than reading the e-mails, he didn't do anything
5 else either.

6 Okay. So I'll move on.

7 BY MR. MURPHY:

8 Q. And nobody told you before October 21 that Denise
9 failed to respond to e-mails, did they?

10 A. No one checks that but me, sir.

11 Q. Excuse me?

12 A. No one checks that but me, sir, unless I ask Melody to
13 look into it, which you have an e-mail in that regard.

14 Q. Are you saying checks with you?

15 A. What?

16 Q. I'm -- I guess I didn't hear you.

17 A. Repeat the question.

18 Q. Okay. Prior to October 21, did anybody tell you that
19 Denise failed to respond to e-mails?

20 A. I'm the one who checks on the numbers of those e-mails,
21 sir.

22 Q. I didn't ask who checks on the numbers of e-mails.

23 My question --

24 A. You are asking me if someone told me Denise wasn't
25 doing her e-mail, no, sir.

1 People would not have access to that information, other
2 than myself.

3 Q. Somebody would have had access to the information. If
4 they were sending Denise an e-mail and she wasn't
5 responding, then they would know that.

6 A. Oh, that's -- that's your question, okay.

7 Q. Nobody told you that, did they?

8 A. You are asking me if I got a response from people that
9 they weren't getting a response?

10 Q. Nobody said --

11 A. I get responses from individuals, or calls and stuff,
12 that they are not getting a prompt response. This is one of
13 the reasons why I follow up with this and I work on this,
14 but if you are asking me specifically did they say Denise
15 didn't answer this, they would not have known that. Denise
16 is answering e-mails for Leigh Mason. I would have -- I
17 mean, a hundred and some will go to her, and then her others
18 were probably from convention-related issues, or could have
19 been, so they're not going to -- it's not going to be able
20 to pay directly Denise -- it's not like I'm going to get an
21 e-mail or a phone call that said so and so are not
22 answering. A lot of those which you will have the document
23 where Melody says "we are at infoBetaclub.com, or whatever
24 those -- those things are. They come to general office, and
25 it depends who answers those. Sometimes during the year I

1 take that and I answer it, so I'm used to the public,
2 sometimes the receptionist does it. Those can move around
3 to different people.

4 MR. MURPHY: Your Honor, I'll move on and try this
5 one.

6 BY MR. MURPHY:

7 Q. In October and November Denise was working in
8 membership?

9 A. She was filling for someone who was on medical leave,
10 yes, sir.

11 Q. And her department head was Melody Cooper?

12 A. Her department head and who she worked directly with is
13 Mr. Garland. Melody is the supervisor over membership. She
14 is filling in.

15 When you fill in or we move to a particular department,
16 we don't get new job descriptions. We are not assigned,
17 quote, unquote, to the department. I send out an e-mail
18 just to let the staff know that for the next few weeks, or
19 whatever, Denise was in this department, so they would know
20 that she's assumed that. And so -- and mainly that is so
21 that they are up-to-date and they would call or if they need
22 her, or somebody needs her, they would know where she is,
23 because it requires a position of desk change.

24 Q. I'm trying to make this real simple.

25 A. Uh-huh.

1 Q. In October and November Denise was in membership?

2 A. She was sitting in the membership department, yes, sir.

3 Q. And the head of membership was Melody Cooper?

4 A. She would be the department head of membership, yes,
5 sir.

6 Q. And Melody Cooper never complained about Denise Parker?

7 A. Melody Cooper never complained about anyone, ever.

8 Q. In fact, in this case you know we requested lots of
9 e-mails and you produced I think over 7,000 pages of
10 e-mails. Do you recall doing that?

11 A. I don't do that, sir. You requested that via the
12 attorneys, so whatever the IT department gave you, that's
13 what they would have given to you.

14 Q. Okay.

15 A. You wouldn't have gotten those from me.

16 Q. All right. But you know you produced the e-mails?

17 A. I don't know that I produced the e-mails. I would
18 assume that you have them, that whatever directive the
19 attorney gave our IT department, they would have followed
20 through.

21 If you are asking if I had 7,000 paper e-mails, I do
22 not. If you are asking me if I have seen them, I have not.

23 Q. Well, let's do it this way.

24 Of all the e-mails available to the Beta Club and all
25 the ones that you have at your disposal, is there one single

1 e-mail in this record that this jury could review in which
2 anyone ever complained about Denise Parker?

3 A. Have -- if you have not submitted it, sir, not one of
4 those 7,000 pages, then, no, sir, I would not know. Like I
5 said, I don't read people's specific e-mails.

6 And if there was none that came through my office that
7 specifically listed -- we just went over this, but if there
8 is none that specifically listed her, I would assume that
9 you don't have one.

10 Q. Who is on the liaison -- who is on the Staff Liaison
11 Committee now?

12 MR. BRIGHT: Objection, relevance.

13 THE COURT: Mr. Murphy?

14 MR. MURPHY: I will withdraw it, Your Honor.

15 THE COURT: All right, it's withdrawn.

16 BY MR. MURPHY:

17 Q. After Denise Parker filed this lawsuit, did you disband
18 the Staff Liaison --

19 MR. BRIGHT: Objection, relevance.

20 THE COURT: Mr. Murphy?

21 MR. MURPHY: Well, Your Honor, it goes to --
22 should we approach?

23 THE COURT: Yes.

24 MR. MURPHY: Okay.

25 (Whereupon, the lawyers approached the bench for

1 A. I don't know if I could have or not. I'm telling you I
2 would not have, no, because part of the fact that you see
3 this delay that we are working with people is to hope that
4 they will get better, that they will improve, that they will
5 get, quote, unquote, on board and moving forward. So if you
6 are looking at due process issues -- I don't know where you
7 are going with your question, and I guess that's not my
8 decide to determine that, but if you are wanting a yes or no
9 question, sir, to that I can't answer yes or no because
10 specifically I would have to research that.

11 I do know, sir, that as CEO I do have the authority to
12 terminate an employee.

13 Q. If she actually, really, truly, honestly was bullying
14 people, being belligerent and refusing direct orders of
15 supervisors, you could have fired her on the spot in August,
16 if that actually happened, true?

17 A. I'm not sure of the time line. I really can't -- I --
18 I don't know.

19 Q. Well, if she was being a bully and being belligerent
20 and she was refusing direct orders of supervisors and having
21 a bad attitude in September, you could have fired her in
22 September on the spot, under your policy?

23 A. Okay. Now you are in September. You were in August.

24 Q. Would you answer the question?

25 A. Could I have fired her?

1 Q. Yeah. That's a question.

2 You could have fired her. If those things were
3 actually true, you could have fired her right then and
4 there?

5 A. If they were actually true?

6 Q. Yeah.

7 A. There are reasons that she could have been terminated,
8 so, yes, sir.

9 Q. And you talked about due process and you said well, the
10 purpose is to hope people will get better --

11 A. Uh-huh.

12 Q. -- and correct their behavior, right?

13 A. Yes.

14 Q. And when somebody does something, like refuse a direct
15 order or they are rude to somebody, you talk to them about
16 it at that time so that they can correct their behavior,
17 right?

18 A. Not necessarily, sir, no.

19 Q. Okay. So what you are supposed to do is if to help
20 somebody correct their behavior is not talk to them about
21 it, you go behind their back and talk to the CEO about it?
22 Is that how it works at the Beta Club?

23 MR. BRIGHT: I'm going to object, Your Honor. I
24 think we are going far afield.

25 MR. MURPHY: Your Honor, the whole issue -- they

1 southeastern part of the United States.

2 Q. I want to ask you some specific questions about some
3 various committees that have been talked about during this
4 trial.

5 First off, can you help the jury to understand what is
6 the Internal Affairs Committee?

7 A. Okay. The Internal Affairs Committee, I don't remember
8 exactly when it was set up, but it was set up to be a
9 committee that would come into the national office once or
10 twice a year, and more, if need be, but generally we have
11 done it once or twice and we were to meet with staff
12 members, meet with department heads and try to find out if
13 there was issues that needed to be worked on or resolved and
14 then report back to the board. They were actually, you
15 know, just a select group from the board. And they were
16 selected, I think the chairman appointed like two members
17 and the board liaison appointed two members, so you got a
18 cross-section of board members.

19 Q. And what was -- did you understand what the purpose of
20 the Internal Affairs Committee was?

21 A. Yes, sir.

22 Q. What was it?

23 A. To meet with -- to go up to Spartanburg. You spend the
24 day or day and a half in Spartanburg and meet with the
25 different groups and, you know, provide a report, submit it

1 back to the board and if there was issues there that needed
2 to be worked out, or whatever, that's what we were there
3 for.

4 And let me explain this. You see, the folks that are
5 on the national board, all of them have previously been
6 either principals, or superintendents, or some affiliation
7 with education. And in the school district the board meets
8 every month. And, therefore, every month you have input
9 from the district staff.

10 At the Beta Club we didn't meet but twice a year with
11 the big board. So the Internal Affairs Committee was one to
12 go in and have a couple of other meetings so we could gather
13 information and report back to the board.

14 Usually we would meet the national board in October and
15 again at our summer convention, which is normally in June,
16 and the Internal Affairs usually meets sometime before those
17 so they can provide a report and report it back to the full
18 board.

19 Q. All right. I want to talk to you about another entity
20 that's been described during the course of this trial and
21 that's the Staff Liaison Committee. What is the Staff
22 Liaison Committee?

23 A. Well, they are actually selected or elected, I'm not
24 exactly sure, from the staff and they are to be a
25 representative group from the staff and they are to come in

1 and work and meet with the Board Liaison Committee when they
2 come into Spartanburg.

3 Q. All right. Is that the group, the Staff Liaison
4 Committee, is that the group that meets with the Internal
5 Affairs Committee?

6 A. That's one of the groups. That's one of the groups,
7 because we meet with the department heads. We meet with the
8 Staff Liaison, and then sometime we will go to the different
9 departments and meet with other folks in the departments, or
10 we could call them into the conference room. So, you know,
11 I'm not sure, but we always meet with the Staff Liaison and
12 I believe they are elected from the staff.

13 You asked about the makeup of that. And like I say, my
14 idea what they are supposed to do, they are supposed to get
15 input from all the staff and then when they come in to meet
16 with us, then they could share these ideas for improvement
17 of the Beta Club.

18 Q. What kinds of things might be brought to the attention
19 of the Internal Affairs Committee by the Staff Liaison
20 Committee?

21 A. Well, every year they want a salary increase. That
22 always comes up. And they will talk about maybe we need a
23 new copier, or maybe we need whatever, you know. Items for
24 the office, those are standard. We get them almost every
25 time, except for this year. I don't think we got the salary

1 Q. Okay.

2 A. Here again, we always meet before so we can issue a
3 report to the board.

4 Q. Now, this meeting -- were you -- did you attend that
5 meeting of the Internal Affairs Committee with the Staff
6 Liaison Committee in October of 2013?

7 A. Yes, sir.

8 Q. All right. Who else was there for the Internal Affairs
9 Committee?

10 A. I think it was Dennis Campbell. He was the chairman.
11 I think it was Mark Conley from Texas. I can't recall the
12 others.

13 Q. Would Mr. Stout have been there?

14 A. Mr. Stout. Patrick Stout, that's correct.

15 Q. And do you remember who was there from the staff
16 representing the Staff Liaison Committee?

17 A. I remember -- I think it was Barbara Anderson. Denise
18 Parker was there. I think Pat Mabry I believe.

19 Q. All right. What -- do you recall what -- do you recall
20 anything coming up about Denise Parker in that Internal
21 Affairs Committee with the Staff Liaison Committee?

22 A. Yes, I recall Barbara started out doing most of the
23 talking.

24 Q. And I don't want you to tell us what people said, but I
25 just want you to tell us how that meeting took place.

1 A. Yeah, I remember --

2 MR. MURPHY: Your Honor, I have an objection if he
3 testifies to it.

4 THE COURT: Sir?

5 MR. MURPHY: If he wants him to testify to what
6 Barbara and Pat said, that's fine with me.

7 MR. BRIGHT: I just want him to tell us what
8 happened in the meeting, Your Honor.

9 THE COURT: Go ahead.

10 BY MR. BRIGHT:

11 Q. Tell us what happened in the meeting.

12 A. What happened in the meeting?

13 Well, like I said, I think Barbara was the spokesman
14 and I think, you know, they were talking about the pay
15 raises and a few other issues like that, and at some point,
16 from what I recall, somebody said "Denise, do you have
17 anything to say?"

18 Q. And what happened after that?

19 A. I don't think Denise really said anything at first
20 and --

21 Q. What was her demeanor? Did you look at her?

22 A. Yeah, I looked straight at her.

23 Q. What was she doing?

24 A. Just sitting there kind of quiet, and somebody said
25 "Denise, you need to tell about your write-up," from what I

1 recall.

2 Q. And who -- was that a staff member saying that, or was
3 that a board member?

4 A. No, that was a staff member. It wasn't a board member.
5 It was a staff member, because we basically listened.

6 Q. So a staff member said "Denise, tell them about your
7 write-up?"

8 A. That's correct.

9 And to be honest with you, I very well could have said
10 it, but somebody said it, but I know it was said. We said
11 "look, you know, if you got something to share with us, you
12 need to share it, because that's what this committee is all
13 about." And that's whenever Denise said that she -- that
14 she had gotten her write-up and she was worried about her
15 job.

16 Q. Okay. What did she share with you?

17 A. I don't remember exactly word for word, but something
18 about she was worried about her job and she had gotten a
19 write-up and that -- there again, we said "well, what you
20 share with the committee is confidential and go ahead and
21 share it," and she told us, you know, she had gotten written
22 up for I believe it was negativity. I think that's what she
23 said.

24 Q. Well, did she seem reluctant to want to talk?

25 A. Yes, sir, she was reluctant.

1 Q. And how -- you know, well, withdrawn.

2 Once -- how long did her discussion last?

3 A. I don't remember how many minutes, but it wasn't -- the
4 whole meeting was about forty-five minutes, so it was
5 probably five or ten minutes. It wasn't -- I don't think
6 anybody dwelled on it.

7 Q. Now, once the Internal Affairs Committee meets with the
8 Staff Liaison Committee, do they ever then meet with the
9 CEO, the executive director, Mr. Bright, to discuss issues
10 raised by employees?

11 A. Our general practice is at the end of the day we meet
12 with the CEO and review the issues that have been brought to
13 our attention, but it's a summary-type meeting.

14 Q. Okay. What do you mean by it's a summary-type meeting?

15 A. Summary is, you know, we say, well, you know, employees
16 want pay raises. I remember that year. One big thing was
17 the Medicare, because we had some folks that were Medicare
18 age and we were trying -- we wanted to make sure that we got
19 that worked out and we dotted the I's and crossed the T's.

20 I do remember it being said that there was some
21 employees -- I do not recall any names being said, but there
22 was some employees that were afraid of their jobs, and at
23 that point I did make the comment that -- because Mr. Bright
24 was fairly new to the organization. I said "well, South
25 Carolina is a right-to-work state, but we have got to make

1 sure that we give these folks some kind of documentation or
2 give them some due process."

3 Q. Now, in the meeting -- in that meeting with the
4 Internal Affairs Committee and the executive director, did
5 the Internal Affairs Committee identify for the executive
6 director who had complained or who had said anything at the
7 Internal Affairs meeting?

8 A. No, sir, nobody give any names. We don't -- we don't
9 do that because we protect the confidentiality of the staff
10 members.

11 Q. So in that meeting with the executive director, did you
12 ever say anything to Mr. Bright about Ms. Parker saying
13 anything in the Staff Liaison Committee meeting?

14 A. Did not.

15 Q. Did anyone else say anything?

16 A. I never heard anyone else say anything in the meeting,
17 no, sir.

18 Q. Did you ever tell Mr. Bright after that what Ms. Denise
19 Parker said in this meeting?

20 A. No, sir, I did not.

21 Q. Are you aware of anyone else telling Mr. Bright that?

22 A. I'm not aware of anyone else telling that.

23 Q. And do you typically tell the executive director who
24 registered complaints?

25 A. No, sir.

1 Q. Why not?

2 A. Well, if you do that, then people aren't going to talk
3 to you. So, you know, to keep the lines of communication
4 open, a member of the Liaison Committee is to gather
5 information to help improve the working conditions and help
6 the Beta Club get better and work with the staff to improve
7 staff relations and all, so we don't give names of
8 individuals.

9 Q. Did you tell Mr. Bright that Ms. Parker was afraid for
10 her job?

11 A. I never -- I never gave any names to anybody about
12 being afraid for their job.

13 It was told to Mr. Bright that there was several
14 employees concerned about their jobs.

15 Q. Are you aware of anyone who shared with Mr. Bright what
16 plaintiff said in the meeting on October 25th with the
17 Internal Affairs Committee?

18 A. I never did.

19 Q. Do you know of anyone else who did?

20 A. I don't know anyone that ever discussed it.

21 Q. And, again, does the board have the authority to hire
22 and fire employees?

23 A. Only the CEO.

24 Q. Does the board approve hiring and firing decisions back
25 in 2013?

1 A. No, sir, the CEO had the authority to do that back in
2 2013.

3 MR. BRIGHT: If I may confer, Your Honor?

4 THE COURT: Yes, sir.

5 (Off the record)

6 (Back on the record)

7 MR. BRIGHT: That's all I have, Your Honor.

8 THE COURT: Thank you.

9 Yes, sir, Mr. Murphy.

10 MR. MURPHY: Can we approach, Your Honor?

11 THE COURT: Yes, sir, sure.

12 (Whereupon, the lawyers approached the bench for

13 an off-the-record discussion)

14 CROSS EXAMINATION BY MR. MURPHY:

15 Q. Nice to see you again, sir.

16 A. Yes, sir.

17 Q. Dr. Dinkins, I'm not going to go into all what you
18 talked about. The jury has already -- you may not know
19 this, but the jury has already heard a lot of your
20 testimony. We are not going to go back through everything.

21 A. Okay.

22 Q. But I did hear a couple of things I wanted to talk
23 about.

24 Let's talk about this meeting. And you understand that
25 Denise has alleged and has said that you told her, with the

1 other Internal Affairs Committee members present, that if
2 she answered your questions, Bob Bright couldn't fire her
3 for answering your questions. Do you understand that,
4 correct?

5 A. I understand that's been said.

6 Q. Okay. You don't deny saying that?

7 A. Well, like I told you, if Denise or somebody says I
8 said it, I probably did. I knew for a fact it was said,
9 but, you know, here again, we don't have the right to issue
10 contracts or issue any kind of agreements or bind the Beta
11 Club. You know, we are -- that's only a fact-finding
12 mission as an Internal Affairs Committee.

13 Q. Well, when you told her what you told her, you expected
14 her to rely on that to respond to the truthful information,
15 correct?

16 A. That's correct.

17 Q. And she did. She told you the truth, is that correct?

18 A. What we said was "you know, what you tell -- "we want
19 the truth and what you tell the Internal Affairs Committee,
20 you are not going to be fired for what you tell us."

21 In other words, if you are going to have a committee
22 and someone is going to be fired for something they tell the
23 committee, "give us the truth," then, you know, we don't do
24 that in the Beta Club. That's what our mission of the
25 Internal Affairs Committee is, you know, now. That's what

1 was said.

2 Q. Okay. And correct me if I heard wrong, but you were
3 talking about a meeting I think with Bob Bright when the
4 Internal Affairs Committee met with him afterwards and did I
5 hear you correctly when you said you told Bob that he needed
6 to give these employees due process?

7 A. Me being from South Carolina, and I understand as a
8 school superintendent that, you know, yes, we are a
9 right-to-work state, or employee at will, but we do need to
10 give some kind of at least minimum due process and that's
11 all I told him. I said "you got to do that." You just
12 can't -- you know, you have got to have some kind of grounds
13 and you have to notify them of the charges.

14 Q. When you spoke to Bob Bright, did he tell you he was
15 going to fire Denise?

16 A. No, sir, I never talked to Bob Bright about Denise.

17 Q. So Bob Bright never told you he has plans to fire
18 Denise Parker?

19 A. Bob Bright did not tell me that, sir.

20 MR. MURPHY: I have nothing further, Your Honor.

21 THE COURT: All right.

22 MR. BRIGHT: Just two or three questions, Your
23 Honor, if I may?

24 THE COURT: Yes, sir.

25

1 discussed, it would just be like, you know, this is crazy,
2 and just kind of sitting back and, you know, not really --
3 not wanting to even listen to what was being discussed in
4 those staff meetings.

5 Q. Now, she didn't say anything, did she?

6 A. No. No.

7 Q. Did you ever encounter circumstances where she didn't
8 help you with a project?

9 A. There were a couple that stand out to me, yes.

10 Q. Can you describe that for us?

11 A. One particular time is we were -- Mr. Garland, Ms.
12 Meyer, and I went in the print shop. We were putting
13 together notebooks for our teachers and our officers, our
14 student officers, and we were having difficulty getting the
15 papers to print and collate, and, you know, machinery
16 changes every time and it wasn't what I was used to from a
17 school perspective. And we were trying to get that done and
18 we were struggling. We struggled for --

19 Q. For how long?

20 A. I would guess two hours. I mean, it was a long time.

21 So we finally got it -- you know, we would get some and
22 it would not work and so we finally got that together and
23 went "wow, we got it", and it was said to us and from Ms.
24 Parker in the print shop "well, we could have told you that
25 two hours ago how to fix it."

1 her just about the handbook.

2 And if I was eating lunch in the break room, she would
3 go to another one to eat. She didn't really care to have --
4 she was not happy I was back.

5 Q. Was that your impression?

6 A. That was my impression.

7 Q. She didn't tell you that, did she?

8 A. No, she did not tell me that.

9 Q. Was this a big office?

10 A. No, about twenty people.

11 Q. Can you tell when someone doesn't like you in a small
12 office like that?

13 A. Yes, you can. You definitely know because there is
14 just a few of you.

15 MR. BRIGHT: If I may have a moment, Your Honor?

16 THE COURT: Yes.

17 (Off the record).

18 (Back on the record).

19 MR. BRIGHT: Nothing further, Your Honor.

20 THE COURT: Okay.

21 CROSS EXAMINATION BY MR. MURPHY:

22 Q. Ms. Lewis, did I just hear you tell this jury that with
23 regard to the print shop issue Denise Parker said that if
24 you had told them what you needed, she could have helped you
25 two hours ago?

1 A. In here in the courtroom?

2 Q. No, no, no, I'm sorry. That was an unclear question.

3 At work, back in 2013, you weren't with Shannon or
4 Richie when they were discussing any of these issues with
5 Denise?

6 A. No, I was not.

7 Q. So when you went to talk to Denise, you were talking to
8 her about what Richie said Denise was saying in response to
9 things Richie asked her to do?

10 A. Right, I was -- I was trying to help Richie.

11 Q. And with respect to this print shop issue, Denise was
12 not in that room for two hours?

13 A. No.

14 Q. And whatever you needed done, you don't actually know
15 that Denise knew how to do it, do you?

16 A. I assumed that she would have known, because that had
17 been one of the responsibilities in that Convention
18 Department and as being there for so long, I guess that was
19 an assumption.

20 Q. I know, and I know Mr. Bright asked you a lot of
21 questions about how you feel and what you assumed and all
22 that. I'm asking about what you know. I'm asking about
23 facts, and the fact is you don't know that whatever it is
24 that you needed help with is something that Denise knew how
25 to do?

1 A. I -- I couldn't answer it except for myself. You know,
2 if somebody knows how to do something, I assumed.

3 Q. Let's go to your deposition, page 37, please.

4 A. Okay.

5 MR. BRIGHT: What page?

6 MR. MURPHY: Page 37, Tom.

7 MR. BRIGHT: Thank you.

8 BY MR. MURPHY:

9 Q. Line 10.

10 "Q. Do you know that Ms. Parker knew how to do the
11 specific things that you were asking her to do?

12 "A. She didn't say she didn't know how.

13 "Q. I understand, but my question is do you have
14 personal knowledge that Denise knew how to do what you were
15 specifically asking for help on?

16 "A. No, I don't know that."

17 Did I read that correctly?

18 A. Yes, you did.

19 Q. Let's talk about Denise's attitude. The truth is
20 Denise never made any comments to you about Richie Garland,
21 did she?

22 A. No.

23 Q. And Denise didn't make any comments about Shannon
24 Meyer?

25 A. No.

1 Q. Or Bob Bright?

2 A. No.

3 Q. In fact, Denise never complained to you about anything
4 regarding the Beta Club, did she?

5 A. No, we didn't really work in the same department, so
6 that did not come up.

7 Q. You never had any problems with Denise?

8 A. Not when I was there from 2000 to 2006, no.

9 Q. You never complained to Bob Bright about Denise at all,
10 did you?

11 A. No, I didn't. I didn't work with her.

12 Q. What the issues that you have testified to about today
13 or whatever these things, these feelings that you had, they
14 couldn't have been a part in any decision to discipline or
15 terminate her, could they have been?

16 MR. BRIGHT: Objection, Your Honor. I think
17 that's a legal conclusion.

18 MR. MURPHY: That's not a legal conclusion.

19 BY MR. MURPHY:

20 Q. You never told Bob Bright about any of these issues,
21 did you?

22 A. It wasn't my place. I took it back down to Richie and
23 I said "Richie, I tried to help you. You need to talk to
24 Bob."

25 Q. You never explained to anybody about Denise, did you?

LAURA LEWIS - CROSS BY MR. MURPHY

1 A. I didn't work with her.

2 Q. Whatever complaints you are now making to this jury had
3 nothing to do with her discipline or termination, did they?

4 A. I don't know that.

5 MR. MURPHY: Nothing further, Your Honor.

6 THE COURT: All right.

7 Yes, sir, anything?

8 MR. BRIGHT: Nothing, Your Honor.

9 THE COURT: Okay, ma'am, you may step down.

10 Please be careful.

11 THE WITNESS: Okay.

12 MR. BRIGHT: My understanding is she's free to go,
13 if she wants to go?

14 THE COURT: Ma'am, you are released. You may stay
15 or go, whichever you choose.

16 THE WITNESS: Thank you.

17 THE COURT: Thank you.

18 MR. BRIGHT: That's the defendant's case, Your
19 Honor.

20 THE COURT: Defendant's case. Okay.

21 There's going to be a reply witness?

22 Let's see counsel, please.

23 (Whereupon, the lawyers approached the bench for
24 an off-the-record discussion)

25 THE COURT: Madam forelady, ladies and gentlemen

1 Elaine Curry to the stand.

2 THE COURT: Ms. Curry, come up and be sworn,
3 please.

4 ELAINE CURRY, having been first duly sworn,
5 testified as follows:.

6 THE COURT: Ms. Curry, once you are situated
7 there, pull that microphone up to you and tell us your full
8 name and spell your last name for my court reporter, please.

9 THE WITNESS: Elaine Prince Curry, C-U-R-R-Y.

10 THE COURT: All right.

11 Yes, sir.

12 DIRECT EXAMINATION BY MR. MURPHY:

13 Q. Ms. Curry, just for the record, you go by -- you have a
14 nickname too?

15 A. Yes, Lanie.

16 Q. Lanie, okay. You are Lanie. So when we heard about
17 Lanie, that's you.

18 Ms. Lanie, you worked at the Beta Club, correct?

19 A. That's correct.

20 Q. Tell the jury how many years you worked at the Beta
21 Club.

22 A. Forty-eight years.

23 Q. When did you leave the Beta Club?

24 A. November the 5th of 2013.

25 Q. Now, Lanie, you actually -- the jury may have noticed.

1 You sat through a lot of the trial, sat there on the back
2 bench and listened to a lot of the testimony, is that
3 correct?

4 A. That's correct. I wanted to get the feeling of the
5 courtroom and still hadn't helped me.

6 Q. Okay.

7 MR. BRIGHT: Just for the record, I don't think
8 either one of us has ever lost a witness on the stand.

9 BY MR. MURPHY:

10 Q. Now, you attended staff meetings along with Denise
11 Parker, correct?

12 A. I did.

13 Q. And you heard Mr. Garland talk about -- and, in fact,
14 Ms. Lewis testified about Denise's demeanor in staff
15 meetings. Do you recall hearing that?

16 A. Yes, I do.

17 Q. Can you describe your reaction to the testimony? What
18 was Denise's demeanor like?

19 A. She always sat like that. I mean, when you are in a
20 straight chair like this, what are you going to do with your
21 arms? I sit like this most of time and I think that's just
22 Denise's demeanor, you know.

23 Q. Was she ever negative in a staff meeting?

24 A. She wasn't to me and I have been friends with her a
25 long time.

1 Q. Did you ever see her be negative towards Bob Bright
2 or --

3 A. No. I can't say I didn't, but she -- I have never
4 heard her say -- you know, it's not her. She's just not
5 that vindictive.

6 Q. Okay. Were the meetings tense?

7 A. Yes, some of them were.

8 Q. Okay. Tell the jury why those meetings got tense?

9 A. Well --

10 MR. BRIGHT: I'm going to object, Your Honor. I
11 don't see the relevance of whether or not the meetings were
12 tense.

13 THE COURT: Where are we going with that, Mr.
14 Murphy?

15 MR. MURPHY: Your Honor, Mr. Bright offered
16 testimony that Ms. Parker's demeanor was in a reaction to
17 his simple discussions about reorganization and changes in
18 the -- changes in the organization, so forth, okay, and
19 that's what was causing the riff. Their side of the
20 witnesses who have all come and said her demeanor is what's
21 caused this big riff. I think the jury ought to hear, one,
22 what was going on in those meetings, and, two, what was
23 causing the riff.

24 THE COURT: Well, yes, sir.

25 MR. BRIGHT: May we approach, Your Honor?

1 THE COURT: Yes, sir.

2 (Whereupon, the lawyers approached the bench for
3 an off-the-record discussion)

4 BY MR. MURPHY:

5 Q. Lanie, you were here when Mr. Garland and Ms. Meyer
6 used certain words to describe Denise Parker. Do you recall
7 hearing that testimony?

8 A. I did.

9 Q. Did Denise Parker ever -- well, you worked with her --
10 you were there forty-eight. She was there thirty-eight
11 years, correct?

12 A. We have been friends that long.

13 Q. Okay. You worked with her the entire thirty-eight
14 years?

15 A. No, we started out in the same department. She started
16 out in the Membership Department, where I was, and then we
17 were separated when I went down to the Production
18 Department, but we have worked alongside each other in
19 various projects.

20 Q. Okay. Well, with respect to these terms that were used
21 to describe Denise Parker --

22 Let me ask you this. Someone that worked in
23 organizations with her for thirty-eight years, was Denise
24 ever rude?

25 A. Never.

1 Q. Was she ever belligerent?

2 A. No. No.

3 Q. Did -- in the thirty-eight years that you have worked
4 with this woman, did you ever know her to talk about people
5 behind their back?

6 A. Now, that's something she didn't do. I mean, she --
7 she just didn't talk about people. People don't understand
8 that -- I don't guess I know anybody like that, but with us
9 being friends, I would say things, but she would never come
10 back with, you know, but that breaks my heart because they
11 have, you know, think that she did something like that. She
12 didn't -- she didn't talk about anybody.

13 Q. Did she ever speak poorly of her superiors?

14 A. No. She may disagree with them, but she never spoke
15 bad of them.

16 Q. Okay. We have heard a lot about print shop stories.

17 A. Yes, sir.

18 Q. Your desk at one point in time was in the print shop?

19 A. It was.

20 Q. When did -- did you move at some point in time?

21 A. Yes, I was moved out of the print shop to the
22 switchboard.

23 Q. So when did you move away from the print shop?

24 A. I don't know the exact date or -- it was in September
25 sometime.

1 Q. Now, you have heard the story about people trying to
2 get something done in the print shop and you and Denise
3 wouldn't help them and you were giggling behind their back
4 and stuff. Did that ever happen?

5 A. I don't recall that if it happened, but let me tell
6 you. We -- we were friends. We cut up with each other and
7 we laughed with each other. And then saying that, I don't
8 think that Denise would have gone by a machine and if
9 somebody needed help that she didn't give it. But, now, I
10 have told them that some of the paper will not run through
11 these machines, but whether they believed you, they have to
12 be shown. They are from Missouri.

13 Q. Okay.

14 A. I'm sorry.

15 Q. It might be. They are from all over.

16 Well, you worked with her for thirty-eight years. Was
17 Denise helpful to her co-workers?

18 A. Yes. Yes, she was.

19 Q. Tell the jury in your own words what was she like to
20 have a co-worker for thirty-eight years.

21 A. She's very quiet.

22 I'll just give you an example. We even went to church
23 together, but she is the type of person that she has so much
24 on her shoulders, she never complained. And people -- if
25 you talk to people in the office, you would see that that's

1 Honor.

2 THE COURT: Well, the reason -- we can get off the
3 record on this, Mike.

4 (Off the record).

5 (Back on the record)

6 THE COURT: Okay. We are back on the record.

7 MR. MURPHY: I'm not going to proffer.

8 THE COURT: Okay. No proffer, all right.

9 Yes, sir Mr. Bright.

10 MR. BRIGHT: Your Honor, I'll be very brief.

11 We on the record provided our -- made a Rule 50

12 motion at the close of the plaintiff's case. We have

13 explained our specific reasoning and logic and case law in

14 support. What I want to do, Your Honor, is incorporate all

15 of those arguments into this argument as well, and I assume

16 that counsel wants to incorporate his arguments as well.

17 What we want to do is talk briefly about what more

18 do we know now then we knew at the close of the plaintiff's

19 case.

20 The evidence that we now have is that Mr. Dinkins

21 says he never said anything to Mr. Bright about the

22 plaintiff talking to the Internal Affairs Department. There

23 is no evidence from any witness of evidence that anyone else

24 said anything to Mr. Bright about what the plaintiff said to

25 the Internal Affairs Department. Mr. Bright says no one

1 told him anything about what or if plaintiff spoke to the
2 Internal Affairs Department.

3 We also have Mr. Bright and Ms. Lewis both saying
4 that nothing was said about the board in the November
5 meeting.

6 Quite frankly, all we have is plaintiff's own
7 self-serving statement that is unsupported by any evidence
8 that "well, Mr. Bright said to me I hear you were negative
9 to the board."

10 We also have the specifics of write-ups before the
11 board meeting, the plaintiff's statement that she was scared
12 for her job. She was afraid she was going to be fired. She
13 felt she was on thin ice, all which came before the board
14 meeting, before any contract could have been formed.

15 There is also evidence now of new issues which
16 came up in November, specifically November 4th, about the
17 e-mail issue; her response and reaction in that meeting that
18 was witnessed by two different people.

19 And all we have on the other side is her mere
20 speculation that Mr. Bright must have known something about
21 what the board said. That is nothing more, Your Honor, than
22 pure speculation on her part and is not corroborated by one
23 witness who has testified.

24 As it relates to the various causes of action that
25 are involved in this case, we say that that indicates that

1 there was no contract that was entered into.

2 We also argue that there was no evidence of a
3 breach of the contract, in light of the fact that there has
4 been no causal connection between what she may have said to
5 the board and getting that information to Mr. Bright. There
6 is no connection at all from any place.

7 Finally, Your Honor, with regard to the matter of
8 fraud, there has been nothing that's been presented in this
9 case that smacks of fraud. About all we have -- the best
10 you could say that we have in terms of facts in this case,
11 Your Honor, is that an employer terminated her and she
12 didn't think she deserved to be terminated. If that's fraud
13 and it's going to convert any contract claim into a breach
14 of contract accompanied by fraudulent act, then every
15 employment discharge case becomes a fraudulent act case.
16 There has been no evidence of fraud. All we have is "they
17 fired me. I don't think they should have. They didn't have
18 a good reason. They didn't investigate it the right way,"
19 and that in and of itself does not evidence fraud or the
20 intent to defraud.

21 Thank you, Your Honor.

22 THE COURT: Thank you.

23 Yes, sir, Mr. Murphy.

24 MR. MURPHY: Your Honor, let's be very, very clear
25 that I don't need to prove that Ken Dinkins told Bob Bright

1 what did Denise Parker said. I just need to prove that Bob
2 Bright relied on his understanding, from whatever source, I
3 don't care what source it was, from whatever source of what
4 she said to the Internal Affairs Committee. I don't have to
5 prove it was told to him by a particular individual. Ken
6 Dinkins said he didn't tell him that specifically, and I
7 don't take issue that testimony.

8 But Dr. Dinkins did say something on direct which
9 caused a side-bar and he said "we told him employees were
10 concerned for their jobs." Well, now, the only person that
11 Bob Bright knew who was concerned about her job was Denise
12 Parker. That's the only employee, because they objected.
13 When I tried to get evidence of other employees being
14 concerned about their jobs, they objected, so the only thing
15 this jury heard, the only employee who is concerned about
16 losing her job known to Bob Bright was Denise Parker. So
17 maybe Dr. Dinkins didn't say her name, but there could be no
18 mistake about who we are talking about. And all I have to
19 prove is he said it. She testified he said it. Okay.

20 Now, as I said before, Bob Bright said it too. He
21 corroborates what Denise Parker said. Notice, he uses this
22 word negativity right here in his write-up. It wasn't in
23 the October 21 write-up. That appears for the first time
24 here.

25 Now, who can he possibly be talking about? What

1 negativity could he be talking about? We filled in the
2 chart, Your Honor. I know your back was to this, but here
3 is what the testimony was; a warning on October 21. No
4 problems the rest of that week. No problems the next week.
5 In fact, Mr. Bright wasn't even there. No problems or
6 negativity on the 4th and she is fired. So when he said
7 negativity, Your Honor, he could only be talking about the
8 Internal Affairs Committee, and I don't have to prove that
9 to a certainty. I just have to put that evidence in the
10 record there was no negativity. But she used the term
11 negative; "you were negative with the board." He uses that
12 term for the first time right there on 11-4 and there was no
13 negativity. The only thing that Bob Bright could have
14 perceived as being negative was her statement to the board
15 after Dr. Dinkins talked to him about it.

16 The other thing you have to consider, their only
17 evidence to refute that he said it -- I mean, they have two
18 witnesses who say he didn't say it, right? I have got one,
19 but one against two. It doesn't matter if it's a hundred
20 against one. I get to the jury with one, but you also got
21 to consider that Bob Bright finally testified that, yeah,
22 the truth is he doesn't recall the specifics of that 11-4
23 meeting.

24 And Laura Lewis testified to a whole slew of "I
25 don't remember this, I don't remember this meeting being

1 discussed, I don't remember that, I don't remember that,"
2 but then she wants to specifically testify she can
3 specifically remember something that wasn't said, but she
4 can't remember all the stuff that was said. Now, the jury
5 gets to consider that in assessing the credibility of their
6 witnesses, but it doesn't really matter. Credibility is not
7 for the court to decide. My witness testified to it.
8 That's all I need.

9 Now, no evidence of a contract? I'm a little
10 surprised he's raised that one again. If you will notice, I
11 didn't go into the issue in the side-bar stuff, Your Honor,
12 because I stopped my Dinkins examination pretty short,
13 pretty quickly. I did that right after he acknowledged that
14 Denise was told "if you answer our questions, you will not
15 be fired." He came back and said "yeah, it was said." He
16 acknowledged that. That's why I wanted to stop right there.
17 That's the promise.

18 And I know Dr. Dinkins made an argument about
19 authority and all that, but you have the law on all that on
20 actual and parent authority. That's what the committee was
21 there for. That's the promise. There is no longer even an
22 issue about whether the promise was made. Dr. Dinkins now
23 admits that that promise was made.

24 Now, on the issue of fraudulent act, as fond as I
25 am for Tom Bright, he cannot keep making up his own law in

1 this case and that's the issue we have on the charges and
2 it's the issue that's on the proposed verdict form. It's
3 not the law of South Carolina. He can't rewrite the law of
4 breach of contract accompanied by fraudulent act. It's not
5 fraud. I don't have to prove the elements of fraud for
6 that, and the courts have been very clear on that. All I
7 have to prove -- and he said all my case is based on is her
8 disagreement with the reasons for termination. No, it
9 isn't. That's not a case. Conner says I just need to
10 present evidence that the reason they are giving isn't true.
11 Not every case becomes converted into a breach of contract
12 accompanied by fraudulent act. In fact, Your Honor, if you
13 remember from this case, perhaps, because I think you
14 handled this motion. When I filed this case, I didn't bring
15 a breach of contract accompanied by fraudulent act.

16 THE COURT: Right.

17 MR. MURPHY: And the reason is, Your Honor, if Mr.
18 Bright had said "that's right, that's why I fired her," I
19 wouldn't have had a breach of contract accompanied by
20 fraudulent act case, because the parties can breach the
21 contract and be honest about it and they are only liable in
22 contract, but the law in South Carolina is if you are lying
23 about the reason and you are coming up with false reasons,
24 that's what breach of contract accompanied by fraudulent act
25 is for. That's the law as it's written. And she has ample

1 evidence of pretext in this case, Your Honor.

2 Continued negativity. Mr. Bright acknowledged
3 that there wasn't any continued negativity. He tried to say
4 what. "Things I observed, they weren't better." He wasn't
5 even around. You can't observe what you are not here to
6 see.

7 Communication; failure to respond to e-mails.
8 Well, that fell apart on Monday. There is not -- there is
9 absolutely no e-mail in this record that Denise did not
10 promptly respond to. They got nothing. So there is ample
11 evidence that the reasons they are giving are false. We
12 went into some of the other reasons they raised, but I have
13 already discussed those, Your Honor.

14 THE COURT: All right.

15 Anything further?

16 MR. BRIGHT: My only response, Your Honor, would
17 be look at the Conner case, what the Conner case
18 specifically says is that you must prove a fraudulent act
19 accompanying the breach.

20 And it also goes on and says in this particular
21 case the city fabricated pretextual reasons for the
22 termination. What he's argued is we disagree with the
23 reasons, not that they were fabricated and false. And on
24 that basis we would contend there is no fraud.

25 THE COURT: Well, the court having heard the

1 arguments of counsel, and I understand counsel incorporating
2 their prior arguments that were made previously; and this
3 court is also going to refer back to prior comments made,
4 but the motions for a directed verdict on both causes of
5 action are denied. This court believes there is a question
6 of fact as to whether or not there is a contract and whether
7 or not there was a fraudulent act. So that's denied.

8 And the promissory estoppel motion remains under
9 advisement.

10 MR. MURPHY: Thank you, Your Honor.

11 THE COURT: Anything further?

12 MR. BRIGHT: Nothing further, Your Honor.

13 MR. MURPHY: 9:15?

14 THE COURT: Yeah.

15 (Whereupon, proceedings were adjourned to October
16 2, 2015)

CLOSING ARGUMENTS

1 to charge you that vague assurances of job security aren't
2 enough to become a contract. Think about the conversation
3 that Dr. Dinkins testified to, and that the plaintiff
4 testified to, and their testimony is pretty much the same,
5 it was a statement by one board member out of a group of
6 eight people, who did not supervise staff employees, who had
7 no authority to hire and fire employees, and who Dr. Dinkins
8 testified had no authority to enter into any contracts.

9 And what the judge is also going to tell you is
10 that there has to be -- to find the existence of a contract,
11 there has to be an intent to create legal relations. Was
12 that comment in that meeting intended to rise to the level
13 of a contract that justifies awarding her \$500,000? The
14 meeting didn't even last fifteen minutes.

15 Was there a contract simply on the basis of that
16 conversation between Dr. Dinkins and Ms. Parker in that
17 meeting?

18 Then you have to ask yourself was that contract
19 breached, that specific contract? Remember, termination for
20 anything else, it doesn't matter.

21 Where is the evidence that anyone told Dr. Bright
22 what she said to the board? She never told him. Dr.
23 Dinkins said he didn't tell him. Mr. Bright told you
24 "nobody told me anything. No one said anything to me about
25 what she said in that meeting."

CLOSING ARGUMENTS

1 Did they bring anybody forward to testify, "yup, I
2 told Dr. Bright about it?" Did they bring Mr. Stout, Mr.
3 Campbell, or anybody else who was in that board meeting on
4 the 25th to tell you what happened? No, we brought Dr.
5 Dinkins and he said "we didn't tell him."

6 So the bottom line is, ladies and gentlemen, Mr.
7 Bright did not have any knowledge of anything that occurred
8 in that meeting on the 25th. And, ladies and gentlemen,
9 that is a critical factor in determining whether or not
10 there was a breach, because they have to prove she was fired
11 for what she said in that meeting. That's the only way they
12 win this case, and there is not one shred of any evidence
13 that he ever knew anything about it. No witnesses, no
14 documents, nothing.

15 Now, we went through a fairly elongated process
16 "well, you can assume this based on this factor and this.
17 Assume based on that factor." He even wanted to reach back
18 and talk about something that happened on the 21st of
19 October. Ladies and gentlemen, the 21st of October is five
20 days before there was even any alleged contract entered
21 into. How could she have a breach of contract based on
22 something that happened five days before the contract ever
23 even came into being? That's not logical. It doesn't make
24 sense.

25 As I said, Mr. Bright said "no one said anything

JURY CHARGE

1 inconsistent with its existence. In other words, a party
2 breaches a contract when he does not perform as agreed to
3 under the contract.

4 The plaintiff is entitled to recover only if you
5 find that she has proved by the preponderance of the
6 evidence that the defendant did breach the contract between
7 the two parties.

8 The existence of an enforceable contract is a
9 necessary precondition to a claim for breach accompanied by
10 fraudulent act. If you find that the plaintiff's at-will
11 employment was not altered by any employment contract, you
12 must also find that the plaintiff has failed to prove her
13 claim for a breach accompanied by fraudulent act.

14 Assuming you find a contract existed and that it
15 was breached, these facts alone are not enough to support a
16 finding that the defendant breached the contract accompanied
17 by fraudulent act. As the name of the claim suggests, to
18 successfully prevail on a claim of breach of contract
19 accompanied by fraudulent act, the plaintiff must prove more
20 than merely a breach of the contract. The mere breach of a
21 contract does not constitute fraud. In addition to proving
22 that a contract existed between herself and the defendant,
23 and in addition to proving that the defendant breached the
24 contract by terminating her, the plaintiff must also prove
25 two additional important facts relating to fraud in order to

1 prevail on the claim. The plaintiff must prove a defendant
2 had fraudulent intent relating to the breach of the contract
3 and not merely to the contract's making, and the defendant
4 engaged in some fraudulent act accompanying the breach of
5 the contract.

6 I tell that you fraudulent intent in breaching a
7 contract can be inferred from the circumstances surrounding
8 the breach and is characterized by such things as dishonesty
9 and unfair dealing.

10 The fraudulent act is an act characterized by
11 dishonesty in fact or unfair dealing.

12 The defendant is organized for legal purposes as a
13 corporation. A corporation is not a natural person. It is
14 an artificial entity created by law. Being an artificial
15 entity it cannot appear or act in person. It must act in
16 all its affairs through agents or representatives.

17 A principal or a corporation is liable for the
18 acts of its agent or employee while the agent or employee is
19 acting within the scope of his authority. This is true even
20 where that agent, servant or employee may be acting against
21 the instructions of the principal or corporation. If an act
22 done by an agent is within the apparent scope of the
23 authority with which he has been clothed, it does not matter
24 that it is directly contrary to the instructions of the
25 principal.

JURY CHARGE

1 Where an employee is acting within the scope of
2 his employment, his knowledge also is imputed to the
3 employer, meaning that the law treats the employer as
4 knowing what the employee knows. This rule also applies
5 where someone forms a reasonable belief under the
6 circumstances that the individual making a representation is
7 acting as an agent of his or her employer.

8 A principal or corporation can be bound by the
9 statement of its agents if those statements are made with
10 actual authority, apparent authority, or the principal
11 ratifies them.

12 I tell you that actual authority is authority
13 expressly conferred upon the agent by the principal.

14 A corporation or principal also is bound by
15 statements made by its agent if he or she makes them with
16 apparent authority. One acts with apparent authority when
17 his or her employer has placed the agent or employee in such
18 a position that persons of ordinary prudence, reasonably
19 knowledgeable with the business usages and customs, are led
20 to believe the agent has certain authority and they in turn
21 deal with the agent based on that assumption.

22 Ladies and gentlemen, generally, agency may be,
23 and frequently is, implied or inferred from the words and
24 conduct of the parties and the circumstances of a particular
25 case.

1 bring those exhibits and the verdict form to you.

2 Madam Forelady, when you receive the exhibits and
3 when you receive that verdict form, which would be on top,
4 that is your signal for the jury to begin its deliberations.

5 Again, I charge you and tell you if someone has to
6 leave to smoke, if someone has to leave to go to the
7 restroom, all deliberations must cease until all twelve
8 jurors are together. Okay.

9 Madam Forelady, if you will take the jury out,
10 please.

11 (Whereupon, at 11:48 a.m., the jury panel retired
12 to the jury room, awaiting instructions to begin
13 deliberations).

14 (Off the record).

15 (Back on the record)

16 THE COURT: Okay. We are on the record.

17 Any exceptions or additions from plaintiff?

18 MR. MURPHY: No exceptions from the plaintiff?

19 THE COURT: From the defense?

20 MR. BRIGHT: None, Your Honor.

21 THE COURT: Okay.

22 MR. MURPHY: Your Honor, no exceptions to the
23 change in the verdict form.

24 THE COURT: Okay.

25 (Off the record)

EXCERPTS FROM COURT EXHIBIT NO. 1¹ -- PORTIONS OF KEN DINKINS' DEPOSITION TESTIMONY READ INTO THE RECORD AT TRIAL **EXCEPT FOR THESE PAGES AND LINES:**

- PAGE 15, LINES 21-25
- PAGE 16, LINES 2-12
- PAGE 17, LINES 10-14
- PAGE 21, LINES 5-25
- PAGE 25, LINES 1-3
- PAGE 30, LINES 20-25
- PAGE 32, LINES 1-4, 7-8
- PAGE 33, LINES 18-25
- PAGE 39, LINES 6-25
- PAGE 40, LINES 1-5
- PAGE 41, LINES 11-25
- PAGE 42, LINES 1-3, 18-25
- PAGE 44, LINES 1-6
- PAGE 45, LINES 13-25
- PAGE 48, LINES 1-12, 22-25
- PAGE 49, LINES 1-7
- PAGE 50, LINES 13-25
- PAGE 53, LINES 1-22
- PAGE 55, LINES 2-25
- PAGE 61, LINES 1-25 (except for last two words on line 25)
- PAGE 62, LINES 6-25
- PAGE 69, LINES 1-6, 22-25
- PAGE 70, LINES 1-8, 12-14
- PAGE 73, LINES 6-25
- PAGE 75, LINES 1-18
- PAGE 78, LINES 16-25
- PAGE 86, LINES 1-9 (except for last four words on line 9)
- PAGE 87, LINES 3-25
- PAGE 88, LINES 1-2 (except for last five words on line 2)
- PAGE 89, LINE 6
- PAGE 90, LINES 17-20
- PAGE 91, LINES 5-7

¹ All of the pages listed were included in Appellant's Designation of Matter.

1 STATE OF SOUTH CAROLINA IN THE COURT OF COMMON PLEAS

2 COUNTY OF SPARTANBURG CASE NO. 2014-CP-42-1759

3

4

Denise Parker,

5

Plaintiff,

CERTIFIED COPY

6

vs.

7

The National Honorary Beta Club,

8

Defendant.

9

10

11

DEPOSITION OF KENNETH DINKINS

12

13

14 DATE TAKEN: April 7, 2015

15 TIME BEGAN: 1:06 p.m.

16 TIME ENDED: 3:42 p.m.

17 LOCATION: Ogletree, Deakins, Nash, Smoak & Stewart
1320 Main Street, Suite 600
18 Columbia, South Carolina

19

REPORTED BY: Traci L. Barr, RPR

20

21

22

Expedite Court Reporting
11 Bransfield Road

23

Greenville, South Carolina
(864) 509-0914

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ExpediteReporting@gmail.com

25

1 APPEARANCES:

2

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9

.....On behalf of the Plaintiff

10

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18 (864) 271-1300

19

.....On behalf of the Defendant

20

21 ALSO ATTENDING: (None.)

22

23

24

25

1 BY MR. MURPHY:

2 Q. Dr. Dinkins, how long have you been associated
3 with Beta Club?

4 A. Probably 26 years. 25, 26 years.

5 Q. Did you become involved with it in your role as
6 a --

7 A. Principal.

8 Q. Were you involved in the Beta Club at Broome?

9 A. Yes, sir.

10 Q. How long have you been involved with the Beta
11 Club association itself or the entity itself?

12 A. Same number of years, 26 years.

13 Q. 26 years ago, what role did you have with the
14 Beta Club organization?

15 A. I was the South Carolina -- Chairman of the
16 South Carolina Beta Club Council, and it might
17 have been 25 or it might have been 26. I don't
18 remember the exact date. I went on as a
19 council member, like I say, over 25 years ago
20 and then was elected the Chairman about 25
21 years ago.

22 Q. Chair of South Carolina?

23 A. South Carolina Council.

24 Q. And the Beta Club organization, all the states
25 have their own councils, and there is a

1 national organization?

2 A. That's correct.

3 Q. When did you first become -- just to be clear,

4 the national council is the National Honorary

5 Beta Club?

6 A. That's correct.

7 Q. When did you first become affiliated or

8 associated in any way with the national

9 organization, National Honorary Beta Club?

10 A. I would say the same time. Let me -- let me

11 back up a second --

12 Q. Sure.

13 A. -- and make a correction here.

14 When you said when did I become involved in the

15 Beta Club, the first year I was a principal was

16 in 1973, and if I recall correctly, we had a

17 Beta Club then. So I had a Beta Club under my

18 supervision since 1973, and I went onto the

19 council about 25, 26 years ago and then was

20 elected Chairman about 25 years ago.

21 Now, your question is the organization of the

22 Beta Club in the states, there is 18 states,

23 and each state has a Beta Club council, and

24 each council has a Chairman, and the Chairman

25 serves on the National Board. The National

1 Board is made up of 18, the 18 chairmen from
2 each of the states.

3 Q. Are you currently on the Board?

4 A. Yes, sir.

5 Q. What positions do you hold on the Board?

6 A. I'm a member of the Board and vice Chairman
7 right now.

8 Q. Are you also still Chair of the South Carolina
9 council?

10 A. Yes, sir.

11 Q. Have you been Chair of the South Carolina
12 council for about 26 years?

13 A. In that neighborhood. 25, 26 years.

14 Q. Okay. So during that entire time, you have
15 also been on the Board of the National Honorary
16 Beta Club?

17 A. That's correct. So we're both speaking the
18 same, when we talk about the state, we talk
19 about the state council. When you talk about
20 the Board, it's the National Board.

21 MR. BRIGHT: Brian, I don't want to interrupt, but
22 there may be occasions I have to get up and
23 walk around because of my back problem. If I
24 do that, I'm not trying to distract anybody.

25 (Discussion held off the record.)

EXAMINATION RESUMED

2 BY MR. MURPHY:

3 Q. The reason I use the term, National Honorary
4 Beta Club, Dr. Dinkins, is that's the actual
5 entity that we've sued in this case. I
6 understand it may be made up of state councils
7 and all that, but I'll try to use National
8 Board when I refer to the Board. It's all one
9 organization. I get that.

10 A. Yeah, it's all one organization. When you say,
11 council and Board, the Board is the National
12 Board, the council is usually the state.

13 Q. You are currently the Vice Chair.
14 Have you held any other office or positions for
15 the National Board?

16 A. Yes, sir, I have.

17 Q. Okay. What are those, sir?

18 A. I was the Board liaison several years ago. I
19 can't remember exactly which years. I was the
20 chairman probably 10 or 12 years ago, and I
21 served on several committees.

22 Q. Tell me about the Board liaison position. What
23 does that involve?

24 A. The Board liaison position is elected by the
25 Board, and that person is supposed to be a link

1 between the CEO, the Board, and the staff, and
2 they try to facilitate communication. You have
3 an 18-member Board that is a fairly large Board
4 that he or she, the liaison, is supposed to be
5 -- work with the Chairman and the CEO to make
6 things work smoother.

7 Q. I understand in 2013 you were also a member of
8 the Internal Affairs Committee?

9 A. Yes, sir.

10 Q. Were you on the Internal Affairs Committee as
11 the Board liaison?

12 A. No.

13 Q. Were you the Board liaison in 2013?

14 A. No.

15 Q. During the time that you have been on the Board
16 and during the time that Denise Parker worked
17 at Beta Club, did you have any interaction with
18 her?

19 A. What exactly do you mean by interaction?

20 Q. Did you work with her?

21 A. I never worked directly with her.

22 Q. As the liaison, you never recall meeting with
23 her or speaking to her to say hello?

24 A. Oh, yeah. When you say, working, I never --
25 you know, we never worked on projects together

1 or anything like that. The Board basically
2 meets twice a year, and when we go in, we have
3 committee meetings, and we will meet with
4 various staff members and things like that.
5 Certainly, I have been in meetings where she
6 was there, but as far as when you say, work, I
7 don't know exactly what you're referring to as
8 far as work. But as far as having a project
9 and Denise Parker and someone else and me and a
10 couple of others working, I don't recall
11 anything like that.

12 Q. That's what basically I'm trying to figure out.
13 How much interaction did you have with Denise
14 Parker? She was there about 24, 25 years
15 during the time you were there.

16 A. I knew Denise Parker. I spoke with her. But
17 as far as having any direct -- certainly, I
18 have talked with her when I would go around.
19 She has worked in different areas of the Beta
20 Club, but I don't -- you know, I never worked
21 directly with her.

22 Q. Did you have any interactions with Denise that
23 were negative or unpleasant in any way?

24 A. I don't recall any interaction like that.

25 Q. Can you, sitting here today, tell me of any

- 1 situation where you asked Denise to do
2 something and she didn't do it?
- 3 A. I was never in a position to ask her.
4 Let me elaborate a little bit about the Board
5 and the structure. The Board basically is
6 charged with the responsibility of employing
7 the CEO and approving the budget and doing
8 various other things. We really don't get into
9 supervising employees and working directly with
10 employees, of which Denise was.
- 11 Did I know Denise? Yes, I did, but I never had
12 any direct supervision or anything like that.
- 13 Q. I understand you weren't her direct supervisor,
14 but for about a quarter of a century --
- 15 A. I knew her --
- 16 Q. -- you knew her?
- 17 A. Went up there twice a year and I'd see her.
- 18 Q. You would see her twice a year, and over that
19 quarter of a century that you saw her twice a
20 year, did you get along well with her?
- 21 A. I would say I got along with Denise.
- 22 Q. Did you ever observe anybody else not getting
23 along with Denise?
- 24 A. I don't recall anything like that.
- 25 Q. Did you, in your quarter century, ever observe

1 her not doing something she was asked to do?

2 A. I've never seen her not do anything.

3 Q. In your almost quarter century or so of working
4 with her, did you ever hear anybody complain
5 about her other than Dr. Bright?

6 A. The only thing I ever heard about Denise was
7 Denise is kind of quiet and shy and stays to
8 herself. She doesn't have the outgoing, bubbly
9 personality, smiling and joking around.
10 Outside of that, that's all I've ever heard. I
11 have heard people say, hey, you know, she
12 doesn't smile a whole lot, but I think that's
13 her personality.

14 Q. Anything other than that?

15 A. No, sir.

16 Q. In the approximate quarter century that Denise
17 worked at the Beta Club while you were on the
18 Board, can you tell me how many executive
19 directors she worked for?

20 A. Let's see. We had George Lockamy, we had -- I
21 think the next one was Charlie Tillotson. Then
22 we had an interim.
23 You're not counting the interims; is that
24 correct?

25 Q. You can give me interims.

1 A. We had an interim, Joan Burnett, we had Ken
2 Klein, then we had an interim again, Joan
3 Burnett, and then Bob. So what's that? Five
4 or six.

5 MR. BRIGHT: Six.

6 EXAMINATION RESUMED

7 BY MR. MURPHY:

8 Q. Six.

9 A. I might have missed one, and I might be out of
10 order, but I think that's pretty close.

11 Q. Prior to Dr. Bright becoming executive
12 director, had the --

13 A. He doesn't have a doctorate. He's Mr. Bright.

14 Q. I'm sorry. I was thinking about you, and I
15 said, Dr. Bright.

16 MR. MURPHY: I did say, Dr. Bright, earlier, didn't
17 I? Where I said, Dr. Bright, before, I was
18 meaning, Bob Bright.

19 EXAMINATION RESUMED

20 BY MR. MURPHY:

21 Q. Prior to Bob Bright becoming executive
22 director, are you aware of the Beta Club ever
23 being sued in an employment case?

24 A. We had a situation with a former CEO.

25 Q. That was the one right before --

1 to give you a copy of the Board of Directors'
2 policies. You can hold onto those. I may
3 refer to those in a minute..
4 Let's go through her Complaint. Under
5 paragraph 3 she says, and you can refer to the
6 document, under the Constitution, the
7 defendant, National Honorary Beta Club, is
8 governed by National Board of Directors.
9 You agree with that, right?
10 A. Yes.
11 Q. Under number 4 she says, under Article 1,
12 Section K, the National Board shall set up
13 organization committees as shall be necessary
14 for the proper supervision and direction of the
15 affairs of the organization.
16 Is that also your understanding of the
17 Constitution?
18 A. That's correct.
19 Q. In paragraph 5 she alleges, pursuant to Article
20 1, Section K, defendant established an Internal
21 Affairs Committee.
22 Is that also your understanding?
23 A. That's correct.
24 Q. Under number 6, Ms. Parker says the National
25 Board and/or Internal Affairs Committee created

1 a Staff Liaison Committee, also Board Liaison
2 Committee, comprised in part of members of the
3 National Board and employees of the National
4 Board.

5 Is that correct?

6 A. That's correct. I would say employees of the
7 national office, on that number 6 there,
8 because the employees are of the national
9 office. They're not really -- they are of the
10 Board, but I guess that's just semantics.

11 Q. Okay.

12 A. Members of the National Board and employees of
13 the national office.

14 Q. All right. Let me ask about the Staff Liaison
15 Committee.

16 The members of the Staff Liaison Committee
17 were, in fact, the members of the Internal
18 Affairs Committee?

19 A. That's not exactly correct.

20 Q. Okay. Tell me where the difference is.

21 A. Internal Affairs Committee are selected by the
22 Board Chairman, the Board liaison, and there is
23 usually four members, if my memory serves me
24 correctly of the Internal Affairs, and they're
25 Board members.

- 1 Then the staff -- you'll have to look in the
2 policies, but the staff selects three or four
3 members to serve on the Staff Liaison
4 Committee, and they actually meet with the
5 Board Liaison Committee.
- 6 Q. But the Board Liaison Committee is the Internal
7 Affairs Committee?
- 8 A. It's called the Internal Affairs Committee.
- 9 Q. Correct. And its members meet with the staff
10 members on what's called --
- 11 A. That's correct.
- 12 Q. -- the Board Liaison Committee?
- 13 A. Okay. The staff selects three or four. I'm
14 not sure how many. And I don't know how they
15 do it. I don't know if they appoint them or
16 elect them or what, but they pick -- I think
17 they elect. They get three or four, and when
18 the Internal Affairs Committee comes to meet,
19 those members are selected from the Board.
20 They come and meet -- Internal Affairs does
21 other things besides meet with that group from
22 the staff.
- 23 Q. We're on the same page. I understood.
- 24 A. Okay.
- 25 Q. But the Board members who meet with the elected

1 staff members are, in fact, members of the
2 Internal Affairs Committee?

3 A. That's correct.

4 Q. And let's just look at the Internal Affairs
5 Committee then. This is Policy 112. If you
6 will look at this under the Board policies.

7 MR. BRIGHT: What page?

8 EXAMINATION RESUMED

9 BY MR. MR. MURPHY:

10 Q. Do you see where it says, Beta B, at the bottom
11 in big, bold letters?

12 A. Yes.

13 Q. If you go to 7.

14 A. Okay.

15 Q. And you'll see a Section C under this Policy
16 112 that says, duties.

17 It says, the Internal Affairs Committee is
18 charged with the responsibility of supervising
19 the internal operations of the Beta Club
20 headquarters in gathering information

21 concerning the overall operations of the Beta
22 Club. And it gives some specifics of what you
23 do, including B, meeting with the staff, and,
24 D, meeting with the Staff Liaison Committee,
25 and then other duties assigned by the Board

1 Executive Committee.

2 Do you see that?

3 A. Uh-huh.

4 Q. Is that consistent with your understanding of
5 what your role was as a member of the Internal
6 Affairs Committee?

7 A. That's exactly what we do.

8 Q. And when you meet with the members of the Staff
9 Liaison Committee, as set forth in Subparagraph
10 D of Section C, you're meeting as a member of
11 the Internal Affairs Committee?

12 A. That's correct, which is a subcommittee of the
13 Board.

14 Q. Right. Were you involved in adopting these
15 Board policies?

16 A. Yes, I was, over time. These have evolved over
17 the last I don't know how many years.

18 Q. In Paragraph 9, Ms. Parker alleges that, under
19 Article 1, Section 1G, and she's referring to
20 the Constitution again, which you have a copy
21 of, it says, the National Board has the power
22 to select and appoint an executive director who
23 will serve as the CEO in managing the affairs
24 of the National Beta Club in compliance with
25 policies and procedures established by the

- 1 Board.
- 2 Do you see that?
- 3 A. Uh-huh, yes.
- 4 Q. And is that your understanding?
- 5 A. That's correct.
- 6 Q. Do you remember when the Staff Liaison
- 7 Committee was created?
- 8 A. I don't remember.
- 9 Q. And it is your understanding that the staff
- 10 representatives to the Staff Liaison Committee
- 11 are elected by their peers?
- 12 A. That's my understanding. I'm not sure how they
- 13 pick them, but my understanding is they are
- 14 elected. And I think they're supposed to be --
- 15 I think, now, I don't know this for a fact,
- 16 that not all of them from the convention
- 17 department or marketing are supposed to be a
- 18 representative group of the national staff, is
- 19 my understanding.
- 20 Q. Do you know when Ms. Parker -- strike that.
- 21 Was it your understanding that at some point in
- 22 time Ms. Parker became a member of the Staff
- 23 Liaison Committee as a staff elected
- 24 representative?
- 25 A. Would you restate the question?

1 Q. Was it your understanding that Ms. Parker
2 became a representative on the Staff Liaison
3 Committee at some point?

4 A. Well, to be at the meeting as a member, I would
5 think so, but -- see, when we go in as the
6 Internal Affairs, we go in and we have an
7 agenda. We have a time for them to come in.
8 And to be honest with you, now, some of the
9 Board members might, but when you go in, the
10 committee just comes in, and I don't go around
11 to figure out who -- try to determine who is on
12 the committee and all that stuff. Normally,
13 they just come in as the committee. I'm not
14 aware that we're even notified that the
15 committees are so, so, so, and so on. I think
16 they just come in whenever they do. They hold
17 their own little meetings or whatever at the
18 national office, and when they come to us,
19 that's when they bring in their ideas..

20 Q. Okay. And your Internal Affairs Committee
21 meets and also meets with the staff members in
22 conjunction with a trip to Spartanburg for a
23 Board meeting; is that correct?

24 A. Sometimes yes, and sometimes no. Now, I
25 believe in '13, 2013, I think it was the day

1 before the full Board came in. Okay. But
2 there are times when we would go to Spartanburg
3 and it wouldn't be in conjunction with the
4 Board meeting.

5 Q. Do you recall a meeting of the Staff Liaison
6 Committee in late October 2013?

7 A. Well, I do now.

8 Q. Lawsuits will do that for people.

9 A. To be honest with you, I do now. Until all
10 this came up, no. It was just another meeting;
11 it was our Internal Affairs Committee meeting,
12 and we went in and had it. But I remember it
13 now.

14 Q. Do you recall whether Ms. Parker was in the
15 meeting at the start of the meeting in late
16 October 2013?

17 A. I don't recall. I would think she was, because
18 they generally come in as a group, but I can't
19 swear to that.

20 Q. Do you recall speaking to Ms. Parker during the
21 Staff Liaison Committee that occurred in late
22 October 2013?

23 A. Generally, yes, I remember speaking to every
24 one of them. Generally, when they come in, I
25 usually shake their hand and say, I'm glad to

- 1 see you, and a few pleasantries.
- 2 Q. Do you recall exchanging pleasantries and
- 3 speaking to Ms. Parker?
- 4 A. If she was in the meeting, I did. I don't
- 5 recall specifically singling her out, but I
- 6 spoke to everyone.
- 7 Q. When the meeting started, do you recall her
- 8 walking in and you exchanging pleasantries with
- 9 her?
- 10 A. I don't recall. I remember them coming in, and
- 11 I always speak to them. In fact, all the
- 12 Internal Affairs Committee members generally, I
- 13 wouldn't say every time, but generally, they
- 14 speak to them and shake their hand. But I
- 15 couldn't tell you what time the meeting was.
- 16 Q. Do you take any notes of the meetings?
- 17 A. Our Chairman does. I don't keep notes.
- 18 Q. Who is the Chairman?
- 19 Are you referring to Pat Stout?
- 20 A. Yes, I know Pat Stout. Pat was probably the
- 21 Chairman. I would have to go back and see.
- 22 MR. BRIGHT: I think, Brian, there may be getting --
- 23 you're using Chairman in two different ways.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 at to help refresh your recollection on
2 something, that's fine, Dr. Dinkins. You have
3 been very responsive, and I know you're trying
4 very hard to remember everything, but if there
5 is anything we can provide you, I have no
6 objection to doing that. I'm not playing hide
7 the ball in this thing.

8 A. That's fine.

9 Q. Just tell us what they are. Hopefully, they've
10 been turned over. If not, hopefully we can
11 track them down for you. I want you to feel
12 free to ask me if there are any documents like
13 this that might jog your memory on anything.

14 A. Okay.

15 Q. I want to go back to this October 24, 2013
16 meeting because this is a meeting that's very
17 important to the case, I think as you know, and
18 what you remember and your ability to remember,
19 I need to understand that well today before we
20 go to trial.

21 During the October 24, 2013 meeting, do you
22 recall anybody raising any concerns about the
23 way Denise Parker had been treated by Bob
24 Bright?

25 A. I don't recall any committee member -- are you

1 talking about an Internal Affairs Committee
2 member raising a question?

3 Q. No, sir. I was referring to a staff member
4 serving on the Staff Liaison Committee.

5 Do you recall any member of the Staff Liaison
6 Committee raising any issues about Mr. Bright's
7 treatment of Denise Parker?

8 A. I don't recall any -- I don't recall a lot of
9 specifics on that. I remember somebody saying
10 something about she had been written up.

11 Q. Okay. Do you recall who that was who said
12 that?

13 A. I don't recall. Now, you look here --

14 Q. Look there and it says the only other people --

15 A. Right here it says, Pat Mabry, Denise Parker,
16 and Barbara Anderson.

17 Q. Is that your recollection who was in the
18 meeting?

19 A. That's my recollection.

20 Q. Okay. Do you recall whether it was Ms. Mabry
21 or Ms. Anderson who brought up the issue of
22 Denise Parker being written up?

23 A. I can't tell you who it was, but I know that
24 issue -- that statement was made.

25 Q. Do you recall them also making statements about

1 Mr. Bright treating the staff unfairly?

2 A. At that time, from what I do recall, we were
3 going through a lot of changes up there in the
4 office, and I do recall them making some
5 comments about a lot of people are really
6 concerned for their jobs. And I think that's
7 when somebody -- I mean, I can't say -- I know
8 -- I've got a hunch who it was, but I don't
9 know for sure, that made the comment that
10 Denise had been written up.

11 Q. Who does your hunch tell you that --

12 A. I would think Pat Mabry made that comment, but
13 I'm not sure. And I certainly am not singling
14 her out. I mean, I can't recall -- I wouldn't
15 swear that that's it, but that would be my --

16 Q. We know you're not affirming and saying, I
17 swear to you it was Pat Mabry and not Ms.
18 Anderson.

19 A. You're talking about a meeting that happened a
20 year and a half ago.

21 Q. We appreciate that as well. I'm just trying to
22 find out, sir, what you do recall. I'm not
23 trying to --

24 A. I recall that coming up about she had been
25 written up and there was a lot of concern.

1 Q. And you recall that that was raised by somebody
2 other than Denise Parker?

3 It was one of the other ladies who actually
4 brought that issue up, wasn't it?

5 A. From my recollection, it was.

6 Q. In Paragraph 13 of the Complaint, if you want
7 to refer to that, Ms. Parker says, a number of
8 issues arose after Bright's appointment because
9 of his attitude towards the workforce,
10 including his boasting about his power to fire
11 people, as well as his disciplining employees
12 for reasons that were false.

13 Do you recall any of the members bringing up
14 those types of issues in the meeting?

15 A. I don't remember that ever being said. Like I
16 say, I do remember them saying that there was a
17 lot of folks, and a lot is a generalized term,
18 a lot of folks up there that were concerned
19 about their positions.

20 Q. So in Paragraph 15, Ms. Parker alleges that, at
21 a Staff Liaison Committee another employee
22 mentioned Bright's poor treatment of plaintiff.
23 In terms of an employee mentioning that Bright
24 had disciplined her, that's an accurate
25 statement, correct?

- 1 A. If you are saying -- ask me again.
- 2 Q. Okay. Well, it's true at the Staff Liaison
3 meeting it was another employee who was
4 mentioning Bright's treatment of plaintiff?
- 5 A. Somebody did say that she had been written up.
- 6 Q. I want you to read what Ms. Parker says in
7 Paragraph 16 of her Complaint.
8 Have you had an opportunity to fully read
9 Paragraph 16?
- 10 A. Sure, I have.
- 11 Q. Is there anything in Paragraph 16 that you
12 would disagree with?
- 13 A. I remember it being said and I -- if Denise
14 Parker -- if Denise would say I said it, I
15 wouldn't deny it. I remember it being said,
16 because we say this when they come in and meet
17 with us; hey, we're here as a representative
18 group from the Board, we're here to gather
19 information about what's morale, the working
20 conditions at the office, we want you to be
21 clearly honest with us about what you tell us.
22 So yeah, it has been said that, you know, what
23 you say here is not going to be basically held
24 against you or a condition of employment, but I
25 don't remember anybody saying that Bob Bright

1 would not terminate employment because you
2 participated. We said, you were selected by
3 whatever means internally to be here and you're
4 here to tell us -- answer our questions.

5 Q. Did Denise Parker answer all of your questions?

6 A. My recollection is she did.

7 Q. Did Denise Parker say anything to you that you
8 believe to be untrue?

9 A. I don't recall anything that she said that was
10 untrue.

11 Q. And Dr. Dinkins, based on the instructions you
12 gave to the staff members on this Liaison
13 Committee and your understanding that the Board
14 makes the policy and the executive director
15 manages pursuant to the Board policy, was it
16 your understanding in 2013 that if you directed
17 an employee as an Internal Affairs Committee
18 member representative of the Board, as you put
19 it, if you instructed an employee to provide
20 you information and that employee provided you
21 truthful information, that Bob Bright had the
22 authority to fire that employee for providing
23 the Board members truthful information?

24 MR. BRIGHT: Object to the form of the question.

25 You can answer.

1 MR. MURPHY: Let me clarify.

2 EXAMINATION RESUMED

3 BY MR. MURPHY:

4 Q. You have already testified here as to your
5 understanding of the role of the Board, that
6 the executive director works for the Board, the
7 executive director manages pursuant to Board
8 policy, correct?

9 A. That's right.

10 Q. And you've also testified for us as to what you
11 instruct the employees, when they come into a
12 meeting with the Internal Affairs Committee
13 members as part of these meetings, that they're
14 to answer you honestly, I think was your word,
15 and that in your role as Board members you were
16 there to get information from them, correct?

17 A. That's correct.

18 Q. In October 2013 or at any point in time, have
19 you ever held the opinion that if an employee
20 came in and answered your questions truthfully
21 to you, that Bob Bright had the authority to
22 fire that employee for giving truthful
23 information to the Board?

24 MR. BRIGHT: Same objection.

25 Go ahead, you can answer.

1 (Discussion held off the record.)

2 EXAMINATION RESUMED

3 BY MR. MURPHY:

4 Q. On October 24th, 2013, you met with Denise
5 Parker, Ms. Mabry, and Ms. Anderson, along with
6 the other -- strike that.

7 On October 24, 2013, you and the other members
8 of the Internal Affairs Committee met with Ms.
9 Parker, Ms. Mabry, and --

10 A. Barbara Anderson.

11 Q. -- Ms. Anderson, correct?

12 A. That's correct.

13 Q. And you met with them in your role --

14 A. As Internal Affairs Committee.

15 Q. And that's the role we've already outlined here
16 in the policies --

17 A. That's correct.

18 Q. -- as part of your duty as the Internal Affairs
19 Committee, was to meet with them?

20 A. That's correct.

21 Q. And you wanted them to be honest with you?

22 A. That's correct.

23 Q. And you wanted them to give you truthful
24 information so you could do your job as a Board
25 member?

- 1 A. That's correct.
- 2 Q. And to the best of your knowledge, Denise
3 Parker was truthful with you?
- 4 A. That's correct.
- 5 Q. Is it your understanding that when the Internal
6 Affairs Committee asks an employee for truthful
7 information and the employee gives truthful
8 information, that the executive director has
9 the power to fire that employee for giving that
10 information?
- 11 A. No, he doesn't. He can't fire the employee for
12 giving information to Internal Affairs.
- 13 Q. Did you ever have a discussion with Bob Bright
14 as to why he fired Denise Parker?
- 15 A. I don't think I did. I can't recall anytime I
16 did.
- 17 Q. Do you have any explanation for me -- we're
18 going to take a break here. We've been going a
19 little over an hour. I like to get up and walk
20 every hour or so.
- 21 Is this a good time, or go to my next question?
- 22 A. Whatever.
- 23 Q. Looking at the Board minutes that I gave you,
24 and they're at Beta 112 to 14, I'm looking at
25 page Beta 114, which is the third page of these

1 you each have roles. Hey, I went to Citadel.
2 I'm pretty much a straight down the line guy.
3 If I've got a role to do, I'm going to do it,
4 but I try not to get out of my role.

5 I can't tell you if the Chairman went to Bob
6 Bright and discussed that with him, but I did
7 not.

8 MR. MURPHY: We'll go ahead and take a break here and
9 come back.

10 (Recess taken.)

11 EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. Dr. Dinkins, a couple of times you have
14 mentioned employees mentioning to you they were
15 scared for their jobs.

16 Do you recall specifically what they told you
17 about that?

18 A. I don't recall specifically. And I don't know
19 if, scared, would be the right word. I would
20 say they were concerned that they might be
21 terminated or --

22 Q. Do you recall them attributing that to Mr.
23 Bright?

24 A. I've heard that over the years at one time or
25 another. It seems like there is more of it now

1 than we have in the past.

2 Q. How many people have been terminated since Mr.

3 Bright became executive director?

4 A. I really couldn't tell you, but it's been

5 several.

6 Q. And three lawsuits?

7 A. That's correct.

8 Q. Did you ever discuss the employees' concerns

9 that were raised to you with Mr. Bright?

10 A. My recollection, and I might not be completely

11 accurate on this, but my recollection of the --

12 at the end of the Internal Affairs we pretty

13 much summarized that there was some concern

14 with Mr. Bright, but it wasn't any real -- I

15 don't remember any real in-depth or detailed

16 thing.

17 Q. When you say you summarized it, you summarized

18 it with Mr. Bright?

19 A. The group summarized it with Mr. Bright.

20 Q. Well, the employees weren't in there when you

21 summarized it with Mr. Bright?

22 A. No.

23 Q. So the Internal Affairs Committee members met

24 with the staff members, and after the staff

25 members were gone Mr. Bright came in?

1 A. My recollection is that Mr. Bright was
2 informed. Now, it seems to me he came in, but
3 I couldn't swear to that. I don't recall
4 exactly how it happened. We've done it
5 different ways. One time we've had the CEO
6 come in and we've discussed. Other times the
7 Chairman sat down with them. It seems to me
8 from my recollection that it was briefly
9 mentioned to him. At that time the Chairman
10 kind of puts all the ideas together, and he
11 usually sits down with Mr. Bright and goes into
12 detail.

13 Q. You're referring to Mr. Campbell when you say,
14 Chairman?

15 A. Based on the information that you have there,
16 Mr. Campbell was the Chairman.

17 Q. It doesn't say Mr. Campbell was the Chairman.

18 A. It says the report was given by Dennis
19 Campbell, and I would think the Chairman would
20 give the report. It says, the Internal Affairs
21 report was given by Dennis Campbell. Usually,
22 the Chairman is the one that gives the report,
23 but I couldn't swear to it.

24 See, part of the -- you know, one reason we get
25 a little confused here when we say, Chairman,

1 Dennis was the Chair of both of those.
2 Then you have where it says, Herman Williams,
3 Board Chair, he was the Chair of the overall
4 Board, Herman Williams. Then Pat Stout is the
5 Board Vice Chair of the overall Board.
6 By our policies, as you referred to earlier,
7 the Internal Affairs Committee is made up of
8 the Board Liaison, he's the chair of the
9 Internal Affairs Committee, the Board Chair,
10 the Vice Chair, and then two members elected.
11 In '12 and '13, Bob Bright was a member of
12 Internal Affairs. I wouldn't recall that, but
13 since it's on the list, I'm sure he was. And
14 Jerry Hobbs was a member of Internal Affairs.
15 I was on the Leadership Committee that year.
16 Q. Mr. Bright was a member of the Board before he
17 became executive director?
18 A. That's correct.

19 (Exhibit Number 2 marked for
20 identification.)

21 EXAMINATION RESUMED

22 BY MR. MURPHY:

23 Q. Let me show you the Board of Directors minutes
24 for June 20, 2013.
25 This would have been the directors' meeting

- 1 prior to the directors' meeting that you held
2 in October; is that correct?
- 3 A. Yes.
- 4 Q. If I take you to Beta I, Page 10, it appears
5 these are the appointments, and Dennis Campbell
6 is listed as Board Liaison, Chair, and Vice
7 Chair.
- 8 Do you see that?
- 9 A. Uh-huh.
- 10 Q. So Dennis Campbell became Vice Chair of the
11 overall Board, correct?
- 12 A. That's correct.
- 13 Q. He was Chair of the Executive Committee?
- 14 A. That's correct.
- 15 Q. And he also held the position of Board Liaison?
- 16 A. That's correct.
- 17 Q. And he was present at the October 24, 2013
18 meeting?
- 19 A. That's correct.
- 20 Q. In fact, all the members listed as Internal
21 Affairs members on Page Beta I 10 were present
22 at the October 24 Staff Liaison Committee
23 meeting?
- 24 A. That's correct. Dennis Campbell, Pat Stout,
25 Mark Conley -- you know, based on this

1 information, that's correct.

2 Q. I think you earlier told me -- let me go back
3 to this understanding you have about the
4 concerns being discussed with Mr. Bright,
5 concerns that were raised in the October 24,
6 2013 meeting.

7 Were you present when that discussion with Mr.
8 Bright occurred?

9 A. I don't recall. I don't recall. Like I say, I
10 don't recall if it was at the end of the
11 meeting or the Chairman shared that
12 information. I don't remember.

13 Q. Did you ever participate or observe any
14 communication with Mr. Bright about the
15 concerns that were raised by the employees at
16 the October 24, 2013 Staff Liaison Committee
17 meeting?

18 A. I don't recall any.

19 Q. Did you ever speak to Bob Bright about Denise
20 Parker?

21 A. No, I did not.

22 Q. Are you aware of anybody from the staff liaison
23 -- strike that.

24 Are you aware of anybody from the Internal
25 Affairs Committee speaking to Bob Bright about

1 A. I don't recall anyone looking at that.

2 Q. Can you explain to me why -- you have an
3 employee who has been there 38 years.

4 Have you ever reviewed her personnel file?

5 A. No.

6 Q. You weren't aware she doesn't have a single bad
7 performance review in her 38 years in that
8 file?

9 MR. BRIGHT: Object to the form of the question.

10 THE DEPONENT: She told us that.

11 EXAMINATION RESUMED

12 BY MR. MURPHY:

13 Q. She told you that?

14 A. She told us that.

15 Q. Do you have any reason to doubt that?

16 A. No.

17 Q. You have an employee that was fired after 38
18 years, and other employees have raised to you
19 the issue of her being disciplined --

20 MR. BRIGHT: Can we go off the record a minute?

21 MR. MURPHY: Sure.

22 (Recess taken.)

23 EXAMINATION RESUMED

24 BY MR. MURPHY:

25 Q. Let me just simply ask it this way. Do you

1 know of anybody from the National Board that
2 has ever looked into the concerns raised about
3 how Denise Parker was being treated by Bob
4 Bright?

5 A. I do not.

6 Q. And in this case, I can tell you we haven't
7 been given one e-mail where Ms. Parker's
8 concerns have been discussed. They don't
9 appear to be in any single minutes or nobody's
10 notes --

11 A. Let me explain something to you about Boards,
12 and I don't know how it is in the lawyer
13 profession, but in schools and up here at the
14 Beta office we as a Board, we don't go in and
15 look at the personnel files generally of the
16 employees. Now, we hire the CEO and we
17 terminate the CEO or we discipline the CEO, but
18 we don't go in and look at the personnel files
19 of the other employees, or I never have. So I
20 don't think anybody's looked into her personnel
21 file.

22 Now, I think the Chairman might have addressed
23 Mr. Bright. I can't say that for a fact. The
24 only thing I can tell you is what I know.

25 Q. Let me go back to her Complaint, Paragraph 18.

- 1 Q. Did anybody discuss the fact that that seemed a
2 little suspicious?
- 3 A. No.
- 4 Q. Did you ever see the letter that was issued to
5 her three days before you met with her?
- 6 A. No, I never saw it.
- 7 Q. Has Bob Bright ever explained to you why he
8 disciplined Denise Parker?
- 9 A. If I recall, Bob Bright, and I can't tell you
10 exactly when, said that she was negative and
11 wasn't -- seemed like she wasn't returning
12 e-mails or something like that.
- 13 Q. Did anybody from the committee ever do anything
14 to determine whether anything Bob Bright said
15 was true?
- 16 A. I don't recall anything.
- 17 Q. Bob Bright accused a number of employees of
18 being negative, didn't he?
- 19 A. He's accused more than one.
- 20 Q. Were any of these employees ever being accused
21 -- strike that.
- 22 Were any of these employees ever accused of
23 being negative prior to the time that Bob
24 Bright became executive director?
- 25 A. You're talking about all the employees now?

1 Q. All the employees he's accused of being
2 negative.

3 Has anybody ever accused those employees of
4 being negative prior to --

5 A. I have heard for years Denise Parker isn't very
6 bubbly and doesn't have a good personality, and
7 I have always written it off as that's just her
8 personality.

9 Q. You heard she was shy and quiet is what you
10 heard?

11 A. Yeah.

12 MR. BRIGHT: Object to the form of the question.

13 EXAMINATION RESUMED

14 BY MR. MURPHY:

15 Q. That's what you testified to earlier, she was
16 shy and quiet?

17 A. That's correct.

18 Q. Nobody ever said she was negative, did they?

19 A. I couldn't swear that they didn't say that.

20 Q. I didn't ask that. I didn't ask if you could
21 swear they didn't say it.

22 Can you name one employee of the National Board
23 other than Bob Bright who ever said Denise
24 Parker was negative?

25 A. I could not give you a name of an employee.

1 couldn't tell you when or where.

2 EXAMINATION RESUMED

3 BY MR. MURPHY:

4 Q. But this is referring to her being fired.

5 A. I understand.

6 Q. After your meeting on October 24th, you or the
7 Chairman, somebody you believe may have spoken
8 to Mr. Bright about the things that were said
9 in the October 24 meetings, right?

10 A. Right. It wasn't me. I might have been
11 present. I wasn't the Chairman.

12 Q. Then she was fired, and she says she was fired
13 by Bob Bright because of what she said to your
14 committee.

15 Do you understand that to be the allegation?

16 A. I understand that.

17 Q. Did anybody ask Bob Bright if that's why he
18 fired Denise Parker?

19 A. I'm not aware of anyone asking that.

20 Q. So sitting here as a Board member today -- are
21 you still on the Internal Affairs Committee?

22 A. Yes, I am.

23 Q. Sitting here as a Board member and a member of
24 the Internal Affairs Committee, do you have any
25 knowledge as to whether or not Denise Parker's

1 allegation as to the reason she was given for
2 her firing is true?

3 A. I do not know that she was fired because of
4 what she said to the Internal Affairs
5 Committee.

6 Q. Did you do anything to determine whether her
7 allegation is true?

8 A. Have I done anything to determine that?

9 Q. Yes.

10 A. No.

11 Q. Has anybody?

12 A. Not that I'm aware.

13 Q. Has anybody done anything to determine whether
14 Ms. Parker did not return e-mails in a timely
15 manner?

16 A. I'm not aware of that.

17 Q. So sitting here today, do you have any reason
18 to doubt that Ms. Parker was told she was fired
19 for being negative towards your committee?

20 MR. BRIGHT: Object to the form of the question.

21 You can answer.

22 THE DEPONENT: I couldn't tell you that she was fired
23 for that or she was not fired for that. I do
24 not know.

25 EXAMINATION RESUMED

1 You have never seen this document, so you can't
2 answer any questions about it?

3 A. No, I don't know anything about it.

4 Q. Did the fact that a 38-year employee -- strike
5 that.

6 Was the fact that a 38-year employee -- strike
7 that.

8 Did it ever concern you that a 38-year employee
9 of the National Beta Club was fired shortly
10 after meeting with your committee and
11 expressing or providing truthful information to
12 you about her situation? Did that ever concern
13 you at all?

14 MR. BRIGHT: Object to the form of the question.

15 You can answer.

16 EXAMINATION RESUMED

17 BY MR. MURPHY:

18 Q. Let me back up.

19 You knew Denise Parker had worked for Beta Club
20 for about 37 or 38 years, correct?

21 A. ~~That's correct.~~

22 Q. You had no knowledge of any discipline she had
23 ever been issued in any single one of those 37
24 or 38 years, did you?

25 A. No.

- 1 Q. Not one of her bosses have ever complained to
2 the Board about her performance, have they?
- 3 A. I don't know that I would say ever complained.
- 4 Q. You don't recall any?
- 5 A. I don't recall any, but ever is a pretty heavy
6 word, so I don't know ever. The reason I say
7 that, Denise's personality is not very
8 outgoing, but I don't remember anybody making a
9 big issue out of that.
- 10 Q. Somebody who is there for 37 or 38 years, you
11 would agree that they had been at least a loyal
12 employee of the organization?
- 13 A. That's correct.
- 14 Q. And as an Internal Affairs Committee member or
15 Board member, if you wanted to learn more about
16 that employees' performance, you could, of
17 course, look at his or her performance file?
- 18 A. You could.
- 19 Q. Did it ever concern you that this 37 to 38-year
20 employee was suddenly terminated after speaking
21 to your committee? ~~Did that ever raise a~~
22 concern in your mind?
- 23 A. That didn't raise a concern of mine, but I did
24 have a concern that a person after 37 or 38
25 years would be terminated after one little

1 document, one reprimand, because I believe the
2 only time I ever spoke to Bob Bright, at some
3 point I think I did, and it very well could
4 have been in one of these summary meetings, I
5 did tell Bob -- I know I told him at one point,
6 I can't tell you when or where, it very well
7 could have been at a summary, I said, Bob,
8 somebody who has been here 37 or 38 years, it
9 seems to me that we need to -- if they have
10 done something wrong, I could go along with
11 that, write it up, give them an improvement
12 plan and have them meet your expectations.
13 Basically, a little due process. So that did
14 concern me. Now, you know, I didn't know and I
15 still don't know that she was terminated
16 because of what she said to our committee.

17 Q. But you have done nothing to find out whether,
18 in fact, she was terminated for saying
19 something to the committee?

20 A. No, I haven't.

21 Q. And Bob Bright never told you that Denise
22 Parker had broken any rule of the organization,
23 did he?

24 A. I don't remember him ever saying she broke a
25 rule.

1 Q. Did he ever tell you what he wrote her up for?

2 MR. BRIGHT: Objection; asked and answered.

3 Go ahead.

4 THE DEPONENT: Okay. Well, again, we've repeated it

5 many times. He said he wrote her up for

6 negativity, and I did hear one time about not

7 answering e-mails.

8 EXAMINATION RESUMED

9 BY MR. MURPHY:

10 Q. Did he give you anything more specific than

11 negativity?

12 A. No.

13 Q. And he never told you who she was negative to,

14 did he?

15 A. No.

16 Q. Did you ever hear anybody complain about Denise

17 Parker's skills?

18 A. Denise had been there, like you said, 37, 38

19 years. I have heard from time to time from

20 several folks that they don't have the

21 technology skills that some of your later

22 hirees have. But my position has always been

23 let's give them some training, here again, give

24 them a job expectation, and give them time to

25 try to improve their skills, meet the

1 Q. You accepted them at face value, correct?

2 A. That's correct, and the committee did.

3 Q. But you don't know if any of them were true or
4 false?

5 A. We do not know, that's correct.

6 MR. BRIGHT: I think that's all I've got.

7 EXAMINATION RESUMED

8 BY MR. MURPHY:

9 Q. As the Executive Director, do you remember the
10 Constitution we talked about here?

11 A. Right.

12 Q. Go to Beta Page A3.

13 A. A3.

14 Q. The third page. All the stamps say 3.

15 A. Okay.

16 Q. I've used the term, Executive Director.

17 The Executive Director is the CEO, correct?

18 A. That's correct.

19 Q. Okay. You appoint the CEO who will serve --

20 you appoint the Executive Director who serves

21 as the CEO in managing affairs of the National

22 Beta Club in compliance with the policies and

23 procedures established by the Board, correct?

24 A. That's correct.

25 Q. So the Executive Director doesn't have the

1 authority to violate a policy or procedure?

2 A. No.

3 Q. And you testified that you accepted what Ms.

4 Parker said in the October 24 meeting as true,

5 and the organization's attorney just asked you

6 whether you had any independent knowledge as to

7 whether what she said is true or not.

8 As the Internal Affairs Committee, if you had

9 any reason to doubt anything Ms. Parker said,

10 you could have investigated it?

11 A. The Internal Affairs Committee doesn't go in

12 and investigate personnel files.

13 Q. But you can get them, right?

14 A. Theoretically, I guess you can go in and demand

15 them, but we don't -- we generally don't do

16 that; we don't go in and get the files.

17 Q. And you didn't have any concern about whether

18 Ms. Parker had told you the truth, did you?

19 A. We took it as information, and as far as we

20 knew, it was the truth, but we took it as

21 information. When you go in with the Internal

22 Affairs, you're gathering information from all

23 these different committees that come in and

24 talk to you. You kind of put it together to

25 get a feel for what's happening up there and

1 what's going on up there.

2 Q. Let me ask this. Did anybody ever give you any
3 information that contradicts in any way
4 anything what Ms. Parker told your committee?

5 A. I did not have any information to contradict
6 that.

7 Q. Including Mr. Bright, Mr. Bob Bright never gave
8 you any information that contradicted anything
9 that Denise Parker said in the meeting?

10 A. I don't recall him saying anything to
11 contradict it.

12 Q. And so you never had any concern that Denise
13 Parker was lying to you at all, did you?

14 A. Well, when you take information, you take it as
15 being the truth and the facts, but everybody
16 puts their little twist to it. So we took it
17 as factual information. And, here again, I'm
18 only one of the committee. You have a
19 committee of three or four, and the committee
20 decides if they're going to go forward with
21 something, but there was no determination to go
22 forward and do any further investigation.

23 Q. Ms. Parker spoke to the whole committee, not
24 just you?

25 A. That's correct.

1 Q. Did anybody on the committee express any doubt
2 as to anything Denise Parker said during the
3 October 24 meeting?

4 A. I don't recollect anybody doubting any
5 information.

6 MR. MURPHY: I don't have anything further.

7 THE DEPONENT: You have to remember she said she was
8 worried that she might be fired, and like we
9 said, like we testified earlier, we told her
10 that we want you to share accurate information
11 with the committee, and that's what we told
12 her. At that point we did not know she was
13 going to be fired the next week.

14 Q. When you spoke with Mr. Bright after the
15 meeting, he didn't tell you he was going to
16 fire her, did he?

17 A. No, sir.

18 Q. And he certainly never told you that he had
19 prior plans to fire her?

20 A. I never heard that. I never heard him say
21 that. In fact, we didn't -- I didn't even know
22 it and I don't think the committee knew she had
23 been written up until she told us at the
24 meeting. So to answer your question as to why
25 didn't the committee investigate further, well,

1 we're sitting there, she came in. We heard the
2 information from the committee, as we discussed
3 earlier. She told us she was worried for her
4 job, and the question was asked, why.
5 Well, I'm afraid he's going to fire me. I was
6 written up last week.
7 We never saw a letter or anything written up
8 that I recall. And then the committee left.
9 The committee probably would have looked at it
10 differently if they would have known she was
11 going to be fired the next week, but we didn't
12 know that information, see.

13 Q. I understand that. She told you she was afraid
14 of losing her job because she was-- she
15 expressed reluctance to you --

16 A. She expressed reluctance, that's right.

17 Q. Let me finish the question. Just understand,
18 you're being very responsive, and I appreciate
19 that. Just so the court reporter has it down
20 clearly, let me get the whole question in.
21 After either Ms. Mabry or Ms. Anderson raised
22 the issue and you started to question Denise
23 Parker, she expressed a reluctance to answer
24 questions and said she was worried about
25 getting fired, correct?

1 A. She was reluctant to ask, and she did make the
2 comment she was afraid she would be fired or
3 she thought she would get fired or something to
4 that effect.

5 MR. MURPHY: I have nothing further.

6 MR. BRIGHT: I have nothing else.

7 THE DEPONENT: I'll waive it.

8 (Deposition concluded at 3:42 p.m.)

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State of South Carolina

County of Spartanburg

Denise Parker,

Plaintiff,

v.

The National Honorary Beta Club,

Defendant.

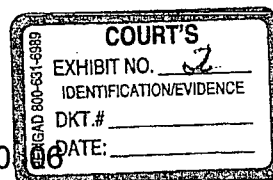
) IN THE COURT OF COMMON PLEAS

) 2014-CP-42-01759

) Dinkins Deposition Designation

Designations are in the following form [page]:[line]

- 1 13:2 - 15:20
- 2 16:13 - 17:9
- 3 17:15 - 21:4
- 4 21:21 - 23:2
- 5 25:4 - 30:19
- 6 32:5 - 6
- 7 32:9 - 33:17
- 8 36:15 - 39:5
- 9 40:6 - 41:10
- 10 42:4 - 17
- 11 44:7 - 45:12
- 12 48:13 - 50:12
- 13 53:23 - 55:1
- 14 61:25 (beginning with "Do you . . . ") - 62:5
- 15 69:7 - 19
- 16 69:22 - 70:11



2015 SEP 24 PM 12:53
H. HOPE BLASLEY

SCANNED

- 17 70:15 - 70:25
- 18 72:6 - 73:16
- 19 75:19 - 78:15
- 20 86:9 (beginning with "do you remember. . .") - 87:2
- 21 88:2 (beginning with "did anybody . . .") - 89:5
- 22 89:7 - 90:16
- 23 90:21 - 91:4

Respectfully submitted this 22nd day of September, 2015.



Brian P. Murphy, Bar No. 6770
Attorney for Plaintiff.

Stephenson & Murphy, LLC
207 Whitsett Street
Greenville, SC 29601
Phone: (864) 370-9400
Fax: (864) 240-9292

2015 SEP 24 PM 12:53
M. HOPE BLANCHLEY

STEPHENSON + MURPHY

ATTORNEYS AT LAW LLC

September 22, 2015

M. Hope Blackley
Spartanburg County Clerk of Court
PO Box 3483
180 Magnolia Street
Spartanburg, SC 29304-3483

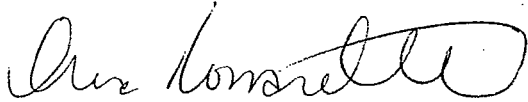
Re: *Denise Parker v. The National Honorary Beta Club*
Case No.: 2014-CP-42-01759

Dear Ms. Blackley:

Enclosed for filing are an original and one copy of Dinkins Deposition Designation, as well as Certificate of Service with regard to the above-referenced matter. Please file this document with the Court and return the copy to me in the enclosed self-addressed and stamped envelope.

Thank you for your assistance in this matter.

Sincerely,



Lisa Romaniello
Legal Assistant

Enclosures

cc: Thomas A. Bright

2015 SEP 24 PM 12:53
M. HOPE BLACKLEY

ROA 000508

ml

State of South Carolina

County of Spartanburg

) IN THE COURT OF COMMON PLEAS

) 2014-CP-42-01759

Denise Parker,

Plaintiff,

v.

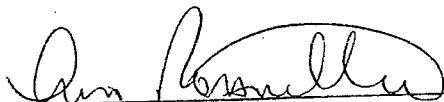
The National Honorary Beta Club,

Defendant.

)
)
)
) CERTIFICATE OF SERVICE
)
)
)
)

This is to certify that a copy of Dinkins Deposition Designation was served on all counsel of record via electronic mail, on September 22, 2015, as follows:

Thomas A. Bright
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
P.O. Box 2757
Greenville, SC 29602
Thomas.bright@ogletreedekins.com



Lisa Romaniello
Legal Assistant

Stephenson & Murphy, LLC
207 Whitsett Street
Greenville, SC 29601
Phone: (864) 370-9400
Fax: (864) 240-9292

2015 SEP 24 PM 12:53
M. HOPE BLACKLEY

National Beta Club
151 Beta Way
Spartanburg, SC 29306

Employee Conference

Denise Parker

Items of Concern

Professionalism

Failure to sustain a professional growth strategy.

Does not demonstrate an exceptional mastery of professional skills.

Professional manner in which coworkers are addressed.

Actions to be taken

Please work to maintain a professional image at all times. Working with coworkers to ensure that department objectives are achieved and that assistance is positive in regard to professional duties.

Denise E. Parker

Employee Signature

10/21/13

Date

[Signature]

Supervisor Signature

10/21/13

Date



PROPOSED DOCUMENT

4th DRAFT

NATIONAL BETA CLUB STAFF LIAISON COMMITTEE PROCEDURES

The purpose of the Committee is to make any necessary changes and improvements to further aid staff and administrative relations, and make for more effective communication between the Staff Liaison Committee and the Board of Internal Affairs Committee.

GUIDELINES

- Staff Liaison Committee meetings will be held the third Tuesday of each month to accept and discuss any staff suggestions or concerns. This date may be changed if necessary.
- An agenda will be prepared to present to the staff at the afternoon meeting. All items will be discussed and voted on before the CEO comes into the Staff meeting.
- Any items on the agenda that have not been thoroughly discussed by 4pm will be delayed until the following morning at 8am, when the full staff and CEO can reconvene to complete discussion.
- The Staff Liaison Committee will present to the staff, a copy of the Agenda that will be presented to the Board Internal Affairs Committee. Only these items will be taken to the Board Internal Affairs Committee, although Board Internal Affairs Committee can, and may, direct discussion of other issues.
- The Staff Liaison Committee will meet with the Board Internal Affairs Committee to discuss positive changes and accomplishments along with any pertinent concerns/suggestions/complaints that were either not resolved with the CEO/Executive Director or mutually deemed to be a matter for Board discussion.
- The Staff Liaison Committee will report back to the staff, any and all discussion with the Board Internal Affairs Committee, unless directed by that committee not to discuss a particular item.

RESPONSIBILITIES

- Coordinating staff-service projects to promote community involvement.
- Work with the Celebration Committee to help engage morale building activities with the staff.
- Staff members voice concerns/suggestions/complaints, etc. to Staff Liaison Committee in person at appointed time or by using the staff suggestion box located on the first floor desk. Any suggestions made via the suggestion box must be signed by the staff member. Any unsigned suggestions will be disregarded by the Staff Liaison Committee.



- Only concerns/suggestions/complaints brought directly to the Committee, or signed and placed in suggestion box, will be discussed by the committee. Issues brought to a member of the committee outside of the appointed time will not be addressed.
- Concerns/suggestions/complaints will be compiled and presented to the CEO/Executive Director if deemed necessary by staff majority rule.
- Confidentiality will be observed when concerns or suggestions are brought to the committee.

We, the Staff Liaison Committee believe that the proposed changes can help elevate the morale and professionalism of The National Beta Club if implemented and embraced.

STAFF LIAISON COMMITTEE TERM OF SERVICE

The staff will elect three (3) committee members who will serve for a two year term. All full-time staff members with at least one (1) year of service, except the CEO/Executive Director, are eligible to serve on the committee. No member shall serve on the committee for more than two (2) consecutive terms (four (4) years).

At the June staff meeting, each full-time employee will complete a ballot, selecting three (3) staff members. The three Committee members will count the votes, and announce the new Committee members. The tally sheets will be filed in the Staff Liaison Committee notebook for public record.

The three (3) employees with the most votes will be elected to serve. All elected members are expected to serve the full term on the committee.

The committee will serve the same years of service as our Board members; July 1 – June 30.

INTERNAL AFFAIRS AGENDA
September 17, 2013

1. Bushes on corner of Spring Street and Beta Club Way block view to left.
2. Flexibility with time - please allow 15 mins - not 5 for sign in and lunch, etc. 30 min to hour
3. Issues with front door lock. Is there a chance to have training and get keys to back door. *proposed for security system - Phase to security purposes - Location of where we are*
4. Division of staff - *you will not always be included in everything - not going to happen*
5. Pay raises *diff. city - same people keep same backbiting power - negativity in every year*
6. Calls (where do they go) Like leadership calls, etc. *why are you the queen of that committee*
7. Who are back-up people for incoming and outgoing mail? *red. For the committee that should be*
8. Can lunch hours be exchanged among people in department? *constant shuffling & cub*
9. Can we have a policy to donate sick days to another employee?

Leadership
Shannon & Ritchie

have groups - divisions

Legal line - draw - I will draw the line

Changes since January -

Anything else in division - that keeps you from doing job

Your issue right here in this room
gossip circles -
cold shoulder
I am decision maker
Not speaking to people

going to
do hair
during day

1. Reviews of Staff
2. Time Clock (Flexibility)
3. Communication
(Membership Drive)
(Aware of Changes)

Don't think you ever heard of ROA 000289
ROA 000513 how to deal with



National Beta Club
151 Beta Way
Spartanburg, SC 29306

November 4, 2013

Employee Conference

Denise Parker

Items of Concern:

Continued negativity.

Communication and failure to respond to emails promptly.

Actions to be Taken:

Continue to remain positive in the work environment.

Answers emails and respond promptly.

Denise E. Parker

Employee Signature

11/4/13

Date

[Signature]

Supervisor Signature

11/4/13

Date



EVALUATIONS

ROA 000515



ROA 000516

**The National Beta Club
Yearly Evaluation**

Name: DENISE PARKER Review Date: 8/29/12
Job Title: Convention Coordinator Department: CONVENTION

Use the following key as a guide for filling out evaluation. Comments are optional; however, they may help the employee understand areas where improvement may be needed.

Exceptional – Performance is frequently above, and consistently exceeds, acceptable standards.

Quality – Performance is frequently above acceptable standards.

Satisfactory – Performance frequently meets acceptable standards.

Needs Improvement - Performance frequently does not meet the requirements.

PLEASE CHECK ONE AREA IN EACH CATEGORY.

1. Human Relations (Relationship with co-workers in performing assignments, and ability to accept assignments willingly.)

☐ Exceptional
☒ Quality
☐ Satisfactory
☐ Needs Improvement

Comments: DENISE IS A TRUE TEAM PLAYER. SHE IS DILIGENT AT EVERY TASK ASSIGNED.

2. Customer Relations (extent to which employee demonstrates a positive attitude in customer service)

☐ Exceptional
☒ Quality
☐ Satisfactory
☐ Needs Improvement

Comments: DENISE IS WILLING TO HELP THE CUSTOMER IN ANY WAY POSSIBLE. SHE IS QUIET, BUT THIS DOESN'T PREVENT HER FROM OFFERING

3. Judgement/Discretion (Originates new ideas and has the ability to think and act without being urged)
GOOD SENSE (Does employee make suggestions that has a positive impact on the organization)

☐ Exceptional
☒ Quality
☐ Satisfactory
☐ Needs Improvement

Comments: CONSTANTLY TRYING TO FIND WORK IF NOT ASSIGNED TASKS. SHE IS A STEADY WORKER!

ROA 000517

BETA - F - 000003

4. Knowledge of Job (Extent of job information and understanding possessed by employee-THIS INCLUDES ACQUIRING NECESSARY NEW INFORMATION)
- ☒ Exceptional
 - ☐ Quality
 - ☐ Satisfactory
 - ☐ Needs Improvement

Comments:

5. Work Accomplished (How effectively and efficiently the employee completes his/her work in a timely manner)
- ☒ Exceptional
 - ☐ Quality
 - ☐ Satisfactory
 - ☐ Needs Improvement

Comments: HARD WORKER!

6. Organization (Extent to which the employee works in an orderly and systematic manner)
- ☒ Exceptional
 - ☒ Quality
 - ☐ Satisfactory
 - ☐ Needs Improvement

Comments:

7. Quality of Work/Accuracy (Accuracy and thoroughness of work performed.)
- ☒ Exceptional
 - ☐ Quality
 - ☐ Satisfactory
 - ☐ Needs Improvement

Comments: SHE IS THE ONE THE DEPARTMENT
GOES TO FOR A THOROUGH AND
ACCURATE JOB.

8. Attendance/Punctuality (Employee is at work, on time, and meets work deadlines.)
- ☒ Exceptional
 - ☐ Quality
 - ☐ Satisfactory
 - ☐ Needs Improvement

Comments:

9. Dependability (Extent to which employee can be counted on to carry out instruction, be on the job, and fulfill responsibilities.)

☒ Exceptional
☐ Quality
☐ Satisfactory
☐ Needs Improvement

Comments:

10. Presentation of Self (Extent to which an employee maintains a professional appearance and displays a positive attitude when dealing with staff and clients.)

☒ Exceptional
☒ Quality
☐ Satisfactory
☐ Needs Improvement

Comments:

11. Job Attitude (Extent to which employee displays interest and enthusiasm for work and takes pride in a job well done)

☐ Exceptional
☒ Quality
☐ Satisfactory
☐ Needs Improvement

Comments:

12. Goals (Does employee set and achieve long and short term goals)

☒ Exceptional
☒ Quality
☐ Satisfactory
☐ Needs Improvement

Comments

COMMENTS

Additional comments from supervisor:

Denise is a pleasure to work with!

Comments from employee:

Excellent Worker!

Review of evaluation from Executive Director:

"THE COMPANY IS AN AT-WILL EMPLOYER, MEANING THAT EITHER THE COMPANY OR EMPLOYEE CAN END THE EMPLOYMENT RELATIONSHIP AT ANY TIME AND FOR ANY OR NO REASON. THE RATINGS REFLECTED BY THIS FORM DO NOT ALTER THE PARTIES' AT-WILL RELATIONSHIP."

Supervisor's Signature *[Signature]*

Date 8-29-12

Employee's Signature *Dennis E. Parker*

Date 8.29-12

Director's Signature *Joan Burnett*

Date 9/14/12

The National Beta Club Performance Evaluation for Professional Employees

Please TYPE

Staff: Denise Parker Super: Glenn Stribling

Subject: Evaluation for the period _____ To: 2010-11

Planning for the period _____ To: _____

Part II The following are the responsibilities critical to your position--briefly explain them.

Responsibility:	<i>Prepare Senior & Junior State Programs. Prepare judging sheets, badges, certificates, mailing programs. Assist with convention summaries and letters.</i>
Responsibility:	<i>Assist with convention program printing and registration bag preparation.</i>
Responsibility:	<i>Maintain a purchase order for open account convention registration.</i>
Responsibility:	<i>Open sort and deliver office mail daily.</i>
Responsibility:	<i>Verify all convention entry information and check valid membership.</i>
Responsibility:	<i>Maintain convention trophy inventory.</i>

Part III Following are abilities and characteristics that contribute to your job performance. Provide evidence that describes your performance in each area.

1.	Job knowledge - Demonstrates professional, administrative, supervisory, and/or specialized knowledge required to perform the job	<i>I have worn many caps in the organization. I feel that you learn by on the job training.</i>
2.	Quality of work - Completes assignments with thoroughness and accuracy	<i>I always try to do my best at any assignment I am given to complete.</i>
3.	Quantity of work - Demonstrates ability to manage several responsibilities simultaneously; demonstrates willingness and ability to carry a fair share of the workload	<i>I am always willing to do my share of the workload and help in any capacity in the building where a department needs help.</i>
4.	Planning and organizing - Plans and organizes work, coordinates with others, and establishes appropriate priorities	<i>I try to plan out my day and prioritize my work.</i>
5.	Dependability - Monitors projects and exercises follow-through, adheres to time frames, and is on time for meetings and appointments	<i>I always strive to carry my work load. I am on time for staff meetings. I hope people know they can depend on me to get the job done to the best of my ability.</i>
6.	Integrity - Represents self and situations honestly; understands and maintains confidentiality	<i>I hope no one ever questions my integrity.</i>
7.	Delegation and supervision - Demonstrates ability to direct others in accomplishing work, effectively selects and motivates staff, encourages career development for staff, and does timely performance appraisals of staff	<i>In the department someone is always delegating work. We depend on each other to get the job accomplished.</i>
8.	Relating to others - Maintains positive work relationship with supervisors with peers and those who report to and/or interact with employee	<i>I think I work well with everyone in the office.</i>

ROA 000522

BETA - F - 000028

9.	Communication - Expresses ideas clearly both orally and in writing; listens well and responds appropriately	<i>I express my ideas on certain things in our department that might help.</i>
10.	Commitment to NBC goals - Clearly understands and communicates policies and goals relevant to NBC	<i>I am committed to the goals of the NBC.</i>
11.	Judgment, critical thinking, and decision making - Effectively analyzes problems, determines appropriate action for solutions, and exhibits timely and decisive action	<i>I want my judgment to always be in the best interest of my job and my fellow workers.</i>
12.	Professional development - Keeps professional knowledge up to date and seeks to increase job knowledge through additional course work, seminars, and reading; demonstrates ability to apply new information to enhance effectiveness on the job	<i>I hope to take a class in photo shop and publisher in the near future.</i>
13.	Initiative - Is a self-starter, seeks and assumes greater responsibility, monitors projects independently, and follows through appropriately	<i>I am always looking for something to do in other departments if I am caught up with my work. I like to stay busy.</i>
14.	Creativity - Offers innovative ideas that contribute to meeting assignment objectives and departmental goals	<i>This has always been questioned but I hope that I have some good ideas when coming to creativity.</i>
15.	Flexibility - Adapts to change, accepts new ideas and approaches to work, responds appropriately to criticism and to suggestions for work improvement	<i>I try my best to adapt to any new ideas or changes that are made within the organization.</i>

Comments/examples of your work that are important for your supervisor to know.
(Type here)

Part IV Following are goals established by you and your supervisor for the next rating period and/or areas in which you need to enhance job performance

1. *I would like to learn more about Publisher.*
2. *I would like to learn more about Adobe Photo Shop and scanning pictures.*
3. *Make sure the program information is put online as soon as it goes to print.*
4. *Be more knowledgeable on answering convention questions concerning competitions.*

- *KC 2011: Department Goal -- Audio record each state council business meeting. Bring recordings to Denise Parker for processing. Are you appointing a certain person traveling to that convention to be in charge of this recording?*
- *KC 2011: Process the audio recordings saving a copy of the audio to your computer. A hard copy of the meeting minutes will be prepared and sent to the respective state council chair along with the audio file of the meeting.*
- *KC 2011: Organizational Goal -- It will be the responsibility of each individual staff member to deal with colleagues in a honest, friendly, and productive manner. The attitude one conveys in the workplace is a personal CHOICE that impacts others either for the good or bad of the organization. It is my expectation that each staff member will be mindful of how their attitude is perceived by their colleagues and make every effort to improve on the office atmosphere.*
Sometimes a staff member may start the day with a great attitude and be treated by a colleague or department head wrongfully that more than likely will destroy the working relationship for the day. I will strive my best to make sure I come across with a positive attitude. In past seminars we have learned to leave your problems you are having at home there and your problems at work leave them at work when your eight hours is over for the day. My Pastor had a sermon the other week on the work place and how you should treat other fellow employees. In his sermon, he said regardless of the situations that come our way we should look to God for guidance. God put us in this work place. We are answering to God for any decision we make in the work place. Therefore, we should be honest and put in our eight hours of work to our employer and not cheat on our time. We should strive to "give our best" to our employer in whatever our task is on the job.
- *KC 2011: Organizational Goal -- It is my expectation that when decisions are made, even when those decisions aren't necessarily your choice, that each staff member will support the decision and not attempt to undermine that decision by subversive methods. As an employee of this organization, I am willing to go along with any decision made for the organization as long as it will be for the good of the Beta Club. The decisions made need to be discussed with the department or individual involved and not after the fact that it has been implemented.*

ROA 000523

BETA - F - 000029

9.	Communication - Expresses ideas clearly both orally and in writing; listens well and responds appropriately	<i>I express my ideas on certain things in our department that might help.</i>
10.	Commitment to NBC goals - Clearly understands and communicates policies and goals relevant to NBC	<i>I am committed to the goals of the NBC.</i>
11.	Judgment, critical thinking, and decision making - Effectively analyzes problems, determines appropriate action for solutions, and exhibits timely and decisive action	<i>I want my judgement to always be in the best interest of my job and my fellow workers.</i>
12.	Professional development - Keeps professional knowledge up to date and seeks to increase job knowledge through additional course work, seminars, and reading; demonstrates ability to apply new information to enhance effectiveness on the job	<i>I hope to take a class in photo shop and publisher in the near future.</i>
13.	Initiative - Is a self-starter, seeks and assumes greater responsibility, monitors projects independently, and follows through appropriately	<i>I am always looking for something to do in other departments if I am caught up with my work. I like to stay busy.</i>
14.	Creativity - Offers innovative ideas that contribute to meeting assignment objectives and departmental goals	<i>This has always been questioned but I hope that I have some good ideas when coming to creativity.</i>
15.	Flexibility - Adapts to change, accepts new ideas and approaches to work, responds appropriately to criticism and to suggestions for work improvement	<i>I try my best to adapt to any new ideas or changes that are made within the organization.</i>

Comments/examples of your work that are important for your supervisor to know.
(Type here)

Part IV Following are goals established by you and your supervisor for the next rating period and/or areas in which you need to enhance job performance

- 1. I would like to learn more about Publisher.*
- 2. I would like to learn more about Adobe Photo Shop and scanning pictures.*
- 3. Make sure the program information is put online as soon as it goes to print.*
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- KC 2011: Organizational Goal — It will be the responsibility of each individual staff member to deal with colleagues in a honest, friendly, and productive manner. The attitude one conveys in the workplace is a personal CHOICE that impacts others either for the good or bad of the organization. It is my expectation that each staff member will be mindful of how their attitude is perceived by their colleagues and make every effort to improve on the office atmosphere.*
- KC 2011: Organizational Goal — It is my expectation that when decisions are made, even when those decisions aren't necessarily your choice, that each staff member will support the decision and not attempt to undermine that decision by subversive methods.*
- GS 2011 Organizational Goal — The Convention Department will work, as a department, together toward the common goal of growing the Beta Club and creating an esprit de corps which has been lacking recently.*

Part V Your signature will indicate that you have received a copy of this evaluation and have discusses it with your supervisor. Your signature does not indicate agreement with the evaluation. If you choose to respond in writing to the evaluation, you have five workdays to do so, and your written response will be attached to the evaluation.
(Type here)

Employee's Signature _____

Date _____

Evaluating Supervisor's Signature _____

ROA 000524

Date _____
BETA - F - 000030

Part V Your signature will indicate that you have received a copy of this evaluation and have discusses it with your supervisor. Your signature does not indicate agreement with the evaluation. If you choose to respond in writing to the evaluation, you have five workdays to do so, and your written response will be attached to the evaluation.

(Type here)

Employee's Signature

Donna E Parker

Date

8-30-2011

Evaluating Supervisor's Signature

Mike Stealy

Date

8.30.2011

The Constitution of The National Beta Club

Preamble

Believing that exemplary student effort and achievement should be encouraged and rewarded, and seeking to cultivate the ideals of service and leadership in our citizens of tomorrow, the governing body of the National Honorary Beta Club has instituted this organization for the promotion of these ideals and those stated in the Beta Creed, among elementary and secondary school students. To implement this purpose the following articles have been adopted.

Article I - Name

The name of this organization shall be The National Honorary Beta Club. The name of each individual chapter of the organization shall be designated by the name of the school at which it is located.

Article II - Purpose

The purpose of this organization shall be to promote the ideals of honesty, service, morality, ethical conduct, and leadership among elementary and secondary school students; to reward meritorious academic achievement; and to encourage and assist students in continuing their education after high school.

Article III - Governance

The governance of The National Honorary Beta Club shall be the responsibility of the National Beta Club Board of Directors, and its officers and committees, as provided for in the Bylaws.

Article IV - Membership

The National Honorary Beta Club shall consist of members as provided for in the Bylaws.

Article V - Officers

The National Honorary Beta Club shall have officers as designated in the Bylaws. The qualifications of officers, the methods of their selection, and their respective



NATIONAL BETA CLUB

BOARD OF DIRECTORS --- POLICIES

BOARD --- COMPOSITION AND AUTHORITY ---

Policy Code: 100

A - Composition

- The Constitution of the National Beta Club provides that the organization shall be governed by a Board of Directors composed of the Chairpersons of the State Council of each convention state.

B - Term

- Chairpersons are elected by each Council for staggered terms of three years. Board members (Chairpersons) may be replaced only by the electing State Council.

C - Substitute Board Service in the Absence of a Board Member

- If the Chairperson from a State Council cannot attend a meeting of the Board of Directors, the Chair-Elect of the State Council shall attend instead and shall be entitled to participate in the meeting as a voting member on behalf of his or her state.

D - Authority

- A member of the Board of Directors has no individual authority, unless he or she has been elected as an officer or has been delegated specific authority by the Board. Members of the Board are bound by all official actions of the Board.

E - Duties

- The National Board of Directors shall be responsible for the following items:
 - A. The review and revision of the National Beta Club Constitution, By-Laws and Policies;
 - B. The selection of cities for the annual National Convention;
 - C. The approval of State Fund expenses;



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- D. The selection of officers to head up the Board of Directors;
- E. The review and approval of the annual audit of the organization;
- F. Hiring, termination of and extension of the contract of the Executive Director;
- G. The approval of individuals recommended for employment as department heads and national sponsors, which may include board interviews of finalists for these positions; and
- H. Any other duties necessary to govern the National Beta Club Organization.

F - Contact with Beta Club Headquarters

- Board members shall direct all inquiries about service on the National Board or concerns from their State Councils through the Executive Director unless requested to do otherwise by the Executive Director.

Cross References:

Date Issued:

Dates Revised: June 2012

BOARD --- OFFICERS --- Policy Code: 101

A - Required Officers

- The National Board of Directors shall have the following officers:
 - A. Chair;
 - B. Vice Chair; and
 - C. Board Liaison.

B - Method of Election of Officers

- All officers shall be elected by nomination and vote at the Annual National Convention Board of Directors meeting.

Cross References:

Date Issued:

Dates: Revised:

BOARD --- CHAIR --- Policy Code: 102

A - Eligibility

- A. In order to be eligible to serve as Chair, an individual must have served on the Board of Directors for at least one year
- B. Further, in order to be eligible to serve as Chair, an individual must have served as Vice Chair unless there is a vacancy in the office of Chair. Except as provided in subsection 3 below, the Chair shall be the individual who has served as Vice Chair the previous year.
- C. If the Chair has not served at least one year on the Board of Directors at the time a vacancy in the Chairmanship occurs, he will remain Vice Chair until his designated time to become Chair. The next person in the alphabetical rotation who has served at least one year on the Board would become Chair.

B - Election and Term

- A. The Chair of the Board of Directors shall be elected at the Annual National Convention Board of Directors meeting.
- B. The Chair shall serve a term of one year beginning at the National Convention when he or she assumes the chairmanship until the next year's Board of Directors meeting at the National Convention.
- C. The Chair is not eligible to serve consecutive terms.
- D. If the Chairmanship is vacated prior to six months of service, the new Chair will complete the unexpired term. If the vacancy occurs after six months of service, the new Chair will complete the unexpired term and the next term.

C - Responsibilities of the Chair:

- A. Chairing all meetings of the Board of Directors;
- B. Serving on the Executive Committee;
- C. Speaking at the National Convention;
- D. Representing the Board to all its constituencies;
- E. Serving Internal Affairs Committee;
- F. Joining with the Liaison in naming the four undesignated members of the Executive Committee and the two undesignated members of the Internal Affairs Committee;
- G. Signing all contracts over \$10,000 together with the Executive Director and other necessary corporate documents as the representative of the Board of Directors;

- H. Calling meetings of the Executive Committee, Internal Affairs Committee, or Board of Directors as needed or as requested by a majority of the members of the Board of Directors;
- I. Assuming responsibilities of the liaison in the liaison's absence; and
- J. Attending the state sponsor training sessions.

Cross References:

Date Issued:

Dates Revised: June 2012

BOARD --- VICE CHAIR --- Policy Code: 103

A - Eligibility

- In order to serve as Vice Chair membership on the Board of Directors is required, but no prior experience is necessary.

B - Election and Term

- A. The Vice Chair shall be elected from the group of serving Board members in alphabetical order of the states represented.
- B. This election will be held at the Annual National Convention Board of Directors meeting by nomination and vote at the meeting.
- C. The Vice Chair shall serve a term of one year unless elected or appointed as chairman prior to the end of one year.
- D. The Vice Chair is not eligible to serve consecutive terms.

C - Responsibilities of the Vice Chair:

- A. Assuming the chair's responsibilities in his/her absence; and
- B. Serving on the Executive Committee and Internal Affairs Committee.

Cross References:

Date Issued:

Dates Revised:

BOARD --- LIAISON --- Policy Code: 104

A - Eligibility

- In order to serve as Liaison, an individual must have been a member of the Board of Directors for at least the two previous years.

B - Election and Term

- A. Nominations for the position of Liaison must be submitted to the Chairman at least 30 days prior to the Annual National Convention Board of Directors meeting.
- B. The names of all nominees for the Liaison position shall be listed on the agenda for the Annual National Convention Board of Directors meeting at which a new liaison is to be elected.
- C. A Liaison shall be elected to serve a term of two years.
- D. A Liaison is eligible to serve a maximum of two consecutive terms.
- E. The Board of Directors shall elect a new Liaison every other year at the Annual National Convention Board of Directors meeting.

C - Responsibilities of the Board Liaison include:

- A. Chairing the Internal Affairs Committee;
- B. Chairing the Executive Committee
- C. Joining with the Chair of the Board in naming the four undesignated members of the Executive Committee and the two undesignated members of the Internal Affairs Committee;
- D. Serving as a liaison/point of contact between the Executive Director and the Board of Directors; and
- E. Calling the Executive or Internal Affairs Committees into session if needed.

D - Special Expense Reimbursements to the Liaison

- The Liaison shall be paid \$25.00 per diem in addition to approved rate for other attendees of committee and Board meetings (including one day prior and one day after meeting) for each trip, hotel room (single rate), and transportation expenses according to current policy. Reimbursement also will be made for expenses incurred in communicating with the Executive Director and other members of the Board.

Cross References:

Date Issued:

Dates Revised:

BOARD --- REMOVAL OF OFFICERS --- Policy Code: 105

Any elected officer of the Board of Directors may be removed from his or her office prior to the expiration of the term upon a majority vote of the Board of Directors for failure to perform the duties of office or for conduct unbecoming to the Beta Club organization.

Cross References:

Date Issued:

Dates Revised:

BOARD --- COMMITTEES --- Policy Code: 110

A - Standing Committees

- The Board of Directors shall have the following standing committees:

- A. Executive Committee; and
- B. Internal Affairs Committee.

B - Ad Hoc Committees

- The Chair of the Board may also appoint other ad hoc committees as necessary to serve the needs of the Beta Club organization.

C - Length of Term

- All Committees shall serve for one year unless otherwise designated in policy.

Cross References:

Date Issued:

Dates Revised:

BOARD --- EXECUTIVE COMMITTEE --- Policy Code: 111

A - Composition

- The Executive Committee will consist of the Chair, Vice Chair, and Immediate Past Chair, Liaison and four other members.

B - Selection and Term

- The Chair of the Board and the Liaison/Chair of the Internal Affairs Committee will jointly select the additional four undesignated members. At least two of the Committee members must not have served the previous year.

C - Responsibilities:

- A. Supervising the Executive Director;
- B. Determining which items require Board action; and
- C. Setting the proposed agenda for the next Board of Directors meeting.

Cross References:

Date Issued:

Dates Revised:

BOARD --- INTERNAL AFFAIRS COMMITTEE---

Policy Code: 112

A - Composition

- The Internal Affairs Committee shall consist of the Chair, and Vice Chair of the Board, the Liaison, and two members who have previously served on the Executive Committee. The Liaison shall serve as Chair of the Committee.

B - Selection and Term

- A. The Liaison and Chair of the Board will jointly name the two additional members.
- B. The two additional members may only serve a one-year term and may not succeed themselves.

C - Duties

- The Internal Affairs Committee is charged with the responsibility of supervising the internal operations of the Beta Club Headquarters and gathering information

concerning the overall operations of the National Beta Club. Specifically, the Internal Affairs Committee will:

- A. Review the financial status of the organization;
- B. Meet with staff to receive staff input concerning daily operations;
- C. Review the Executive Director and Board Evaluations, as well as the Staff Review of the Executive Director;
- D. Meet with the Staff Liaison Committee about suggestions and concerns for improving the National Beta Club;
- E. Meet with investment, insurance, etc. representatives to make recommendations;
- F. Provide annually to the full Board and Executive Committee a report on the financial and organizational health of the Beta Club; and
- G. Other duties as assigned by the Board or Executive Committee

D - Meetings

- The Internal Affairs Committee must meet at least once annually in the spring prior to the annual National Convention. The Committee may meet as often as necessary upon the call of the Liaison/Committee Chair or a majority of the Committee.

Cross References:

Date Issued:

Dates Revised:

BOARD --- BOARD MEETINGS GENERALLY--- Policy
Code: 120

A - Types of Meetings

- Meetings may be held in person or through electronic media. Any board member unable to attend an in-person meeting may attend through electronic means, to the extent electronic access may reasonably be made available. Electronic participation must be done in such a way as to allow the other Board members to hear the participants to hear the other meeting attendees.

B - Time

- The Board of Directors shall meet twice a year, once in Spartanburg in the fall and once at the National Convention. The meeting in Spartanburg shall be immediately following a meeting of the Executive Committee. The second meeting of the Board of Directors shall be held during the National Convention.

C - Agenda

- The Chair and Executive Director shall develop an agenda that includes time for committee meetings, informational presentations, discussions, and formal action. Any action not covered by the proposed agenda must be submitted in writing at the first general session of the Board of Directors meeting or prior.

Cross References:

Date Issued:

Dates Revised:

**BOARD --- MINUTES OF MEETINGS--- Policy Code:
121**

- Minutes shall be kept of all meetings of the Board of Directors and its committees. The minutes or reports of the Board or committee meetings shall be mailed to all Board members within fifteen working days following the meeting.

Cross References:

Date Issued:

Dates Revised:

**BOARD --- STRATEGIC PLANNING--- Policy Code:
130**

- The Board shall develop successive five-year strategic plans. The Board and may review, update or replace strategic plans as needed to best serve the needs of the organization.

Cross References:

Date Adopted:

Dates Revised:

- The following standards shall guide each Board member in the performance of his or her official duties:
 1. The need to obey all applicable state and federal laws regarding official actions taken as a Board member;
 2. The need to uphold the integrity and independence of the board member's office;
 3. The need to avoid impropriety in the exercise of the board's and board member's official duties; and
 4. The need to perform faithfully the duties of the office.

B - SPECIFIC BOARD MEMBER COMMITMENTS

- In order to implement the above standards, each member of the board commits to do the following:
 1. Attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
 2. Endeavor to make decisions only after full discussion at an official Board meetings;
 3. Render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
 4. Model civility by encouraging the free expression of opinion by all Board members and engaging in respectful dialogue with fellow board members on matters being considered by the board;
 5. Respect the confidentiality of information that is privileged or confidential under applicable law and refrain from unauthorized disclosure of confidential information;
 6. Work with other Board members to establish effective board policies and to delegate authority for the administration of the Beta Club to the Executive Director;
 7. Support the employment of those persons best qualified to serve the Beta Club and avoid allowing personal relationships and biases to influence decision making;
 8. Refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to contact the Executive Director to address the issue, provided that if the Executive Director is the subject of the complaint, the matter shall be reported to the Liaison;

9. Avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;
 10. Refrain from using his or her position to endorse any company, product, service or individual;
 11. Take no private action that will compromise the Board or administration; and
 12. Remember always that a Board member's duty is to act in the best interests of the organization.
- All newly elected board members are expected to sign a code of ethics statement that includes these provisions.

Cross References:

Date Issued:

Dates Revised:

BOARD --- CONFLICT OF INTEREST--- Policy Code: 152

A - Conflict of Interest Defined

- A Board member shall be considered to have a conflict of interest if:
 1. The Board member has existing or potential financial or other interests which impair or might reasonably appear to impair his or her Independent, unbiased judgment in the discharge of his or her responsibilities to the National Beta Club, or
 2. The Board member is aware that a member of his or her family (which for purposes of this paragraph shall be a spouse, parents, siblings, children and any other relative if the latter reside in the same household as the Board member), or any organization in which such Board member (or member, of his or her family) is an officer, director, employee, member, partner, trustee or controlling stockholder, has such existing or potential financial or other interests.

B - Duty to Disclose

- All Board members shall disclose to the Board Chair and the Board Liaison any possible conflict of interest at the earliest practicable time. Any Board member who is uncertain whether a conflict of interest may exist in any matter must report

BOARD --- DEPARTURE FROM SERVICE--- Policy Code: 160

- All members of the Board shall receive recognition of their service to Beta Club upon their departure from the Board.

Cross References:

Date Issued:

Dates Revised:

BOARD --- EMERITUS STATUS--- Policy Code: 161

A - Qualification for Emeritus Status

- A Board member who has served at least nine years on the board or who has twenty-five years of service on a state council with at least six of those years on the Board shall be granted Board Member Emeritus status, provided that he or she states the intention not to accept re-election to the National Board.

B - Privileges of Emeritus Status

- Any Board Member Emeritus will be welcome to attend any future Board meetings and national conventions. Registration fees for the National Convention will be waived. Former Board members attending Board meetings shall have no right to vote on matters coming before the Board. The National Beta Club will assume no financial responsibility for the participation of Emeritus Members in conventions or Board meetings.

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Cross References:

Date Adopted:

Dates Revised:

STAFF--- EXECUTIVE DIRECTOR--- Policy Code: 200

A - Duties

- The National Beta Club shall employ an Executive Director who shall be responsible for the day to day operations of the Beta Club and who shall also be

responsible for carrying out the decisions and implementing the policies of the National Board of Directors. The Executive Director shall have the following authorities and duties, subject to any limitations by Board policy:

- A. The authority to hire all support staff unilaterally and, together with the board, hire department heads and national sponsors, including the power to employ field ambassadors upon the recommendation of the Council Chair of the state in which the field ambassador is to serve;
- B. The authority to accept resignations and retirements and to terminate the employment of staff;
- C. The authority to assign duties to and to transfer staff among positions; and
- D. The authority to enter into and administer contracts on behalf of the Board, provided that all contracts over \$10,000 shall be approved and signed by both the Executive Director and the Chair of the Board of Directors, except that hotel contracts for conventions will be signed by the Executive director and the State Council Chair of the state in which the meeting is to be held.

B. - Contract

- The Executive Director shall be employed pursuant to a three-year contract. The contract shall be negotiated by the Executive Committee, approved by the Board and signed by the Chair of the Board and the Chair of the Executive Committee.

C. - Evaluation

- The Executive Director shall be evaluated annually prior to the National Convention. The evaluation shall be tabulated and presented to the Board at the National Convention meeting. The Executive Director shall receive a copy of the evaluation results and shall be given an opportunity to meet with the Board regarding his or her evaluation.

Cross References:

Date Adopted:

Dates Revised: June 2012

**STAFF--- PRESENCE AT HEADQUARTERS--- Policy
Code: 201**

The Executive Director or the Assistant Director should be at the National Headquarters at all times. However, scheduling and unforeseen circumstances may prevent this. If neither the Executive Director nor the Assistant Director is in the office then the Director of each individual department of the National Beta Club Headquarters is authorized to make necessary decisions for his or her department. In the event of an emergency or if an immediate decision needs to be made on behalf of the whole organization, the Director and/or Assistant Director should be contacted by telephone for appropriate direction.

Cross References:

Date Adopted:

Dates Revised:

STAFF--- NEPOTISM--- Policy Code: 202

- Relatives of employees may be hired only if they are employed and supervised by someone other than the individual who is related.

Cross References:

Date Adopted:

Dates Revised:

STAFF--- OUTSIDE EMPLOYMENT--- Policy Code: 203

- Staff may engage in outside income earning activities provided there is no conflict with the responsibilities of the position occupied with Beta Club. The property, personnel, or any other resources of the organization may not be utilized in this activity.

Cross References:

Date Adopted:

Dates Revised:

STAFF--- CONFLICTS OF INTEREST--- Policy Code: 204

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Case No. 2014-CP-42-1759

Denise Parker,

Plaintiff,

v.

The National Honorary Beta Club,

Defendant.

**DEFENDANT'S RESPONSES TO PLAINTIFF'S
FIRST SET OF DISCOVERY REQUESTS**

COMES NOW Defendant in the above-captioned matter, by and through their counsel Ogletree, Deakins, Nash, Smoak & Stewart, P.C., and serve these their Responses to Plaintiff's First Set of Discovery Requests as follows:

Interrogatories

1. Give the names and addresses of persons known to Defendant or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

Response to Interrogatory No. 1:

a.) Bob Bright – Executive Director

Mr. Bright has been the Executive Director of the National Honorary Beta Club since January, 2013. As such, he is familiar with the Constitution and By-Laws of this non-profit organization. He is also familiar with the Employee Handbook which includes many of the policies applicable to employees. Mr. Bright is familiar with the personnel structure of the organization and the performance of many, if

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not all, of the employees who work there. In particular, Mr. Bright is familiar with concerns he had about the performance of Plaintiff and the means used to correct those performance deficiencies. He is also familiar with the reasons for Plaintiff's termination. Mr. Bright is also familiar with changes in personnel since he became Executive Director.

b.) Bobby Hart – Chief Operating Officer

Mr. Hart was hired in July, 2013. As Chief Operating Officer, Mr. Hart is familiar with the Constitution and By-Laws of the organization, along with the Employee Handbook containing many of the organization's policies. He is also familiar with the job responsibilities of most, if not all, the employees of the organization. Mr. Hart had knowledge of the job responsibilities of Plaintiff and concerns Mr. Bright had with Plaintiff's performance deficiencies.

c.) Ritchie Garland – National Jr. Sponsor/Leadership Director

Mr. Garland was appointed National Jr. Sponsor/Leadership Director in July, 2013. Plaintiff reported to Mr. Garland. Mr. Garland is familiar with Plaintiff's job duties and the concerns Mr. Bright had with Plaintiff's performance. Like other managers, Mr. Garland is familiar with the Constitution and By-Laws of the organization and the Employee Handbook containing many of the organization's policies. Mr. Garland was aware of Mr. Bright's concerns about deficiencies in Plaintiff's performance. Mr. Garland can also testify about how Plaintiff was disrespectful to him and others.

d.) Glen Stribling – Former Retention Coordinator and Former Assistant Director

Plaintiff previously worked for Mr. Stribling before he was transferred to a Retention Coordinator. Thus, Mr. Stribling would be familiar with Plaintiff's performance during the time he worked with Plaintiff.

e.) Barbara Anderson – National Jr. Sponsor

Barbara Anderson worked in the Convention Department with Plaintiff. She would be familiar with Plaintiff's job responsibilities and duties.

f.) Melody Cooper – Former Membership Supervisor

Plaintiff was transferred temporarily to the Membership Department during 2013 to temporarily replace an employee on leave. Melody Cooper will be able to testify concerning Plaintiff's duties and performance during the time Plaintiff worked for her.

g.) Laura Lewis – Former National Jr. Sponsor and Current Administrative Assistant

Laura Lewis sat in on the Employee Conference Sessions with Plaintiff, handled by Mr. Bright on October 21, 2013 and November 4, 2013.

h.) Jay Moore – Chief Information Officer

Mr. Moore can testify to Plaintiff's lack of technical skills, her resistance to change, and her failure to answer emails in a timely fashion.

i.) Pat Stout – Former Chairman of the Board and Current Board Liaison

Mr. Stout can testify regarding his dealings, if any, with Plaintiff and the Board's role (or lack thereof) in the day-to-day operations of Defendant.

j.) Dennis Campbell – Former Board Liaison and Current Chairman of the Board

Mr. Campbell can testify to the same topics as Mr. Stout.

k.) Shannon Mayer – Leadership Director

She can testify to Plaintiff's limited job skills, lack of technical skill, and resistance to change. These problems lead Ms. Mayer to conclude it was easier to do things herself instead of asking Plaintiff.

l.) Judy Cummings – Former National Jr. Sponsor

Ms. Cummings previously worked with Plaintiff and can testify to her job skills and job duties.

2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of Defendant that relate to the claim or defense in the case.

Response to Interrogatory No. 2:

- a.) Constitution and By-Laws of the National Beta Club (Bates No.'s BETA A-00001-00022).
- b.) Board of Directors Policies (Bates No.'s BETA B-00001-00048).
- c.) 2010 National Beta Club Employee Handbook (Bates No.'s BETA C-00001-00023).
- d.) 2013 National Beta Club Employee Handbook (Bates No.'s BETA D-00001-00032).
- e.) Organization Chart, 2013 (Bates No.'s BETA E-00001).
- f.) Plaintiff's Personnel File (Bates No.'s BETA F-00001-00119).
- g.) Employee Conference dated November 4, 2013 (Bates No.'s BETA G-00001).
- h.) Board Agendas – June 20, 2013 – June 25-26, 2014 (Bates No.'s BETA H-00001-00008).

i.) **Board Minutes – June 28, 2012 – June 25-26, 2014 (Bates No.'s BETA I-00001-00025).**

j.) **Internal Affairs Committee Minutes – April 26-27, 2013 – May 19, 2014 (Bates No.'s BETA J-00001-00010).**

3. Set forth the names and addresses of all insurance companies which have liability insurance coverage relating to the claim and set forth the number or numbers of the policies involved and the amount or amounts of liability coverage provided in each policy.

Response to Interrogatory No. 3:

Policy Number: NOA1313198

Carrier: The Hartford

Policy Limits: \$2,000,000

4. List the names and addresses of any expert witnesses whom Defendant proposes to use as a witness at the trial of the case.

Response to Interrogatory No. 4:

Defendant has not yet identified any experts in this case but reserves the right to amend this response if any are subsequently identified.

5. For each person known to Defendant or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform Plaintiff of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.

Response to Interrogatory No. 5:

See Response to Interrogatory No. 1.

6. Identify by date, participant, mode (e.g. oral, telephone, e-mail, text, mail), all communications between Defendant or its representatives, officers, or agents, board members, regarding the termination of Plaintiffs employment or the facts giving rise to the termination of her employment.

Response to Interrogatory No. 6:

Bob Bright made the decision to terminate Plaintiff. He recalls having discussions with Bobby Hart, Ritchie Garland, Barbara Anderson and Laura Lewis about the decision and his reasons for taking such action. He does not recall how frequently these conversations took place or the dates of those conversations. He also does not remember if these were all face-to-face or if some were over the phone. Moreover, Mr. Bright does not recall the exact content of each conversation. Mr. Bright also believes he discussed the decision with Pat Stout, Board Chair and Dennis Campbell, Board Liaison. Again, some of these conversations may have been face-to-face, while others were over the phone.

Defendant has not located any electronic communications dealing with this subject, but will continue to search and will turn over any that are located.

7. Identify by date, participant, and mode, all oral, electronic, and written communications between employees or agents of Defendant, including members of its board, regarding the decision to terminate Plaintiffs employment.

Response to Interrogatory No. 7:

See Response to Interrogatory No. 6.

8. For each communication identified above, set forth a detailed summary of the communications or, if such communication occurred solely in writing, specify the document(s) that contain the contents of the communication.

Response to Interrogatory No. 8:

See Response to Interrogatory No. 6.

9. Set forth in full the reason or reasons why Defendant terminated Plaintiffs employment.

Response to Interrogatory No. 9:

See Bates No. BETA G-00001.

10. Identify by name address and phone number each and every person who provided information, was consulted, who participated in, or who was otherwise involved in the decision to terminate Plaintiff's employment. For each person identified, specify:

- a. the specific role such person played in the decision;
- b. the relevant facts known to the person, or that he or she provided in the decision-making process -leading to the decision, including other options considered, whether or not you contend they were -relied upon in making the decision; and
- c. all documents and communications created, considered by, or otherwise related to his or her role in the decision including, but not limited to, any notes or communications or other documents regarding the decision.

Response to Interrogatory No. 10:

See Responses to Interrogatory No.'s 1 and 6. The decision to terminate Plaintiff was made by Mr. Bright, after input from others.

11. If you contend that Plaintiff violated any policy, rule, or standard of conduct that was considered in the decision to terminate her employment, specify each such incident by date,

identify each person with knowledge of your contention, and identify all documents related to the alleged violation.

Response to Interrogatory No. 11:

Plaintiff was terminated because she was resistant to change and that resistance created a negative work environment. She failed to keep up with advances in computer programs to allow her to perform necessary job functions. It became such a problem that people just stopped asking her to do things and they did the work themselves. She did little beyond elementary typing. Her typical response when asked to do something was "I don't know how" or "We've never done it that way before." Mr. Bright attempted to get her to be less resistant to change and to embrace new ideas and new ways of doing things, but she continued to resist. With that resistance came a negative attitude by Plaintiff. Mr. Bright disciplined her on October 21, 2013 and terminated her on November 4, 2013.

12. Identify all documents, in paper or electronic form, and other tangible things that were considered as part of the investigation upon which you purportedly relied in deciding to terminate Plaintiff.

Response to Interrogatory No. 12:

None, other than those documents identified in Response to Interrogatory No. 2.

13. Identify all documents, including Board meeting minutes, motions, and resolutions, that create or define the scope and responsibilities of the Staff Liaison Committee or Board Liaison Committee.

Response to Interrogatory No. 13:

When the Staff Liaison Committee was discontinued, the last Chair of the Committee, Pat Mabry, disposed of all the records of the Liaison Committee. See Bates No.'s BETA K-00001 - 00002 for records related to the Procedures of the Liaison Committee.

14. All communications, including electronic communications appointing members of the Staff Liaison Committee or Board Liaison Committee up through the date of the termination of Plaintiff's employment.

Response to Interrogatory No. 14:

See Response to Interrogatory No. 13.

15. Identify all documents, including Board meeting minutes, motions, and resolutions, that create or define the scope and responsibilities of the Internal Affairs Committee.

Response to Interrogatory No. 15:

See Bates No.'s BETA B-00001-00048. See also Response to Interrogatory No. 13.

16. Identify all documents, including draft procedures that set forth the manner in which the staff liaison/board liaison committee has operated from its inception through the present.

Response to Interrogatory No. 16:

See Response to Interrogatory No. 13.

17. Identify all notes and communications including electronic communications created by or received by members of the Board or the staff liaison/board liaison or internal affairs committee regarding the meeting at which Plaintiff spoke regarding discipline she received or that otherwise mention or relate to Plaintiff and the termination of her employment.

Response to Interrogatory No. 17:

See Response to Interrogatory No. 13.

18. Identify by name, address, and phone number, each member of the staff liaison/board liaison committee in 2013.

Response to Interrogatory No. 18:

See Response to Interrogatory No. 13. In October, 2013, members of the Committee were Pat Mabry, Denise Parker and Barbara Anderson. In June, 2014, they were Pat Mabry, Barbara Anderson and Sherrill Boyce.

19. Identify by name, address, and phone number, each member of the Board in 2013.

Response to Interrogatory No. 19:

See Bates No.'s BETA L00001-00003.

20. For each allegation in the Complaint that Defendant denied, set forth the facts upon which you rely in denying the allegation.

Response to Interrogatory No. 20:

Defendant denies the existence of a contract of employment, the breach of any contract, and asserts that Plaintiff was terminated for her disruptive attitude and failure to keep up her technical skills.

21. For each affirmative defense asserted by Defendant, set forth the facts upon which you rely in support of such defense.

Response to Interrogatory No. 21:

See Response to Interrogatory No. 20.

Requests to Produce

1. All documents and other things identified in your responses to the foregoing interrogatories.

Response to Request No. 1:

See Responses to Interrogatories 1 through 19.

2. A complete copy of Plaintiff's personnel file.

Response to Request No. 2:

See Bates No.'s BETA F-00001-00019 and G-00001.

3. All documents upon which you rely in denying any allegation raised by Plaintiff.

Response to Request No. 3:

See Responses to Interrogatories 1 through 19.

4. All documents upon which you rely in asserting any defense to the claims raised by Plaintiff.

Response to Request No. 4:

See Responses to Interrogatories 1 through 19.

5. Any written communications (including electronic) between Defendant and/or any other person or entity regarding Plaintiff from the time of Plaintiff's initial complaint of harassment through the present.

Response to Request No. 5:

Defendant is not aware of the date of Plaintiff's alleged Complaint of harassment. If Plaintiff will provide that date, Defendant will attempt to locate documents responsive to this request. Otherwise, Defendant objects to the request on the basis that it is vague, overbroad and burdensome.

6. Any other documents maintained by Defendant regarding Plaintiff.

Response to Request No. 6:

Defendant objects to this request that is vague, overbroad and burdensome.

7. All communications between Defendant and any other person or entity (including employment agency) regarding Plaintiffs termination of employment.

Response to Request No. 7:

See Bates No.'s BETA M-00001-00019.

8. All employee handbooks or similar publications for employees regarding terms and conditions of employment applicable to Plaintiffs employment.

Response to Request No. 8:

See Bates No.'s BETA C-00001-00023 and Bates No.'s BETA D-00001-00032.

9. All other human resource or personnel policies that relate to rules or expectations of employees, discipline, termination of employment, or communications between employees and members of the Board or the Board and its committees.

Response to Request No. 9:

Nothing beyond the documents provided in these discovery responses.

10. A copy of any insurance policy under which the defense of this action is provided (with or without a reservation of rights).

Response to Request No. 10:

See Bates No.'s BETA N-00001-00048.

11. A copy of any reservation of rights letter from any insurer related to this action.

Response to Request No. 11:

No such letter so far.

12. All documents upon which Defendant relies in asserting any affirmative defenses to the Complaint.

Response to Request No. 12:

See Bates No.'s BETA A-N, inclusive.

13. Any statements taken from any witness in this case.

Response to Request No. 13:

None to date.

14. A copy of Defendant's Constitution.

Response to Request No. 14:

See Bates No.'s BETA A-00001-00022 (Constitution and By-Laws).

15. A copy of any bylaws, rules, resolutions, or other documents regarding the governance of Defendant.

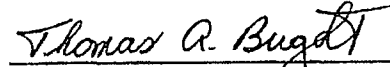
Response to Request No. 15:

See Bates No.'s BETA A, B, C and D, inclusive.

Dated this the 12th day of August, 2014.

Respectfully submitted,

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.



Thomas A. Bright, SC Bar No. 884

Attorney for Defendant

The Ogletree Building
300 North Main Street, Suite 500 (29601)
Post Office Box 2757
Greenville, SC 29602
864.271.1300
864.235.8806
thomas.bright@ogletreedeakins.com

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG

Denise Parker,

Plaintiff,

v.

The National Honorary Beta Club,

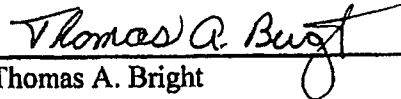
Defendant.

Case No. 2014-CP-42-1759

CERTIFICATE OF SERVICE

I, Thomas A. Bright, hereby certify that I have this day served the foregoing
DEFENDANT'S RESPONSES TO PLAINTIFF'S FIRST SET OF DISCOVERY
REQUESTS, via email and United States mail, properly addressed and with the correct amount
of postage affixed thereon, upon the following:

Brian P. Murphy
Stephenson & Murphy, PC
207 Whitsett Street
Greenville, South Carolina 29601


Thomas A. Bright

SC Bar No. 884

Attorney for Defendant

OGLETREE, DEAKINS, NASH,

SMOAK & STEWART, P.C.

300 North Main Street, Suite 500

Greenville, SC 29601

Telephone: 864-271-1300

Facsimile: 864-235-8806

E-mail: thomas.bright@ogletreedeakins.com

Dated this the 12th day of August, 2014.

18264960.1

VERIFICATION

I, Bob Bright, Chief Executive Officer of The National Honorary Beta Club, hereby declare under penalty of perjury that the foregoing Responses to Plaintiff Denise Parker's First Set of Discovery insofar as they are directed to Defendant The National Honorary Beta Club, are true and accurate to the best of my belief and knowledge based upon the information available to me.


BOB BRIGHT

Date: 8/11/14

18656252.1

From: Melody Cooper [mcooper@betaclub.org] on behalf of Melody Cooper
Sent: Tuesday, October 22, 2013 11:40 AM
To: Bob Bright
Subject: Re: Department Emails

Yesterday was a rare day when most of my emails were answered late in the afternoon. Most of the time, I answer them in the morning and throughout the day, I finished around five but everything was cleaned out before I left as it is most days..

Lanie only gets membership emails if we forward a new sponsor or lost sponsor. I think from the past she gets a lot of junk email. Leigh seems to get a good bit of that also. Leigh also keeps her inbox with a lot of old emails that are not to be answered since they are not Beta in a good amount of the cases.

We all get more junk mail now than in the past, seemed to come with charter.

We will certainly try to get emails answered more timely.

Melody Cooper | *Membership Director*

From: "Bob Bright" <bbright@betaclub.org>
To: "Melody Cooper" <mcooper@betaclub.org>
Cc: "Bob Bright" <bbright@betaclub.org>
Sent: Tuesday, October 22, 2013 7:26:05 AM
Subject: Department Emails

Please have department continue to work on customer service today. Many of these emails may not be work related. This is the amount that was received as of 3:30 yesterday.

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Leigh	143	5
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Denise	51	1
Mabry	7	10
Jr Membership	27	0
Sr Membership	8	0
Info	37	0

You stated during our conference yesterday afternoon that your time was also being devoted to email and answering Leigh's email. Data does not document.

Bob Bright
Chief Executive Officer
The National Beta Club



151 Beta Club Way
Spartanburg, SC 29066
(864) 582-4553
bhugh@betaclub.org



From: Melody Cooper [mcooper@betaclub.org] on behalf of Melody Cooper
Sent: Tuesday, October 22, 2013 12:03 PM
To: Bob Bright
Subject: Re: Department Emails

Denise answers the ones that come to Leigh's inbox, I answer all of the emails that come to betaclub@betaclub.org and info@betaclub.org for junior and senior now.

Melody Cooper | *Membership Director*

From: "Bob Bright" <bbright@betaclub.org>
To: "Melody Cooper" <mcooper@betaclub.org>
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Bob Bright
Chief Executive Officer
The National Beta Club
151 Beta Club Way
Spartanburg, SC 29306
(864) 583-4553
bbright@betaclub.org



MEYER COMMUNICATIONS

ROA 000559



From: Shannon Meyer [smeyer@betaclub.org] on behalf of Shannon Meyer
Sent: Monday, August 19, 2013 11:37 AM
To: Denise Parker
Subject: Fwd: Sponsor letter for the FL bulletin
Attachments: Happy December Junior Beta Sponsors.docx

Good Morning Miss Denise!

I am not sure where we even are on the FL bulletin but this is the sponsor's letter for the front. She is worried about its length as you can see from her email but I told her that you worked magic and that it would all be fine.

Hope you had a good weekend. If you need anything from me just tell me! I know that I have a LOT to learn. Thank you for everything last week. Hopefully it will not be too long and I will be better at things and you won't have so many questions to answer from me.

THANKS!

Shannon

From: "Sherry Rockey - FT McCoy School" <Sherry.Rockey@marion.k12.fl.us>
To: smeyer@betaclub.org
Cc: dparker@betaclub.org
Sent: Friday, August 16, 2013 3:22:36 PM
Subject: Sponsor letter

Here is my letter for the bulletin. Hope it is not too long. Please reply if you received this. Thank you so much.

Sherry Rockey ext 52147

Teacher of the Gifted

Social Studies

Beta Sponsor

Sherry.rockey@marion.k12.fl.us

[Florida has a very broad Public Records Law. All correspondence sent to or from this entity is subject to the Public Records Law of Florida. Email communication may be subject to public and media disclosure upon request. Under Florida Law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.]

From: Denise Parker [dparker@betaclub.org] on behalf of Denise Parker
Sent: Friday, August 30, 2013 7:30 PM
To: Shannon Meyer
Subject: Fwd: SC JR Bulletin

Denise Parker | *Junior Convention Coordinator*

From: "Amy F. Burgess" <afburgess@oconee.k12.sc.us>
To: "Denise Parker" <dparker@betaclub.org>
Sent: Friday, August 30, 2013 3:30:52 PM
Subject: RE: SC JR Bulletin

Hi Denise!

Everything looks great! I couldn't find any mistakes as I read through it. Thank you so much!!!

Amy Burgess

Math Dept.
West Oak Middle School
864-886-4525

From: Denise Parker [mailto:dparker@betaclub.org]
Sent: Wednesday, August 28, 2013 10:58 AM
To: Amy F. Burgess
Subject: SC JR Bulletin

Hi Amy,

Please look over the attached bulletin and see if I need to make any changes.
Thanks.

Denise Parker | *Junior Convention Coordinator*

151 Beta Club Way, Spartanburg SC 29306
www.betaclub.org | toll free: 800.845.8281 | fax: 864.542.9300



[Fan Page](#)

[Tweets](#)

[YouTube Channel](#)

All information in this message is proprietary and confidential. If you have received it by mistake, please let us know by e-mail reply and delete it from your system; you may not copy this message or disclose its contents to anyone

From: Shannon Meyer [smeyer@betaclub.org] on behalf of Shannon Meyer
Sent: Wednesday, October 02, 2013 8:05 PM
To: Denise Parker
Subject: Re: MO JR Technology

Thank you! That was a big help for me! I couldn't get all the charts right.
Shannon

From: "Denise Parker" <dparker@betaclub.org>
To: "Shannon Meyer" <smeyer@betaclub.org>
Sent: Wednesday, October 2, 2013 12:39:41 PM
Subject: MO JR Technology

Shannon this is the two pages for MO Jr Technology in bulletin.

Denise Parker | *Junior Convention Coordinator*

From: Shannon Meyer [smeyer@betaclub.org] on behalf of Shannon Meyer
Sent: Friday, October 11, 2013 2:16 PM
To: Denise Parker
Subject: Re: Revised copies of the Junior Bulletins with Emergency Info

Thank you for doing all of this... I know it took time... We appreciate you! Thanks, Shannon

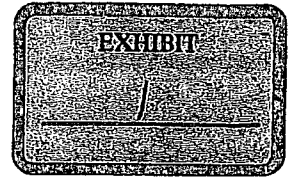
Sent from my iPhone

On Oct 11, 2013, at 9:50 AM, Denise Parker <dparker@betaclub.org> wrote:

Attached you will find a copy of the revised bulletin for
Junior Convention States with the emergency information.

Denise Parker | *Senior Convention Coordinator*

<VA_JR_BULLETIN_13-14[1].docx>
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<TN_13-14_Junior_Beta_Bulletin_(Working_Copy)[1].doc>
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<NC_12-13_Bulletin_03[1]revisions.doc_4[1].doc new book list.doc>
<MO_JR__2_Bulletin_(1)[1].docx>
<MS_JR_BULLETIN_13-14[2][1].docx chad second.docx>
<2014_Bulletin_final_revision_Sept_3_2013[1].docx correct from bee use.docx use.docx>
<KY_Junior_Bulletin_for_13-14[1].docx>
<IL 13-14 Bulletin2.docx use.docx>
<GA_JR_BULLETIN_13-14_Moody_Corrections[1].docx>
<FL JR BULLETIN 13-14.docx.docx 2.docx>
<AR_JR_BULLETIN_13-14 [1].docx>
<Alabama_Junior_bulletin_to_change_2014[1].docx>



National Beta Club

POSITION DESCRIPTION

Non Exempt *

TITLE Convention Coordinator

QUALIFICATIONS

1. High school, plus college course work in areas of assignment.
2. Be able to perform at tested speeds all office equipment, including computers, applicable for adequate and effective performance of assignments.
3. Be willing to undertake and successfully master new proficiencies as position expands.

SUMMARY OF ASSIGNMENTS AND DUTIES

Carries out clerical assignments of national sponsor as directed within the tenor and tone of the club's creed.

REPORTING RELATIONSHIPS

1. Reports to the national sponsor.
2. Coordinates clerical functions with counterparts in national office, field locations,
conventions and state sponsors and officers as work plan dictates.

DUTIES AND RESPONSIBILITIES

1. Maintains entries for state conventions.
2. Answers correspondence as directed for conventions.
3. Assists in updating and preparing convention bulletins.
4. Handles Junior and Senior convention calls, and answers questions about state and national meetings.
5. Types and correlates convention materials as required by assignments.
6. Types assigned state convention programs.
7. Sends letters and information, as program requires or as assigned, to state sponsors and state officers.
8. Attends and provides clerical assistance at registration desk at national convention and selected state conventions.
9. Performs other duties as requested.
10. Completes all input regarding entries seventeen (17) days prior to convention.
11. Checks names on all ~~senior~~ state convention registrations for membership.
12. Assists in counting and stuffing envelopes with ballots
13. Assists with candidate tally sheets
14. Assists with name tags for officers, sponsor, sponsor-elect, status sponsors, counce

candidates, etc.

15. Mails (first class) programs to officers, candidates, sponsor, sponsor-elect, hotel, convention center and state council members.

16. Prints certificates for talent, candidate, skit, etc.

17. Assists with the competition and attendance certificates for the national senior convention.

18. Prints the years of service certificates for senior sponsors.

20. Assists in switchboard duties.

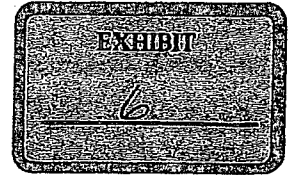
* Non Exempt means position is subject to FLSA overtime provisions.

Date

Signature of Employee

Date

Signature of Supervisor



National Beta Club
151 Beta Way
Spartanburg, SC 29306

Employee Conference

Denise Parker

Items of Concern

Professionalism

Failure to sustain a professional growth strategy.

Does not demonstrate an exceptional mastery of professional skills.

Professional manner in which coworkers are addressed.

Actions to be taken

Please work to maintain a professional image at all times. Working with coworkers to ensure that department objectives are achieved and that assistance is positive in regard to professional duties.

Denise E. Parker

Employee Signature

10/21/13

Date

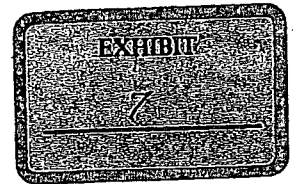
[Signature]

Supervisor Signature

10/21/13

Date

ROA 000566



National Beta Club
151 Beta Way
Spartanburg, SC 29306

November 4, 2013

Employee Conference

Denise Parker

Items of Concern:

Continued negativity.

Communication and failure to respond to emails promptly.

Actions to be Taken:

Continue to remain positive in the work environment.

Answers emails and respond promptly.

Denise E. Parker

Employee Signature

11/4/13

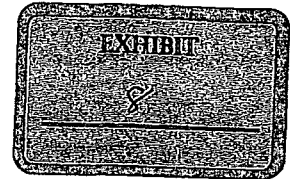
Date

[Signature]

Supervisor Signature

11/4/13

Date



From: Bob Bright [bbright@betacub.org] on behalf of Bob Bright
Sent: Tuesday, October 22, 2013 11:26 AM
To: Melody Cooper
Cc: Bob Bright
Subject: Department Emails

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Bob Bright
Chief Executive Officer
The National Beta Club
151 Beta Club Way
Spartanburg, SC 29306
(864) 583-4553
bbright@betacub.org



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Bob Bright
Chief Executive Officer
The National Beta Club

151 Beta Club Way
Spartanburg, SC 29806
(864) 583-4553
<http://brightbetaclub.org>



From: Melody Cooper [mcooper@betaclub.org] on behalf of Melody Cooper
Sent: Tuesday, October 22, 2013 12:03 PM
To: Bob Bright
Subject: Re: Department Emails

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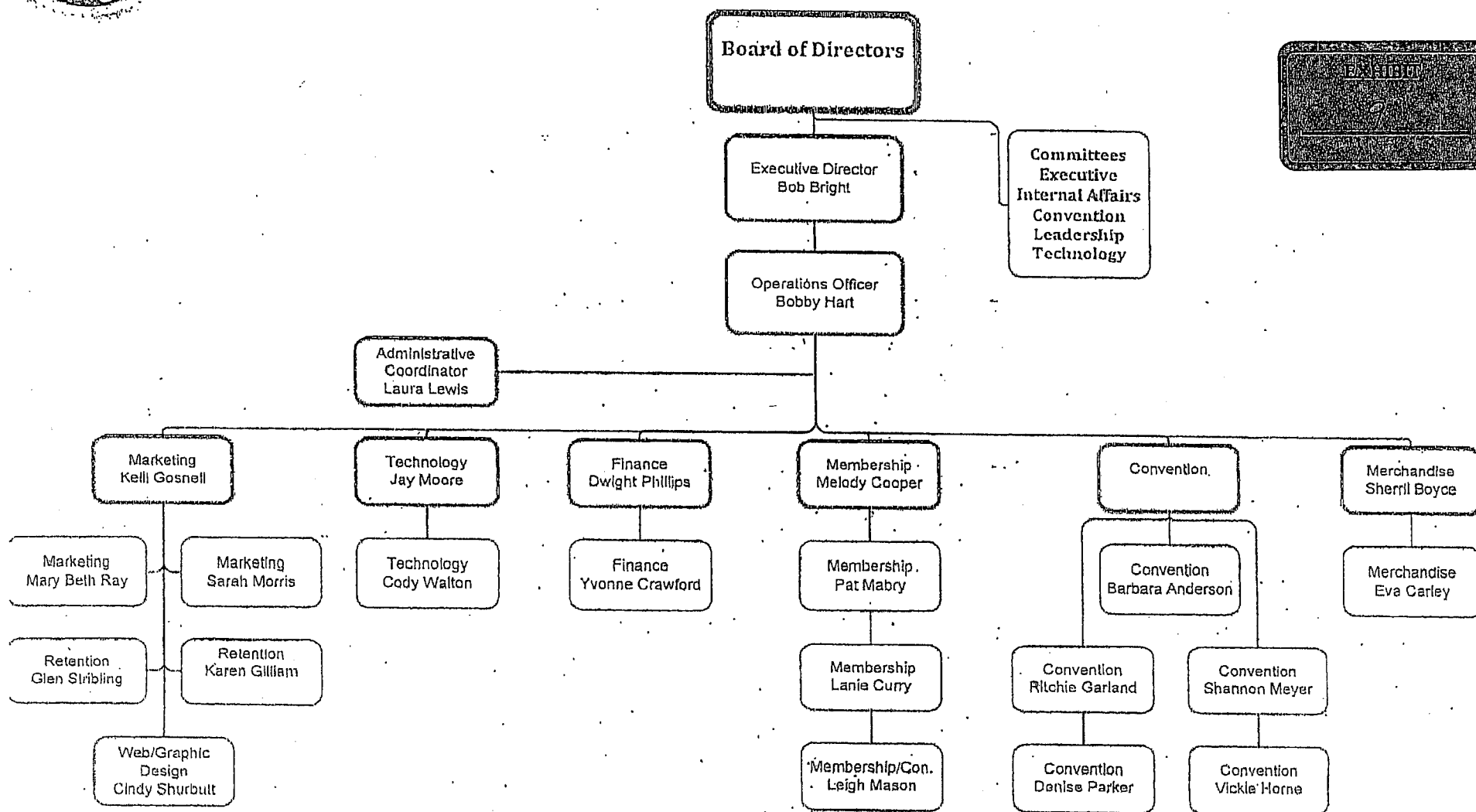
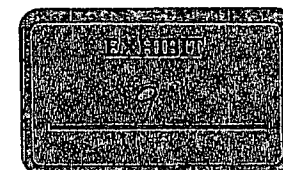
Bob Bright
Chief Executive Officer
The National Beta Club
151 Beta Club Way
Spartanburg, SC 29306
(864) 583-4553
bbright@betaclub.org





Organization Chart

2013



ROA 000572

OTHER MATERIALS -- DEPOSITION PAGES DESIGNATED BY RESPONDENT

Deposition of Bob Bright - July 29, 2015

Page 4

1 (It is hereby stipulated and agreed
2 by and among counsel for the respective
3 parties that this deposition is being
4 taken in accordance with the South
5 Carolina Rules of Civil Procedure; and
6 that the deponent does waive reading and
7 signing of this deposition.)

8 - - -

9 BOB BRIGHT, after having been first
10 duly sworn, was examined and testified as
11 follows:

12 - - -

13 EXAMINATION

14 BY MR. MURPHY:

15 Q. Mr. Bright, my name is Brian Murphy, and I
16 represent Denise in her lawsuit against Beta
17 Club. A couple of rules I need to go through
18 with you, although you've probably heard them
19 before. One is if at any point in time you
20 need a break, just let us know, and we can take
21 a break here. We'll finish the question we're
22 on, and we'll take a break.
23 Second, and most important, is if I ask you any
24 question you don't understand, ask me to
25 rephrase it, tell me what you don't understand

- 1 about it, and we'll try to get you a question
2 you do understand.
3 Have you had a deposition before?
4 A. Yes, I think so.
5 Q. In what cases were you deposed?
6 A. It was a child abuse case.
7 Q. Okay. Was that related in any way to the Beta
8 Club?
9 A. No.
10 Q. Have you had a deposition taken in any
11 litigation related to the Beta Club?
12 A. No.
13 Q. Where do you currently reside?
14 A. In Spartanburg.
15 Q. Right. What's the address?
16 A. 101 South Bennington.
17 Q. Bennington what? Is it called Street, Road?
18 A. I think it's Drive.
19 Q. Is that in a particular subdivision or area?
20 A. It's on the east side of town.
21 Q. Who lives there with you?
22 A. My wife.
23 Q. And what's her name?
24 A. Kay.
25 Q. And does she work anywhere?

1 Q. So it was in conjunction with the Board
2 meeting?

3 A. They are a committee of the Board, so they can
4 come in before.

5 Q. And by, come in before, do you mean that they
6 can arrive before the rest of the Board?

7 A. No. Sometimes there is discussion of that
8 committee prior to. Not always. They are the
9 committee that updates the Board at large.

10 Q. This Internal Affairs Committee, in fall of
11 2013, was it a phone meeting, an in-person
12 meeting?

13 A. It would have been in person.

14 Q. Was this meeting before or after Denise met
15 with the Internal Affairs Committee?

16 A. I'm not sure.

17 Q. So it's possible your meeting with the Internal
18 Affairs Committee was after Denise met with the
19 Internal Affairs Committee in October 2013?

20 A. I'm not sure.

21 Q. What did you say about Denise to the Internal
22 Affairs Committee in the fall of 2013?

23 A. Updating with personnel how things were going,
24 and specifically regarding Denise, just the
25 fact that her negative attitude and the

1 difficulties of her being in the building.

2 Q. What did you say about that?

3 A. That's pretty much what I said.

4 Q. You said she had a negative attitude?

5 A. Uh-huh.

6 Q. And there was a problem with her being in the
7 building?

8 A. No, I didn't say there was a problem with her
9 being in the building. I said problems with
10 that attitude as it impacted the building.

11 Q. And who was present when you said this?

12 A. It was probably the entire Internal Affairs
13 Committee.

14 Q. Did any of them ask you what you meant by the
15 fact that -- strike that.

16 Did anyone ask you what you meant when you said
17 that Denise had a negative attitude?

18 A. The Internal Affairs Committee does not deal on
19 the specifics of personnel.

20 MR. TOM BRIGHT: His question was, did -- I forgot
21 what the question was.

22 MR. MURPHY: She can read back the question.

23 MR. TOM BRIGHT: Okay.

24 (The question was read back by the reporter
25 as follows:

1 Q. Did anyone ask you what you meant when you said
2 that Denise had a negative attitude?)

3 MR. TOM BRIGHT: Just answer the question.

4 THE DEPONENT: No.

5 EXAMINATION RESUMED

6 BY MR. MURPHY:

7 Q. Did anyone on the Internal Affairs Committee
8 ask you what you meant about there being
9 problems in the building?

10 A. No.

11 Q. Did you provide the Internal Affairs Committee
12 with any specifics regarding Denise or anything
13 that Denise did that led you to say that she
14 had a negative attitude?

15 A. Specifics, no.

16 Q. In the fall of 2013, did you tell the Internal
17 Affairs Committee that you were intending to
18 take any action against Denise Parker?

19 A. I'm trying to get my dates right. Just a
20 minute. Yes.

21 Q. What did you tell the Internal Affairs
22 Committee?

23 A. The possibility that -- I discussed with the
24 Internal Affairs Committee personnel the
25 possibility of dismissal.

1 form that things are done in. They now produce
2 all our work via Mac, so that department has
3 undergone major renovations in regard to how
4 they use technology.

5 Q. That wasn't the question.
6 The question is, are you aware of anybody ever
7 telling Denise she had to learn a new skill or
8 learn something new in order to do her job at
9 the Beta Club?

10 A. Am I aware?

11 Q. Yes.

12 A. No, sir.

13 Q. Was it Denise's job to grow the membership base
14 of the Beta Club?

15 A. It is all of our jobs to work on membership.

16 Q. What duties did Denise Parker have with regard
17 to growing the membership base?

18 A. In her role in the membership department, she
19 would have been able to grow membership via the
20 contact with the individual school teachers or
21 sponsors of specific chapters in the schools.

22 Q. Do you know of anybody ever telling Denise
23 Parker that it was part of her job to grow the
24 membership base of Beta Club?

25 A. Specifically, no. We discussed growth in

1 meetings.

2 Q. I'm not questioning whether growing the Beta
3 Club is a good thing. I'm confident, because
4 you say it is, that it is a good thing to grow
5 the Beta Club.

6 My question is, did anybody ever tell Denise
7 Parker that she had any role in growing the
8 Beta Club that you're aware of?

9 A. Specifically, no.

10 Q. And the membership director at this time was
11 Ms. Cooper?

12 A. Correct.

13 Q. And Ms. Parker did not report to Ms. Cooper?

14 A. Ms. Parker would have reported to Ms. Cooper
15 only in the fact that she would have been the
16 department head and the direction in that
17 regard. If there were specific tasks that she
18 gave Ms. Parker, she would have done that.

19 Q. Is it your testimony that Ms. Parker did report
20 to Ms. Cooper?

21 A. Ms. Cooper was at the time the department head,
22 yes, but she didn't report to her, per se.

23 Q. Let's clarify. Ms. Cooper was the department
24 head of what department in October of 2013?

25 A. Membership.

1 A. Because she had none, no.

2 Q. So you are writing her up for not demonstrating
3 an exceptional mastery of something she didn't
4 have. Is this your answer?

5 A. My answer is that there was no mastery of
6 professional skills, yes.

7 Q. You can't tell me what you mean by,
8 professional skill?

9 A. I thought I have done that. I don't know what
10 you're specifically looking for.

11 Q. I'm asking you what you mean by that term.
12 Can you name for me -- let's just name one
13 skill to start, name one professional skill
14 that Denise Parker did not demonstrate
15 exceptional mastery of.

16 A. A professional skill that she would not have
17 demonstrated mastery of would be initiative.

18 Q. Any others?

19 A. You asked me for one. Do you want me --

20 MR. TOM BRIGHT: He's asking for more now.

21 THE DEPONENT: The inability to do anything that she
22 wasn't asked directly to do each and every
23 time.

24 EXAMINATION RESUMED

25 BY MR. MURPHY:

1 Q. Inability to do anything she was not asked to
2 do?

3 A. Each and every time. She had to be constantly
4 directed to complete a specific task.

5 Q. Okay. Is there anything else, any other
6 professional skill --

7 A. That's all I would have at this time.

8 Q. Did you ever discuss initiative or your belief
9 that she had to be specifically directed to
10 complete a task every time with Denise in your
11 October 21 meeting?

12 A. I had those discussions of that, yes.

13 Q. Did you discuss any other professional skills
14 with Denise in your October 21, 2013 meeting
15 other than initiative and having to be told to
16 do something specifically each time?

17 A. Not that would fit within that general time,
18 no.

19 Q. Can you give me one example of where Denise did
20 not take initiative?

21 A. I cannot give you an example where she did, so
22 --

23 Q. Again, sir, I'm not going to play this game.

24 A. I'm not playing a game. I'm just telling you
25 no, the answer would be no.

1 A. Ms. Meyer was not a supervisor, no, but she is
2 a national sponsor and director of leadership,
3 so she would be at that liberty to ask Denise
4 to do specific tasks.

5 Q. Do you know of any specific tasks that Ms.
6 Meyer ever asked Denise to do that Denise --
7 strike that.

8 Did Ms. Parker report to Shannon Meyer?

9 A. By report, you mean?

10 Q. Was Shannon Meyer over Denise Parker?

11 A. Denise -- Shannon was a national sponsor and
12 director of leadership, so at the time Denise's
13 primary focus was in the junior area. At this
14 time in our organization you had a major
15 division between junior and senior. We've
16 evolved from that. Therefore, she would have
17 been one who could have asked her to do
18 specific tasks.

19 Q. Do you know of any task that Shannon Meyer ever
20 asked Denise Parker to do that Denise Parker
21 did not complete?

22 A. Specifically, no.

23 Q. Do you know of any complaint Shannon Meyer ever
24 had of Denise Parker?

25 A. Yes, in regard to her attitude and the lack of

1 being positive.

2 Q. Did Shannon Meyer say she had any problem with
3 Denise Parker other than attitude and lack of
4 being positive?

5 A. Specifically, no.

6 Q. Did Shannon Meyer ever indicate that Denise
7 Parker failed to perform her duties in a
8 satisfactory manner?

9 A. The particular incident which I mentioned
10 earlier which involved the fact that Denise
11 would involve Shannon and which I think this is
12 a Shannon incident in which she asked her to do
13 something. It has to do with how they're
14 treated, and by that, I mean that they're was a
15 belief by some employees that their seniority
16 gave them a specific rank, so there was a lack
17 of respect, and I think that's probably what
18 the issues that Shannon mostly had to deal
19 with.

20 MR. MURPHY: Could you read back the question,
21 please?

22 (The question was read back by the reporter
23 as follows:

24 Q. Did Shannon Meyer ever indicate that Denise
25 Parker failed to perform her duties in a

1 satisfactory manner?)

2 THE DEPONENT: To me personally, no. She would have
3 addressed those issues with her department
4 head.

5 EXAMINATION RESUMED

6 BY MR. MURPHY:

7 Q. Who was Ms. Meyer's department head?

8 A. Mr. Garland.

9 Q. Do you know if Shannon Meyer ever complained to
10 Mr. Garland about Denise Parker?

11 A. No.

12 Q. Did Ms. Meyer complain to you about Denise
13 Parker's attitude?

14 A. Ms. Meyer does not complain, so no.

15 Q. Are you aware then of Ms. Meyer ever
16 complaining to anybody about Denise Parker's
17 attitude?

18 A. Am I aware personally, no.

19 Q. Do you know of Mr. Garland ever speaking to
20 Denise Parker about her attitude?

21 A. I wouldn't -- no, I do not know.

22 Q. Do you know of Mr. Garland ever telling Denise
23 Parker that her performance was not
24 satisfactory in any way?

25 A. I do not know the specific conversations of Ms.

1 Q. With regard to Ms. Meyer, what knowledge do you
2 have that Denise Parker ever failed to address
3 Ms. Meyer in a professional manner?

4 A. I would not have specific examples of that.

5 Q. Can you give me any specific example of any
6 situation in which Denise Parker failed to
7 address any co-worker in a professional manner?

8 A. As I have stated, most of hers were nonverbal,
9 so a specific example, no.

10 Q. I didn't ask whether it was verbal or
11 nonverbal.
12 I'm asking for any example you can give, verbal
13 or nonverbal, in which Denise Parker failed to
14 address a co-worker in a professional manner.
15 Can you give me any example?

16 A. A specific example, no. Mr. Garland would be
17 able to give specific times.

18 Q. Under actions to be taken, you state, please
19 work to maintain a professional image at all
20 times.

21 Is there anything you said to Denise Parker
22 about that other than what you have already
23 testified to?

24 A. It would have been in discussion in the fact
25 particularly that Denise has travelled and the

1 know.

2 Q. Do you know whether Beta Club has produced any
3 e-mails for Denise Parker on -- strike that.
4 Did you send your e-mail of October 22nd, 2013
5 to -- strike that.

6 With regard to the number of e-mails received
7 by Denise Parker on October 21, 2013, did you
8 include those in your e-mail to Ms. Cooper
9 because Ms. Parker was at the time working in
10 Ms. Cooper's department?

11 A. Yes.

12 Q. Now, October 21, 2013 was a Monday.
13 Do you recall that it was later in the
14 afternoon when you gave Ms. Parker this
15 write-up?

16 A. I do not remember the specific time.

17 Q. After you gave this write-up to Ms. Parker on
18 October 21, 2013, the one that we've marked as
19 Exhibit 3, which is Parker document 1, did you
20 have any other issues with Denise Parker for
21 the rest of that week?

22 A. I do not recall any specific issues.

23 Q. Let's go to the next week, which was the week
24 of Monday, October 28th, through November 1.
25 Did you have any issues with Denise Parker that

1 anyone indicate to you that they had any
2 problems or issues with Denise Parker that
3 week?

4 A. I do not recall.

5 Q. In November, the day she was fired was a
6 Monday, correct?

7 A. Yes.

8 Q. Do you recall what time of the day you fired
9 Denise Parker?

10 A. I do not.

11 Q. Did you have any problems with Denise Parker on
12 November 4th?

13 A. Other than the meeting, none that I'm aware of.

14 Q. You said you did not review Mr. Dinkins'
15 deposition?

16 A. No, I have not read it.

17 Q. Tell me what the members of the Internal
18 Affairs Committee told you about their meeting
19 with Denise Parker that occurred late on the
20 week of the 21st.

21 A. They don't deal with specifics of personnel
22 issues.

23 MR. TOM BRIGHT: His question is, tell him what, if
24 anything, they told you.

25 EXAMINATION RESUMED

1 A. On paper, no.

2 Q. Did you document them on something else?

3 A. No.

4 Q. You have under November 4th, actions to be
5 taken, and it says, continue to remain positive
6 in the work environment.

7 Do you see that?

8 A. Yes.

9 Q. Why were you telling her to continue to remain
10 positive in the work environment when, in fact,
11 you were firing her?

12 A. The intention of the meeting on the 4th was not
13 intended to result in termination. That
14 termination resulted in regard to her refusal
15 to address or acknowledge or change in regard
16 to any of these concerns.

17 Q. On November 4, 2013, did you ever give Denise
18 Parker a single specific example of where she
19 had been negative or not responded to an e-mail
20 promptly?

21 A. I do not remember the specific conversations of
22 that meeting, no.

23 Q. Sitting here today, can you tell me what you
24 said to Denise Parker on November 4, 2013 when
25 you fired her?

1 or Elizabethtown with me. They stay there
2 because it's closer to her doctors and things
3 like that.

4 Q. Elizabethtown is Bladen County?

5 A. Elizabethtown is the county seat of Bladen
6 County. That's where my office was.

7 MR. MURPHY: Go off the record a second.

8 (Discussion held off the record.)

9 MR. MURPHY: While we were off the record, we were
10 just resolving on the issue of a trial
11 subpoena, and Dr. Dinkins has been kind enough
12 to just agree that, for purposes of subpoenas,
13 we can just send them to Tom Bright, who will
14 get in contact with him. Of course, Tom will
15 let us know if he's having trouble getting in
16 contact with him, and we'll then address that
17 with the Court.

18 MR. BRIGHT: Correct.

19 MR. MURPHY: To help facilitate, since Dr. Bright
20 can't predict at any given time for very
21 legitimate reasons where he's going to be on
22 any particular day, we'll handle it that way
23 and move on.

24 MR. BRIGHT: We're in agreement.

25 EXAMINATION RESUMED

1 Q. Anything else that she relayed to you other
2 than she felt like Bob Bright treated them like
3 second class citizens, she was unhappy with the
4 lunch schedule, and that they were no longer
5 participating in the state sponsor workshops?

6 A. There were other things, I'm sure, but not that
7 I can recall right now.

8 Q. When did Denise Parker tell you that Bob Bright
9 made her feel like a second class citizen?

10 A. In the meeting that we had.

11 Q. Okay. When was the meeting?

12 A. It would have been sometime mid to late
13 September. It was before the sponsors came,
14 because I can remember the reason why I had the
15 meeting was I wanted to make sure we were all
16 being positive when the sponsors came in
17 because it wouldn't be a good message to send
18 our state sponsors that there was unhappiness,
19 and that we all needed to be a united front.

20 Q. Did you ask Denise and Vickie what they were
21 upset about?

22 A. They discussed it in that meeting, yes.

23 Q. I understand they discussed it, but did you ask
24 them to discuss it?

25 A. In the meeting?

1 Q. Yes.

2 A. Yes.

3 Q. Did you expect them to be honest with you about
4 what was bothering them?

5 A. Yes.

6 Q. And were they honest with you about what was
7 bothering them?

8 A. Yes.

9 Q. Was Denise Parker inappropriate in sharing any
10 of her concerns with you?

11 A. When you say, inappropriate, I don't understand
12 what you mean.

13 Q. You asked Denise to tell you what was bothering
14 her, correct?

15 A. (Witness nods head.)

16 Q. You have to say yes or no for the record.

17 A. Yes.

18 Q. Okay. And she told you what was bothering her?

19 A. (Witness nods head.)

20 MR. BRIGHT: You have to say yes or no.

21 THE DEPONENT: Yes.

22 EXAMINATION RESUMED

23 BY MR. MURPHY:

24 Q. Did she tell you what was bothering her in an
25 inappropriate manner, or was she professional

1 going with the state sponsors, and I'm trying
2 to in my mind remember. I know the schedule of
3 travelling to conventions, we actually knew who
4 would be travelling to conventions whenever he
5 released the schedule, and the support staff
6 was not travelling to conventions. That was
7 communicated, that they were very unhappy, that
8 they had always travelled to other conventions,
9 and this had never happened in how many ever
10 years they had been there.

11 Q. Who is they?

12 A. The support staff; Vickie and Denise and Lanie.

13 Q. All right. Do you recall Denise specifically
14 complaining about that prior to your meeting in
15 September?

16 A. Yes.

17 Q. When did she do that?

18 A. Time period, I don't remember. It would have
19 been sometime between the August and September
20 time frame. It would have been before the
21 sponsors came, because that's when the schedule
22 for the conventions would have been released.

23 Q. After your meeting in September, did you ever
24 hear Denise Parker make any complaints about
25 her employment at Beta Club?

1 A. After the meeting in September, you know, she
2 was very closed off to me and hardly had any
3 conversation with me in regards to her
4 unhappiness. It wasn't really necessarily
5 anything that was said. It was the matter in
6 which her actions that I knew there was
7 dissatisfaction and, like I said, almost a
8 feeling of distance that she tried to place
9 between me and her.

10 Q. After your meeting in September, did Denise
11 Parker ever complain about anything at the Beta
12 Club -- strike that.

13 After your meeting in September, did Denise
14 Parker ever complain about anything having to
15 do with her employment at Beta Club?

16 A. To me specifically, there was not an accusation
17 of that, not a specific accusation, no.

18 Q. Do you know of anyone who claims that, after
19 your meeting in September, that Denise Parker
20 made any complaints about her employment at
21 Beta Club?

22 A. You mean specific verbal complaints; is that
23 what --

24 Q. Any kind of complaints.

25 Do you have any knowledge as a witness in this

1 was hardly in the office in October, so I did
2 not have a lot of dealings with Denise.

3 Q. All right. Then did Denise do anything after
4 the meeting in September that indicated to you
5 that she was still dissatisfied?

6 A. She did not do anything, no, that indicated she
7 was dissatisfied, but she did not do anything
8 that indicated she was satisfied.

9 Q. If you continued to have concerns about Denise,
10 why didn't you discuss them with her?

11 A. After the sponsors came, somewhere within a
12 week or two after, she was no longer in my
13 department. She would have actually been
14 moved, and again, I don't know when that
15 actually took place because of leaderships
16 coming in there, me being out of the office so
17 much.

18 Q. And after Denise moved to membership, she
19 reported to Melody Cooper, correct?

20 A. Correct.

21 Q. Did Melody Cooper ever indicate she had any
22 concerns or problems with Denise?

23 A. I really didn't have a whole lot of reason to
24 actually talk to Melody that much, especially
25 from September on, so no, I did not have any

1 she ever had any problems working with Denise
2 Parker?

3 A. No, other than Ms. Anderson did tell me that
4 she had had conversation with Ms. Parker about
5 being positive and putting a smile on her face
6 and trying to be happy with what she was doing.

7 Q. But did Ms. Anderson ever indicate that she
8 ever had any issue whatsoever with any of
9 Denise's work?

10 A. No.

11 Q. And Ms. Anderson never indicated that she had
12 any difficulty getting along with Denise, did
13 she?

14 A. No.

15 Q. And Ms. Anderson never indicated that Denise
16 was ever disrespectful to her in any way, did
17 she?

18 A. No. There was definitely an underlying -- the
19 department was very much talking behind each
20 other's backs. There was quite a bit of that.

21 Q. Did Ms. Anderson ever indicate that Denise
22 Parker was talking behind Barbara Anderson's
23 back?

24 A. No. She -- they did not know people were
25 talking behind backs, but you knew there was

1 arms crossed, and people asked you, is Denise
2 okay?

3 A. Right.

4 Q. Nobody told you Denise said or did anything
5 that indicated Denise was unhappy?

6 A. Correct.

7 Q. Did you ever review Denise's personnel file?

8 A. No.

9 MR. BRIGHT: Is this a good time to take a quick
10 break?

11 MR. MURPHY: Sure.

12 (Recess taken.)

13 EXAMINATION RESUMED

14 BY MR. MURPHY:

15 Q. Mr. Garland, I hope to wrap some things up
16 here. There are a couple of questions I have.

17 A. Okay.

18 Q. Is my understanding correct that you never had
19 any problems or concerns about Denise Parker in
20 the month of October 2013?

21 A. No. The month of October I was out of the
22 office quite a bit.

23 Q. And you never had any problems or concerns
24 regarding Denise Parker in the month of
25 November 2013?

1 A. Correct.

2 Q. And when did you begin making reports to the
3 Board about conventions?

4 A. The first report that I probably would have
5 made would have been that first -- when they
6 came in October, but we did that -- I actually
7 created the report, because I was an art major,
8 so I actually created the PowerPoint and things
9 that we did, but the three national sponsors
10 were the ones who actually presented.

11 Q. And so you gave a report to the Board about the
12 convention department's operations and
13 accomplishments in October 2013?

14 A. Correct.

15 Q. In your discussions with the Board in October
16 2013, did you or Ms. Anderson or Ms. Meyer
17 discuss Denise Parker at all?

18 A. No. In October that first year that I was
19 there, it was pretty much way of information;
20 more or less, here is the schedule, here is
21 where we'll be going this next year, these are
22 our new state sponsors. It was, more or less,
23 an informational kind of session, not a
24 discussion.

25 Q. Did anybody from the Board ask you any

1 time frame.

2 Q. What did you observe?

3 A. We were working on the convention materials and
4 having issues with the copier and getting the
5 paper in right or finding the right color
6 paper, because at that time we ran everything
7 in colors. Just we were having issues getting
8 things to work. Denise was down there with
9 another employee and --

10 Q. Who was the other employee?

11 A. Ms. Curry.

12 Q. Lanie?

13 A. Uh-huh. They were just kind of off -- I don't
14 know what they were doing. They were just kind
15 of off where Lanie's desk was. We were trying
16 to -- I don't know how long we struggled with
17 it. Then finally we got it to work, and we
18 were, oh yea, we figured it out.

19 I don't remember if it was Lanie that said it
20 or Denise that said it, that said, well, we
21 could have told y'all that two hours agree, and
22 just, huh, like that.

23 I said, that's just not right. Y'all should
24 have told us. Y'all should have helped us.

25 Q. But you can't swear that it was Denise who

1 said, we could have helped you if you would
2 have told us that two hours ago?

3 A. Right. I don't remember which one said it.
4 They were just both there.

5 Q. Now, were Denise and Lanie in the room for two
6 hours?

7 A. They were in -- Lanie was there the whole time.
8 Denise would be in and out.

9 Q. Okay. Prior to that comment being made,
10 whoever made it, did anybody ever ask Denise
11 for help?

12 A. We were all asking anybody, do y'all know how
13 to make this work, do y'all know how to get
14 this to collate correctly and get this to go
15 in, anybody that came through.

16 Q. Do you recall anybody specifically asking
17 Denise Parker for help in solving that problem?

18 A. I recall that we said, do y'all know how to do
19 this. We didn't go individually and say, do
20 you know, Denise, do you know, Lanie, do you
21 know, whoever was in there.

22 Q. Do you specifically recall sitting here today
23 that Denise was present when you said, do y'all
24 know how to do this?

25 A. Yes, she was there.

1 Q. But you don't remember what it was that you
2 were doing specifically?

3 A. We were collating and getting notebooks and
4 books ready for sponsors and officers.

5 Q. And you didn't know how to collate notebooks?

6 A. We didn't know how to get it -- to run it the
7 correct way, and then there is a collator
8 machine and then there is different color
9 machines.

10 Q. Do you know that Ms. Parker knew how to do the
11 specific thing that you were asking her to do?

12 A. She didn't say that she didn't know how.

13 Q. I understand, but my question is, do you have
14 personal knowledge that Denise knew how to do
15 what you were specifically asking for help on?

16 A. No, I don't know that.

17 Q. So it's possible you said, do y'all know how to
18 do this, and Denise didn't know how to do it?

19 A. She didn't say that, so --

20 Q. I understand she didn't say that, but it is
21 possible that you asked her --

22 A. It's possible.

23 Q. -- whether she knew how to do something and
24 Denise didn't know how to do it?

25 A. That's possible.

1 anything that Denise said during that incident?

2 A. Not specifically, no.

3 Q. You made the comment you thought -- well,
4 before we get to that, can you give me any
5 other example of anything Denise did or said
6 that made you think that she thought it was
7 funny or amusing that you were struggling?

8 A. Sure. I think when you don't answer someone's
9 question and say, it's in your office, you'll
10 find it, it will be there, that's somewhat of a
11 way to put a person on the spot or --

12 Q. Now, you don't specifically recall Denise
13 saying, you'll find it, do you?

14 A. I mean, I can't say that those were her exact
15 words, but that was again gist of it, like it's
16 there, you'll find it.

17 Q. And you're referring to the incident you talked
18 about before in which you asked where something
19 was and she said it was in your office?

20 A. Yeah, when you would ask like help me figure
21 out the workings of where this might be or
22 where that might live.

23 Q. Well, can you give me any other specific
24 example of where you asked Denise for help and
25 she didn't give you help?

1 A. No, not specific.

2 Q. You have one that you can recall where you
3 asked her --

4 MR. BRIGHT: Object to the form of the question.

5 EXAMINATION RESUMED

6 BY MR. MURPHY:

7 Q. You have given me an example of where you asked
8 Denise for something and she told you it was in
9 your office.
10 Do you recall that example?

11 A. Say that again.

12 Q. Okay. Awhile back you gave me an example where
13 you said you asked Denise where something was
14 and she told you that it was in your office.
15 Do you recall that?

16 A. I do recall that.

17 Q. Can you give me any other specific examples of
18 where you ever asked Denise for something and
19 you feel she didn't help you?

20 MR. BRIGHT: Again, object to the form of the
21 question.

22 You go ahead and answer.

23 THE DEPONENT: I think you misunderstand that I went
24 one time and asked for something like, you
25 know, where is the filing cabinet.

EXAMINATION RESUMED

BY MR. MURPHY:

Q. I'm not trying to misunderstand anything. I'm asking you to give me every specific example you can recall of where you asked Denise for something and she didn't help you, in your view.

A. I don't have specifics. I would go and ask, and that was the answer I would get.

Q. Well, can you provide me any specific example of where you ever asked Denise for something and she didn't answer your question in a way that you thought was appropriate?

A. No, not specific.

Q. And other than what you have testified to, can you give me any other example of where you believe Denise was not helpful to you when you sought help from her?

A. Just the examples of the handbook and the editing process and that sort of thing. No.

Q. Can you give me any other thing that Denise ever said or did that led you to believe that she thought it was funny or somewhat amusing that you were struggling other than the incident in the print shop?

1 A. Not to my knowledge.

2 Q. To the best of your knowledge, did anybody ever
3 go to Denise Parker and inform her in any way
4 that there was a concern about anything she
5 said or did with regard to the print shop
6 incident in which you were having trouble with
7 carbon copies?

8 A. No, because I don't know that anyone -- I did
9 not share that with other people and I'm -- I
10 don't know that Ritchie did, but I'm not sure
11 of that, so I'm not sure that anyone knew or
12 would have known.

13 Q. So you never told Bob Bright about the print
14 shop incident in which you were having trouble
15 making carbon copies?

16 A. Not that I remember.

17 Q. Did you ever tell Bob Bright about any incident
18 where you asked Denise Parker where something
19 was and she told you where she thought it was?

20 A. I think that was shared with Bob.

21 Q. By you?

22 A. It would have been by Ritchie and I -- probably
23 more Ritchie than myself, because I was a week,
24 two weeks into -- you know, I was a very new
25 employee.

1 BY MR. MURPHY:

2 Q. Were there any changes to the handbooks that
3 were made in 2013 that Denise did not type in?

4 A. The junior handbooks, I would say no, because
5 Denise had those documents, so she would have
6 typed them in.

7 Q. Did Denise ever tell you that she didn't know
8 how to do something?

9 A. I don't recall. I mean, I don't recall that,
10 no.

11 Q. Did Denise Parker ever refuse anything you told
12 her to do?

13 A. No.

14 Q. How would you characterize Denise's job skills?

15 A. I would say Denise was proficient in the things
16 that she did, in what she did.

17 Q. Did you ever ask Denise to change the way she
18 was doing things?

19 A. No. As a new employee, no, I didn't request
20 things.

21 Q. In your opinion, was Denise technically
22 proficient for what her job required?

23 A. Yes, sir.

24 MR. MURPHY: I have nothing further.

25 EXAMINATION

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CERTIFICATE OF COUNSEL

I certify that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.



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