

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Candace L. Byrd on 02/23/2017

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ORIGINAL

| | | |
|---------------------------|---|-----------------------|
| KELVIN J. COCHRAN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION FILE |
| vs. |) | |
| |) | NO. 1:15-cv-00477-LMM |
| CITY OF ATLANTA, GEORGIA; |) | |
| and MAYOR KASIM REED, IN |) | |
| HIS INDIVIDUAL CAPACITY, |) | |
| |) | |
| Defendants. |) | |

- - -

VIDEOTAPED DEPOSITION OF
CANDACE L. BYRD

FEBRUARY 23, 2017
11:39 A.M.

BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, P.C.
MONARCH PLAZA, SUITE 1600
3414 PEACHTREE ROAD, N.E..
ATLANTA, GEORGIA

(TRANSCRIPT CONTAINS CONFIDENTIAL PORTION)
PAGE 80, LINE 4 TO PAGE 83, LINE 14

Reported by: Suzanne Beasley, RPR
CCR-B-1184

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| Exhibit No. | Page No. |
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| Exhibit 99 | 52 |
| E-mail correspondence with top e-mail dated 11/24/14 from Ms. Byrd to Ms. Wilson, Ms. Johnson and Mr. Geisler, Subject: Interim Fire Chief Joel Baker | |
| Exhibit 100 | 68 |
| E-mail dated 1/9/15 from Ms. Byrd to Ms. Torres, Ms. Mullinax and Ms. Hampton, Subject: FW: Franklin Graham Facebook excerpt being referenced by callers this afternoon | |
| Exhibit 101 | 70 |
| E-mail dated 1/17/15 from Ms. Shahar to Mayor Reed and other recipients, Subject: FW: Diversity and Workplace Equity Initiatives Memorandums | |

(Also discussed were previously marked Plaintiff's Exhibits 10, 13, 49 and 68.)

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Also Present: Kelvin J. Cochran

Videographer: Brandon Brantley

20 - - -

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1 THE VIDEOGRAPHER: This is the
2 beginning of Media Number 1 in the
3 deposition of Candace Byrd in the matter of
4 Kelvin Cochran versus City of Atlanta,
5 et al., Case Number 1:15-cv-00477.

6 Today's date is February 23rd, 2017.
7 The time on the monitor is 11:39 a.m. My
8 name is Brandon Brantley, and I'm the
9 videographer. The court reporter is
10 Suzanne Beasley. We are here with Huseby
11 Global Litigation.

12 Counsel, please introduce yourselves,
13 after which the court reporter will swear
14 in the witness.

15 MR. CONNELLY: Ken Connelly,
16 Christiana Holcomb, and Kevin Theriot for
17 Plaintiff Kelvin Cochran.

18 MR. GEVERTZ: David Gevertz for the
19 Defendants.

20 (The signature of the witness to the
21 deposition was reserved.)

22 CANDACE L. BYRD,
23 having been duly sworn, was examined and testified
24 as follows:

25

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EXAMINATION

2 BY MR. CONNELLY:

3 Q. Good morning, Ms. Byrd.

4 A. Good morning.

5 Q. My name is Ken Connelly. I'm one of the
6 attorneys for Chief Cochran in this matter.

7 Can you please state and spell your full
8 legal name for the court reporter?

9 A. Including my middle name?

10 Q. Yes, please.

11 A. Candace, C-A-N-D-A-C-E. Middle name is
12 Lorelle, L-O-R-E-L-L-E. Last name is Byrd, B-Y-R-D.

13 Q. Thank you.

14 A. Uh-huh.

15 Q. Have you ever been deposed before?

16 A. Never.

17 Q. Are you an attorney?

18 A. I am.

19 Q. Since you haven't been deposed before,
20 I'll just go over the ground rules --

21 A. Sure.

22 Q. -- to keep things smooth today.

23 The court reporter and the videographer
24 will be transcribing our conversation today for the
25 record. So to the best extent of your ability,

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1 please make your answers verbal and clearly stated
2 rather than nods or head shakes or hand gestures.

3 A. Uh-huh.

4 Q. Again, this is a reminder as much to me
5 every time I do this as it is to the witness. We'll
6 try to do our best not to talk over each other. I'll
7 try to make sure that you're finished with an answer
8 before I start my next question. If you could try
9 and wait for me, if I'm struggling to get out a
10 question or clarify it before I even say it to you,
11 please just wait for me to --

12 A. Sure.

13 Q. -- finish my question. Makes it easier
14 for the court reporter.

15 If I ever ask a question that's unclear to
16 you, just let me know right away and I'll attempt to
17 clarify it or rephrase it in a way that makes sense
18 to you.

19 A. Okay.

20 Q. If you ever give an answer to me regarding
21 a question I've asked you and then you come to think
22 of some other detail later that you omitted or that
23 you want to modify, just let me know. We can go back
24 to that question, and I'll give you the opportunity
25 to add that.

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1 A. Okay.

2 Q. And you mentioned a break. If you need a
3 break, just let me know. I can usually get you one
4 within one or two minutes once I finish a line of
5 questioning, but we'll plan on taking regular breaks
6 in any case.

7 Is there any reason today, as you sit
8 here, why you can't provide the most accurate and
9 best testimony regarding this matter?

10 A. There isn't.

11 MR. GEVERTZ: We're reading and
12 signing.

13 BY MR. CONNELLY:

14 Q. Are you currently taking any medication or
15 drugs that would impair your ability to testify?

16 A. No.

17 Q. Are you undergoing any illness or care by
18 a doctor that would impair your ability to testify?

19 A. No.

20 Q. Have you ever been a party to a lawsuit?

21 A. Yes.

22 Q. What did that involve?

23 A. It involved an allegation of stalking, me
24 being the defendant. It's currently in litigation, I
25 believe in Fulton County Superior Court, but it's

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1 unfounded, so we're just waiting for a judge to
2 render a decision on it.

3 Q. In that matter or in any other matter,
4 have you been a party to -- I'm sorry -- have you
5 testified in court?

6 A. No.

7 Q. Do you understand today that you're under
8 oath and that the testimony you give has the same
9 import and effect as if you were at trial?

10 A. I do.

11 Q. Did you review any documents in
12 preparation for this deposition?

13 A. I had a deposition preparation binder,
14 yes.

15 Q. What was in the binder? Do you remember
16 what documents you --

17 A. It was the deposition of Mayor Reed.

18 Q. Any other documents you can recall
19 reviewing?

20 A. No.

21 Q. Aside from counsel, did you consult with
22 anybody regarding your attendance at this deposition?

23 A. No.

24 Q. Did you speak to the press or anyone else
25 about your --

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1 A. No.

2 Q. Have you read any of the pleadings or
3 documents in this matter?

4 A. Not that I can recall, no.

5 Q. Have you spoken with any other city
6 officials regarding your attendance at this
7 deposition?

8 A. No.

9 Q. Just a few background questions before we
10 get into sort of the heart of what brings us here.
11 Where were you born?

12 A. Atlanta, Georgia.

13 Q. Did you grow up here?

14 A. I did.

15 Q. Where do you live now? Just give me
16 your --

17 A. Atlanta, Georgia.

18 Q. Do you profess to practice any particular
19 religion?

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3 Q. Could you just give me a thumbnail sketch
4 of your education, beginning with high school on up?

5 A. Educated in the public schools. Woodland
6 High School, which is in Fulton County, Georgia. I
7 attended Georgia State University. I received a B.A.
8 degree there, and then I attended Howard University
9 and I received my law degree there.

10 Q. And again, after you graduated from
11 Howard, if you could just give me a thumbnail sketch
12 of your jobs up until the beginning of your
13 employment with the City.

14 A. After law school I began practicing in a
15 general practice law firm, and I did that until 2001.
16 I started my own firm for general practice. And then
17 in 2003, I became the chief public defender for the
18 City of Atlanta, and it merged. I became a deputy
19 with the consolidation of two offices. And then in
20 2007, I became the public defender of the
21 consolidated offices. And then when the mayor became
22 the mayor, I came on as chief of staff in 2010.

23 Q. And you've been chief of staff since that
24 time?

25 A. I have.

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1 Q. Had you worked for the mayor before you
2 became chief of staff?

3 A. No.

4 Q. How did you come to be chief of staff in
5 2010?

6 A. Understanding that the chief of staff
7 position is a position of trust and the mayor and I
8 had known each other since law school, and I was
9 qualified for the position, the question was would I
10 like to become the chief of staff and to assist in
11 making some changes in the city of Atlanta and
12 improving the city of Atlanta, and I said yes.

13 Q. Were you in the same law school classes as
14 the mayor?

15 A. We were in the same -- we were in law
16 school at the same time. We did not graduate at the
17 same time.

18 Q. You said -- one of the things, I think you
19 said, in your discussions with the mayor in coming in
20 2010 were some changes. What type of changes were
21 you referring to?

22 A. Well, just in making the -- when you come
23 into an administration, you have your ideas or at
24 least what you think your ideas are about putting
25 your stamp on your administration. And so I wanted

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1 to help him move our city from \$7.4 million to
2 something better, and so that's why I wanted to
3 support him and that's why I came on as the chief of
4 staff.

5 Q. When you say \$7.4 million, are you
6 referring to budgetary?

7 A. Reserves. Reserves, yes. That was the
8 amount of money that we had in reserves.

9 Q. Were there any other signal sort of
10 efforts that you understood the mayor to be
11 interested in?

12 A. Not at the time, no.

13 Q. You say "not at the time." Have there
14 been other sort of signal goals of the administration
15 since then?

16 A. Sure.

17 Q. And what are some of those?

18 A. Well, at the -- the campaign was for us to
19 open the recreation centers. They were closed. And
20 so that was one thing.

21 Also to make the city safer. One was the
22 fact that we were trying to reach 2,000 police
23 officers. I don't know if it was that specific at
24 the time, but those are the goals that you -- you
25 want to achieve in making your city safer, so --

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1 Q. Can you walk me through what sort nuts and
2 bolts of your everyday function as the chief of
3 staff? What does the job entail?

4 A. Well, it entails a lot, but I'm
5 responsible for many offices within the chief of
6 staff's office. So we have human services,
7 constituency services, intergovernmental affairs,
8 international affairs. But I'm responsible for
9 managing those -- those offices, making sure that the
10 day-to-day -- not the day-to-day operations, because
11 that's the chief operating officer's responsibility,
12 but making sure that the office flows smoothly.

13 I advise the mayor, so my role as the
14 chief of staff is as advisor on any number of things,
15 whether it's legislative or something that has to do
16 with any of the other offices over which I have
17 purview. So that's not necessarily a typical day,
18 but those are the responsibilities of which I
19 am -- I'm responsible for.

20 Q. You talked a little bit about the offices
21 you're responsible for.

22 A. Uh-huh.

23 Q. Who are your actual direct -- who reports
24 directly to you?

25 A. So the directors or managers of these

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1 particular departments, so there's the director of
2 communications, the director of -- or the
3 commissioner of constituent services. There's one
4 for human services and there's one for international
5 affairs. There's one for immigrant affairs. There's
6 one for intergovernmental affairs. There is our
7 special events office. There is -- I'm trying not to
8 leave anybody out. And there's our film office. And
9 running them off, hopefully that's who they are.

10 Q. When you say "human affairs," is that the
11 same as human resources or is that --

12 A. That's totally different.

13 Q. So does human resources report to someone
14 else?

15 A. It does.

16 Q. Who do they report to?

17 A. They report to the COO side.

18 Q. Who do you report to?

19 A. I report to the mayor.

20 Q. Directly to the mayor?

21 A. Directly.

22 Q. With respect to the mayor, you report
23 directly to him. What's your day-to-day contact with
24 the mayor like? Can you describe that?

25 A. I'm not sure what that means.

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1 Q. Well, do you see him every day? Do you
2 advise him every day? Are you in contact with him
3 every day?

4 A. I see him every day. I am in contact with
5 him every day that I see him, the days that he's in
6 the office. And to say whether I advise him every
7 day, no. There may be things that don't need that.
8 So to say I advise him every day is not accurate.

9 Q. And when you say when the mayor's in the
10 office, does he travel with you or with any of his
11 senior cabinet officials?

12 A. It depends, depends on the nature of the
13 reason for the travel. We don't travel together all
14 the time. I travel and he travels, and so the days
15 that he's in the office, I do see him.

16 Q. In your capacity as chief of staff, can
17 you give me an idea of how the mayor interacts with
18 his senior team?

19 A. I'm not sure what you mean by that.

20 Q. Well, there are different management
21 styles, I guess is what I'm getting at.

22 A. Okay.

23 Q. Does he delegate a lot of responsibility
24 to you and his senior managers or his senior team, or
25 is he, you know, for lack of a better word, it could

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1 sound pejorative, is he a micromanager? I'm just
2 trying to get an idea of his management leadership
3 style.

4 A. He is not a micromanager. He has hired us
5 to do our jobs. He has said publicly that "you run
6 your shop until you don't." So he does not
7 micromanage. That is not his style.

8 Q. How about his communication preferences?
9 Does he prefer one type of communication over
10 another? With that senior staff, I'm talking about.

11 A. If you say in terms of prefer, one he uses
12 more than another, then we generally have
13 face-to-face conversations.

14 Q. And you spoke about just now when you said
15 you run your department until you don't.

16 A. Right.

17 Q. How does the mayor communicate
18 expectations, in your experience, to his -- to you
19 and to senior officials?

20 A. Well, I think part of that comes when
21 you're first hired. You're talking about what the
22 level of expectation is. We have cabinet meetings
23 every Monday, and that is with all of the heads of
24 those departments, both on my side, not all of mine
25 on my side, but all of the commissioners or chiefs of

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1 the operating offices. That also
2 includes -- departments. That also includes our
3 general managers.

4 And there are presentations that are made.
5 If things are not working well or if there are issues
6 and challenges, the mayor speaks about those things,
7 how we address them, and if there are resources that
8 are necessary or that are preventing or prohibiting
9 you from accomplishing the things that need to keep
10 your department working and operating at a level at
11 which we expect it to.

12 Q. You said you were there from 2010 to the
13 present, correct?

14 A. Yes.

15 Q. When did you first meet Chief Cochran?

16 A. I believe it was -- I don't remember the
17 year, but when he became our fire chief. I knew that
18 there was, I believe, a search that was had as it was
19 when we first got started with the heads of our
20 departments, but I don't recall the year. But it was
21 when he became, I believe, our fire chief.

22 Q. Did you have any involvement in the actual
23 search?

24 A. I did not.

25 Q. Can you tell me about your relationship

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1 with Chief Cochran once he came on board as fire
2 chief?

3 A. It was cordial as colleagues. I didn't
4 interact with Chief Cochran really outside of
5 cabinet, and so I didn't go over to the office for
6 meetings or we didn't have lunch, and so it was a
7 professional interaction with the fire chief. If I'd
8 see him in the hallway, I would greet him as I would
9 any of our other colleagues. I'd say hello, ask how
10 he was doing, happy Monday, happy Tuesday, and that
11 would be the extent of it.

12 Q. When you say "weekly," so would the main
13 contact with the chief be the Monday cabinet
14 meetings?

15 A. Yes.

16 Q. In your position as chief of staff, what
17 was your understanding of Chief Cochran's reputation
18 in the cabinet?

19 A. I mean, I can't say what other people
20 thought about Chief Cochran. There wasn't any
21 discussion about him not being qualified to be fire
22 chief or anything like that. He seemed to be
23 respected by the members of the cabinet, but it
24 wasn't something that I polled members of our
25 cabinet.

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1 My understanding is if you continue to
2 appear at cabinet, it means that you are still
3 leading your department. So I would see him every
4 Monday at cabinet.

5 Q. You spoke a little bit -- I think one of
6 the departments you said directly reported to you was
7 communications.

8 A. Yes.

9 Q. I want to talk to you a little bit about
10 how that office works. Can you give me a rundown,
11 sort of an org chart -- you don't need to give me
12 every single person who works there, I'm not trying
13 to test your memory -- but sort of the -- if I were
14 coming in to work in that department, you would tell
15 me, well, here's the way we -- here's the way this is
16 organized.

17 A. Uh-huh.

18 Q. Can you just give me an idea of that?

19 A. We have a director of communications.
20 We've reorg'd since we've been there. We have a
21 director of communications. There is a press
22 secretary, I believe a deputy press secretary. We
23 have someone -- an individual who handles our
24 website. We have someone who handles our ceremonial
25 documents for people who request letters or

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1 accommodations or the sort, and we have someone who
2 does that. And we also have staff members, support
3 staff members.

4 And I believe there are a couple of others
5 who have been added, I believe, who handle our social
6 media, but I believe they came on in the last year or
7 so.

8 Q. So that's the organization side of the
9 house.

10 A. Uh-huh.

11 Q. Can you talk to me a little bit about how
12 communications are so-called born and, you know, sent
13 out into the world? How does that process play out
14 in practice?

15 A. Do you mean press releases or what --

16 Q. Well, first I guess then I should ask you
17 based on your answer, what are the types of
18 communications that the communications office is
19 responsible for?

20 A. So we'll send out -- they'll send out
21 press releases on money that we've received from,
22 let's say, the Obama administration, or if we've won
23 grants or -- pretty much a lot of things that are
24 newsworthy and that we want people to know about.

25 If we're doing a ground breaking, if we're

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1 doing a ribbon cutting, if there is an opening of any
2 kind, if there is a relocation of a particular
3 magnitude, that goes out. If we are hiring someone
4 to head a department, I believe that goes out. If
5 there is something that's really nationally
6 newsworthy, I believe we send or make a statement and
7 that goes out.

8 Q. When you say "that goes out," who drafts
9 those press releases?

10 A. Our communications department generally
11 drafts those, but we also have other departments and
12 they have their own public information officer and so
13 all of the communications aren't generated from that
14 one office. So, for example, the police department
15 has their own public information officer, as does
16 some of the other offices or departments who have
17 pretty detailed information or knowledge about what
18 is happening.

19 And so we -- my understanding is that that
20 information will get sent to our communications
21 department and then it gets put on our City website.
22 I'm not actually sure who has rights to sending out
23 the information citywide, but it does get sent out
24 citywide.

25 Q. With respect to communications that go out

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1 from the City --

2 A. Yes.

3 Q. -- who approves the drafts that are
4 composed by the communications department?

5 MR. GEVERTZ: You mean -- from the
6 City, you mean from the central department
7 that reports to her?

8 BY MR. CONNELLY:

9 Q. Yeah. So you spoke about there are other
10 departments that have their own sort of
11 communications wings, fire department, police
12 department.

13 A. Uh-huh.

14 Q. When there's a press release issued on
15 behalf of the City and you have a
16 communications -- one of your communication folks
17 drafts those, who approves the City -- you know, in
18 other words, if there's a press release going out,
19 the mayor or the City?

20 A. The mayor approves it. And it also
21 depends also if there's a quote from someone, and so
22 that person makes sure that the quote is accurate,
23 depending on who that person is. And so in some
24 respects, whoever that individual is that's being
25 quoted has some input, but that's the normal process

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1 for it.

2 Q. Are there any instances in which someone
3 from the communications department proper, in other
4 words, not at your level, would just send something
5 out on behalf of the City or the mayor?

6 A. Not that I know of, no.

7 Q. Is it the same process? I want you to
8 talk a little bit about social media, since that's
9 such a big thing these days. How do you understand
10 that process working?

11 A. I'm not sure how the social media process
12 works, because still the director of communications
13 may send information out. They may tweet about it.
14 But then we have -- our own individuals have their
15 own social media accounts that they may send
16 something out as it relates to an event that happens
17 at the City or if the mayor is doing or making an
18 appearance or if we're receiving money or, again,
19 something that's newsworthy.

20 Q. Would the same protocol hold if, say,
21 somebody from the communications department were to
22 send out a social media post on behalf of the mayor?
23 Would it be accurate to assume that he has given
24 approval for that?

25 A. I think that's fair. If it -- I will say

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1 this. If it -- the City has its own City of Atlanta
2 address, I guess, and then individuals also have
3 their own. And so I want to distinguish between what
4 actually -- the City that has the City seal on it and
5 then individuals that have their own accounts.

6 Q. I want to talk about what's at the heart
7 of this matter, and it's Chief Cochran's book. Do
8 you remember when was the first time you became aware
9 that he had written a book?

10 A. Are you asking me the year or --

11 Q. As best you can recall, the year, the
12 month.

13 A. I think it was 2014, the end of 2014.

14 Q. I'm going to hand you what's been
15 previously marked as Plaintiff's Exhibit 49. I think
16 that might help you a little bit. If you just want
17 to review, I'll give you some time to do that.

18 A. Okay.

19 Q. We'll start actually on the back page.
20 Unfortunately, I don't know if the computer guys
21 haven't figured out a way to make these run from the
22 front page to the back or I just don't know how to
23 make them print out that way.

24 It appears -- do you recognize this e-mail
25 chain?

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1 A. Yes.

2 Q. It appears, at least from the top of that
3 back page, that you were cc'd on an e-mail sent from
4 Cathy Hampton, and the subject line is "circle up."
5 And down at the bottom of that page it talks about a
6 time-sensitive employment matter.

7 Do you remember what this was about?

8 A. Considering that we're talking about
9 Chief Cochran, but yes.

10 Q. So that was on Thursday, November 20th,
11 2014. Do you think that's probably when you first
12 heard about the book?

13 A. I believe so.

14 Q. It looks like from what Ms. Hampton is
15 writing, "I'm heading to the second floor," and the
16 subject line is "circle up," that this was signaling
17 that a meeting was supposed to happen; is that
18 correct?

19 A. Yes.

20 Q. Do you recall where that meeting was?

21 A. I do not.

22 Q. Do you recall being in that meeting?

23 A. I'm certain I was. I do not recall.

24 Q. I'm not even sure if I asked you this
25 already, so forgive me if I'm reiterating.

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1 Do you recall who was in the meeting?

2 A. I do not.

3 Q. Do you recall if it was these folks on the
4 e-mail?

5 A. I do not, but I would assume.

6 Q. Do you recall what was said at the
7 meeting?

8 A. I do not.

9 Q. Do you recall where you -- if you ever
10 came into contact with a copy of the book?

11 A. At the meeting?

12 Q. At the meeting or -- it sounds like you
13 don't recall much of that meeting on the 20th.

14 A. No, I can't say whether I recall coming in
15 contact with the book at the meeting.

16 Q. Did you ever see excerpts of the book?

17 A. Yes.

18 Q. When did you see those? Do you recall?

19 A. I don't recall. I believe it was brought
20 to me by a commissioner, Yvonne Yancy, but in terms
21 of context and timing of this, I do not remember.

22 Q. When you got the excerpts of the book,
23 what did you do with them?

24 A. Well, it was the whole book. I didn't
25 receive anything out of the book that was tangible

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1 for me to take, so I didn't have possession of the
2 book or excerpts of the book.

3 Q. Okay. So I just want to clarify. Yvonne
4 Yancy brought you the actual book?

5 A. I believe she brought the actual book,
6 yes.

7 Q. And why did she bring you the book?

8 MR. GEVERTZ: Object to the form.

9 THE WITNESS: Why did she bring me
10 the book?

11 BY MR. CONNELLY:

12 Q. Right. I mean, if somebody brings you a
13 book, I'm assuming they say, here's a book, they are
14 telling you why.

15 MR. GEVERTZ: Same objection.

16 THE WITNESS: Because of -- somebody
17 had brought the book to her and the
18 concerns that she had and because of who I
19 am in terms of my title, she wanted me to
20 be aware of it.

21 BY MR. CONNELLY:

22 Q. And do you recall when she did this?

23 A. I do not.

24 Q. You spoke just a second ago about the
25 concerns she had about the book. What were those

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1 concerns?

2 A. Well, she just read the book -- the
3 excerpts of the book. The concerns were that we
4 didn't know that there was a book and whether there
5 was anybody who had -- whether Chief Cochran had
6 received permission for the book.

7 Q. You say there were concerns about nobody
8 knew that the book was out there. What -- how did
9 she know that?

10 MR. GEVERTZ: Object to the form.

11 THE WITNESS: I don't remember. I
12 think somebody called her, told her about
13 the book. But that's my recollection of
14 how she found the book. I don't know
15 if -- of course, somebody had to give her
16 the book, but I don't know specifically who
17 gave her the book or how she got possession
18 of the book.

19 BY MR. CONNELLY:

20 Q. When she gave you the book, you spoke
21 about excerpts. Did she point out the excerpts that
22 she was concerned about?

23 A. She didn't give me the book, so I didn't
24 have possession of the book. There were excerpts
25 that she read, but I think the main concern was the

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1 fact that we didn't know the book existed.

2 Q. After this, it looks like you were
3 notified at least on the 20th that this was --

4 A. Yes.

5 Q. -- an issue?

6 This e-mail chain carries through -- and
7 I'm going to go up to page 1 here -- on the 24th.

8 A. Are you on the first page? I don't have
9 page numbers.

10 Q. Yes. I'm sorry. I'm on the first page.
11 It's 2414 on the bottom right. Do you see that?

12 A. Okay.

13 Q. It's where -- you're on the right page.

14 A. Okay.

15 Q. That top e-mail, Ms. Shahar is e-mailing
16 the whole group saying, "I can meet now. Please let
17 me know if we are doing so."

18 Were you in a meeting on November 24th
19 regarding Chief Cochran and the book?

20 A. To say today that I was there on the 24th
21 in 2014, I can say it's possible, but I can't say
22 definitively on the 24th, on a Monday in 2014, that I
23 was in the meeting.

24 Q. Do you recall what transpired from that
25 first original e-mail in this chain on November 20th

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1 through the Monday, the 24th?

2 MR. GEVERTZ: Object to the form.

3 BY MR. CONNELLY:

4 Q. In terms of the book?

5 A. In terms of the book?

6 Q. Yeah.

7 MR. GEVERTZ: Same objection.

8 THE WITNESS: No.

9 BY MR. CONNELLY:

10 Q. Were there any discussions between that
11 Thursday and that Monday held between you and any of
12 these folks on the e-mail trail -- chain?

13 A. I believe there were. Yeah, I believe so.

14 Q. And what were those conversations?

15 A. To the best that I can recall, we talked
16 about the fact that there was a book; the fact that
17 Chief Cochran wrote it; the fact that no one knew
18 about it and, you know, what were we to do about
19 this, knowing that there was a book that no one knew
20 about. And I think that we were trying to figure out
21 all of those questions.

22 Q. And when you say you were trying to figure
23 that out, was that in a roundtable or --

24 A. I wouldn't say there was a roundtable. I
25 just think that there were a group of us who were

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1 just trying to figure it out. I don't even know if
2 it were -- if you want to say like a formal meeting
3 or a roundtable like this, I don't think it was that.

4 Q. How many -- who was there?

5 MR. GEVERTZ: Object to the form.

6 THE WITNESS: At what point?

7 BY MR. CONNELLY:

8 Q. You're saying there were discussions had
9 about whether people knew about the book, whether
10 there was permission. That implies that there were
11 people discussing this.

12 A. Right.

13 Q. So take me to your memory of your first
14 conversation with somebody in the senior cabinet.
15 Who was there?

16 A. I would say I was there,
17 Commissioner Yancy, who's our HR commissioner. I
18 believe our former COO, Michael Geisler, was there.
19 And I'm not sure if Melissa Mullinax was there, but
20 I'm not sure of the individuals who were in the
21 discussions.

22 Q. Do you remember where this discussion --
23 where these folks would have been?

24 MR. GEVERTZ: Object to the form.

25 THE WITNESS: I think we had a

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1 couple, so I don't know -- it wasn't a
2 meeting spot, so I don't know. I don't
3 remember.

4 BY MR. CONNELLY:

5 Q. Do you remember what Ms. Yancy said to you
6 about her concerns regarding the book?

7 A. Again, specifically that there was this
8 book, that someone had brought it to her attention,
9 that she didn't know about the book and that we
10 needed to find out whether there was approval for the
11 book. She wasn't aware that we had gotten it. That
12 didn't say whether he had or he hadn't, but at the
13 time, we didn't know. And so those were the concerns
14 that she had about the book. So --

15 Q. Can you talk to me about what Mr. Geisler
16 said?

17 A. I don't recall.

18 Q. How about Ms. Mullinax?

19 A. I don't recall either.

20 Q. Do you recall what you said about the book
21 or Chief Cochran or the situation?

22 A. I don't specifically. I know that we
23 were -- I was shocked that there was a book. And
24 again, we were talking about the approval of the book
25 and that nobody knew about the approval of the book,

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1 and I think that was what I recall discussing.

2 Q. Do you recall once you found out about the
3 book -- and it sounds like you don't recall exactly
4 when this discussion or whether there were a number
5 of discussions -- do you recall ever speaking to the
6 mayor about Chief Cochran or the book, this issue,
7 during that time between November 20th and the 24th?

8 A. Yes, we -- excuse me. Yes, we talked
9 about the book and, again, that Chief Cochran had
10 written a book. I didn't know about it. He didn't
11 know about it. And that Commissioner Yancy had
12 happened upon or someone had brought the book to
13 Commissioner Yancy.

14 Q. Do you recall if Commissioner Yancy told
15 you who brought her the book?

16 A. I do not recall, no.

17 Q. In those discussions with the mayor, what
18 did he say to you about the book? What were his
19 concerns?

20 A. Well, I don't know if he had seen the
21 book, so what he wanted to do was to do an
22 investigation about the writing of the book. And so
23 he didn't want to pass judgment on anything or make
24 any hasty decisions about anything at that point.
25 And so I think that was, if I recall correctly, what

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1 the initial conversation was surrounding our
2 conversations about the book.

3 Q. You say your conversations. Did he make
4 those views known to you in person one on one or was
5 that in a larger group setting?

6 A. About the investigation?

7 Q. About his -- I think -- again, I'm
8 characterizing what you said, so just correct me if
9 I'm wrong -- he didn't want to make any hasty
10 decisions. He wanted to get the facts. Do you
11 recall when he said that to you?

12 A. As it relates to a particular day, no, but
13 I believe Commissioner Yancy was in the room, so it
14 wasn't a one-on-one discussion.

15 Q. Was anybody else in the room that you
16 recall?

17 A. Not that I can recall.

18 Q. During any of those discussions that you
19 recall, again realizing that you haven't necessarily
20 pinned them down to a room or a place or a date, talk
21 to me if there were any discussions about the
22 contents of the book or the excerpts that we talked
23 about that Ms. Yancy had read.

24 A. If there were discussions?

25 Q. Yes, between cabinet members or senior

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1 officials, either with the mayor or without.

2 A. There were discussions. There were things
3 that were -- Commissioner Yancy read a couple of
4 things out of the book. We didn't continue to have
5 discussions in terms of her continuing to read out of
6 the book, at least not with me or my personal
7 knowledge. And there may have been one or two
8 meetings, conversations about it, but not at great
9 length and not with a large number of members of our
10 team.

11 Q. You said "not a large number." Do you
12 remember who was in the room when she read those
13 excerpts?

14 A. I know I was in the room. I believe
15 Melissa Mullinax was in the room. I'm just trying to
16 think of who was there. Again, I'm not sure if our
17 COO, Michael Geisler, was there. And perhaps my
18 deputy -- the deputy chief of staff, Katrina
19 Taylor-Parks. But I believe that to be it if that
20 was the group.

21 Q. What was your reaction on hearing
22 Ms. Yancy read the excerpts?

23 A. I guess I would say -- me personally?
24 There were things that I disagreed with.

25 Q. What were those things?

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1 A. For me, just on my own faith, I think
2 there were things in there that talked about sexual
3 intercourse between a man and a woman in terms of
4 frequency, and I remember that, based on what I've
5 been taught, that's something that I disagreed with.

6 I think there was something else, for
7 whatever reason, I'm blanking on. But I knew that
8 some of the things that I read, that I disagreed with
9 on a personal level.

10 Q. Based on your religious beliefs?

11 A. Yes.

12 Q. You said Ms. Mullinax may have been in the
13 room as well. Do you recall whether she spoke to you
14 about her reaction to the --

15 A. No, no.

16 Q. Did you have occasion to speak to
17 Ms. Yancy after that meeting regarding what she had
18 read to the group?

19 A. Yes.

20 Q. And what did that conversation entail?

21 A. You know, we didn't have a one-on-one
22 conversation. But it was during the -- once we found
23 out, had more information surrounding the
24 investigation and the suspension of Chief Turner --
25 or I'm sorry -- Chief Cochran.

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1 Q. You said not one-on-one. Do you recall
2 who else would have been in those conversations with
3 Ms. Yancy and yourself?

4 A. It may have been the same group of people
5 I've already identified.

6 Q. During those various conversations you
7 recall on the 20th to the 24th, was discipline ever
8 discussed?

9 A. I don't know the date at which we talked
10 about it, so I don't know if it was in that 20th to
11 24th time period. I know that initially when we
12 first found out about it, we wanted to wait until we
13 found out more information.

14 So, you know, there were a lot of things
15 that were happening, and so I can't say if the
16 discussion surrounding discipline occurred within
17 those first four days. I don't recall if it was in
18 that timeframe.

19 Q. You spoke about suspension just a second
20 ago. What was your role in the suspension?

21 A. Initially I believe Michael Geisler, the
22 COO, was supposed to be there since the chief of fire
23 reports to the COO, but he was unavailable. And so I
24 went as that senior person, and I was there in
25 Commissioner Yancy's office. It was me,

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1 Commissioner Yancy, Chief Cochran, and a member from
2 the law department.

3 Q. Do you recall who that was from the law
4 department?

5 A. Yes.

6 Q. And who was that?

7 A. His name is Bob Godfrey.

8 Q. Do you recall when that meeting was held?

9 A. No.

10 Q. If I represented to you that press
11 releases went out on 11/24 that the chief was
12 suspended, would it be safe to assume that it was
13 sometime --

14 A. Yes.

15 Q. -- on November 24th?

16 A. Yes, it was.

17 Q. And you say that was in Ms. Yancy's
18 office?

19 A. It was.

20 Q. Take me through that meeting. Who was,
21 for lack of a better phrase, who -- was somebody
22 chairing that meeting?

23 A. With HR matters, generally the HR
24 commissioner would, I guess, chair the meeting, and I
25 believe she started off the meeting.

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1 Q. And how did she start it off?

2 A. I think what was said or the gist of what
3 was said was there was a book that has caused a lot
4 of challenge within the fire department, the City of
5 Atlanta. We discovered through investigating that
6 there was no permission that was given to write the
7 book, and that we were recommending a suspension for
8 not receiving proper permission for writing the book.
9 It was outside the scope of employment, and that the
10 suspension was going to be for 30 days.

11 Q. Before Chief Cochran --

12 A. I'm sorry. Without pay.

13 Q. Before Chief Cochran came into the room,
14 had you folks in the meeting other than Chief Cochran
15 met before about what Ms. Yancy was going to say?

16 A. No.

17 Q. I think you said -- and again, I'm
18 characterizing your testimony, so if -- you said that
19 Ms. Yancy said something to the effect of that the
20 book had caused a challenge to AFRD.

21 A. Yes.

22 Q. What did you think she meant by that?

23 A. It was that some members of the fire
24 department had had some issues with the fact that the
25 book had been written. They didn't know whether they

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1 could continue -- well, Chief Cochran could continue
2 to lead the department based on what was written in
3 the book. And so we were putting him on a 30-day
4 suspension without pay, and then that would -- after
5 the 30 days, he would come back. I think he would be
6 reinstated after the 30-day period.

7 My responsibility was to talk about the
8 fact that we wanted him to remain quiet during this
9 30-day period and not talk about the facts
10 surrounding his suspension and just to be on a 30-day
11 suspension without pay.

12 Q. You mentioned that a couple of times. Why
13 was the suspension without pay?

14 A. Because basically that's a vacation. If
15 I'm going to be suspended and get paid, I'm basically
16 off for 30 days with pay. And so we were doing an
17 investigation, and the suspension, again, was for the
18 30 days. And that pretty much, I believe, was the
19 content or the conversation of the meeting.

20 Q. And you said just a second ago you were
21 doing an investigation, so I'm assuming, again,
22 correct me if I'm wrong, that that would mean the
23 investigation hadn't been concluded?

24 A. I don't know who actually concluded the
25 investigation. I would say they were still

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1 continuing. I think some of the facts initially
2 supported our suspension of Chief Cochran.

3 Q. And which facts would those be?

4 A. Again --

5 MR. GEVERTZ: Object to the form.

6 THE WITNESS: Again, those were the
7 fact that we had received complaints from
8 members of the fire department, but again,
9 the fact that he had not received
10 permission for writing the book.

11 BY MR. CONNELLY:

12 Q. And where did you get that -- where did
13 you draw that conclusion from?

14 A. I didn't draw the conclusion. The
15 information and the conclusion was brought to our
16 attention, and the ethics officer or the director was
17 Nina Hickson. So through the investigation and those
18 people who conduct those investigations surrounding
19 employee matters -- I don't do that -- we found out
20 that he had not, in fact, received permission.

21 I think the statement was that he had
22 actually received permission or that there was a
23 go-ahead granted by the ethics office or officer to
24 write the book, and then we found out that that was
25 not the case.

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1 Q. At that meeting with you, Ms. Yancy, and
2 Mr. Godfrey --

3 A. Uh-huh.

4 Q. -- what did Chief Cochran say?

5 A. He stated in the meeting that he was
6 willing to take the consequences of writing the book
7 or accept the consequences of writing the book. He
8 said that he felt that he had been called to write
9 the book.

10 Q. Did he say anything with respect to the
11 permission issue that you spoke about just a second
12 ago?

13 A. I'm not sure. I don't want to make
14 anything up, so I'm not sure if he said that he
15 believed he received or he had, in fact, received
16 permission.

17 Q. And I think you were the one who
18 communicated to Chief Cochran some instructions about
19 what to do or say during a suspension?

20 A. I did.

21 Q. Do you recall exactly what you said to
22 him?

23 A. Not exactly, no.

24 Q. To the best of your recollection, what did
25 you say to him?

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1 A. To remain quiet and not to talk about the
2 events surrounding his suspension and to be on
3 suspension for 30 days.

4 Q. What's the normal protocol when an
5 employee is suspended regarding communications like
6 that?

7 MR. GEVERTZ: Object to the form.

8 THE WITNESS: I don't -- I don't
9 really know in the sense of when -- people
10 get suspended for any number of things, and
11 in my seven years being here, I've not
12 known of an employee to write a book. And
13 so you're talking about in terms of those
14 communications, I don't -- I don't know.
15 So it's not our -- a routine kind of
16 suspension as far as I'm concerned.

17 BY MR. CONNELLY:

18 Q. So you said that you gave that admonition?

19 A. I did.

20 Q. Did you come up with that admonition, or
21 did somebody say "We need to do this, Candace, please
22 do this"?

23 A. I believe the mayor said this is what we
24 need to do while we are going to have this
25 suspension, and just to, again, be on suspension for

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1 30 days and not to talk about the nature of the
2 suspension and the employment. We don't typically
3 talk about employment matters to the media either.
4 Those are employment matters, and we reserve comments
5 surrounding suspensions or terminations or anything
6 else.

7 Q. Did the City communicate the facts or the
8 circumstances or the existence of the suspension in
9 this case?

10 MR. GEVERTZ: Object to the form.

11 THE WITNESS: When you mean "the
12 City," who do you mean?

13 BY MR. CONNELLY:

14 Q. Well, I think you just said that it's not
15 normal for the City to talk about suspensions --

16 A. Right.

17 Q. -- in the normal course.

18 Did the City or any official statement
19 emanate from the communications department regarding
20 Chief Cochran's suspension?

21 A. I don't recall if it was an outward or an
22 external communication. I believe that I sent an
23 e-mail, I believe, to members of council, to members
24 of city council and the council president.

25 Q. And what did that e-mail say? Do you

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1 recall?

2 A. It would say something to the effect
3 that, I believe -- I would say --

4 MR. GEVERTZ: Don't guess, but answer
5 the question.

6 THE WITNESS: Something to the effect
7 that Chief Cochran has -- has been
8 suspended -- I don't know if those were the
9 words that I actually used -- and in the
10 interim Chief Joel Baker would be the
11 interim fire chief.

12 We have, I would say, a very good
13 engagement through all departments. City
14 council is very active, and the departments
15 or the department heads report to council
16 to make varying reports on committee
17 meetings.

18 So I think we were just trying to
19 make sure if, in fact, that I actually sent
20 out an e-mail, that that would be what that
21 is -- what that was.

22 BY MR. CONNELLY:

23 Q. Have you spoken to any of the city council
24 members previous to the suspension?

25 A. No. No.

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1 Q. Do you know if anyone else in the mayor's
2 senior cabinet or that senior level had spoken to
3 anybody?

4 A. Not that I know of, no.

5 Q. Did you hear anything back from the
6 City -- any city council member once you sent that
7 e-mail?

8 A. No, not that I recall. No.

9 Q. I'm just going to hand to you what's been
10 previously marked as Plaintiff's Exhibit 10. Just
11 give you a second to look that over.

12 A. Okay.

13 Q. Do you recognize that document or what
14 it's a representation of?

15 A. Yes, just from the first excerpt that I've
16 read.

17 Q. Would it be correct in assuming it appears
18 to be the mayor's Facebook account?

19 A. Yes.

20 Q. If you look on the second page, there's a
21 post that's dated November 24th. And if you'd like,
22 I'll give you a couple of seconds to review that.

23 A. Okay.

24 Q. Did you have any role in drafting this
25 particular post?

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1 A. I did not.

2 Q. Do you know who drafted it?

3 A. I do not.

4 Q. Did you have any role in approving this
5 particular post?

6 A. I did not.

7 Q. You'll note there just on the substance of
8 the post, there are a few bullets in the middle of
9 that post.

10 A. Yes.

11 Q. One of them, the second one,
12 "Chief Cochran will be required to complete
13 sensitivity training."

14 Was that something that was communicated
15 to Chief Cochran during the meeting with Ms. Yancy
16 and Mr. Godfrey?

17 A. I believe it might have been. I believe.
18 I'm, again, not certain, but I believe --

19 Q. Did you have --

20 A. -- that it was.

21 Q. I apologize.

22 A. No, no.

23 Q. Did you have any role in communicating
24 that to Chief Cochran?

25 A. No. I think all I said to Chief Cochran

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1 was what I've already indicated.

2 Q. Did you know what the sensitivity training
3 was going to entail?

4 A. No.

5 Q. You didn't have any role in suggesting
6 that?

7 A. No.

8 Q. I'm going to hand you what's been
9 previously marked as Plaintiff's Exhibit 68. Again,
10 I'll give you a couple of seconds to look that over.

11 A. Okay.

12 Q. Do you recall receiving this e-mail from
13 Ms. Torres?

14 A. I don't, but my name is on it, so --

15 Q. Do you recall -- having read this now, do
16 you recall reading this statement at some point after
17 the suspension meeting took place?

18 A. I'm sure I did.

19 Q. And similar questions to the Facebook
20 post. Did you have any role in drafting this?

21 A. I did not.

22 Q. Did you have any conversations with
23 anybody in the communications department regarding
24 that particular statement?

25 A. It would have been Anne Torres, and if

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1 there were any communications, it would have been
2 maybe just to wordsmith it or to make sure that it
3 was grammatically correct. But not to add anything
4 or to tailor it in any other way or to change it in
5 any way.

6 Q. Down near the bottom, last paragraph after
7 the bullets, again the subject line is "Final
8 statement from mayor."

9 A. Uh-huh.

10 Q. It says, "I want to be clear" -- and I'm
11 assuming that's the mayor's words since it's his
12 statement -- "I want to be clear the material in
13 Chief Cochran's book is not representative of my
14 personal beliefs."

15 You spoke a little bit before about having
16 conversations with the mayor about the book. Did he
17 ever discuss his reaction to the book?

18 A. I mean, the fact that it was written; that
19 we didn't know about it; that he was disappointed
20 about finding out about it the way that we -- you
21 know, he found out about it. I think I spoke more
22 about how I felt than he did.

23 Q. And what did you say to him about how you
24 felt?

25 A. You know, just again on my own personal

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1 part, it was just, one, that I didn't believe that
2 the book was written, but I think the things that I'd
3 already talked about, things that I didn't
4 necessarily agree with.

5 Q. So you said he spoke to you a little bit
6 about the process, about not knowing the book was
7 coming out. This particular half sentence talks
8 about the book not being representative of his
9 personal beliefs.

10 Did he ever discuss the content of the
11 book with you, his take on the contents? As you
12 said, you were personally offended by some of the
13 things in there.

14 A. In terms of content, I mean, we talked
15 about, you know, our faith and, you know, what we
16 believe and, you know, those things based on, you
17 know, what we -- some of the excerpts, because,
18 again, I didn't read the whole book. They didn't
19 line up with our personal beliefs.

20 And I mean, that was what we, you know,
21 what we discussed. I mean, there are, you know,
22 things that he believes in his own right, and
23 so -- and again, the statement talks about, you know,
24 those personal beliefs.

25 Q. You said just a second ago you talked with

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1 the mayor about -- you said "our personal beliefs."
2 Did the mayor share similar concerns that you shared
3 with me this morning about the excerpts in the book?

4 A. Not similar concerns. I mean, we
5 just -- I mean, we are both Christian, and I think
6 that, you know, I've evolved on some of the things
7 and how I feel and how I believe, but this was -- you
8 know, I think we were, you know, just blindsided by
9 the book.

10 Q. Did you have any role in approving this
11 particular -- I think you said you may have had some
12 editing role, but you didn't --

13 A. Right. I didn't approve it.

14 Q. -- approve it?

15 A. No.

16 Q. Do you know who did approve this?

17 A. I would assume the mayor did.

18 Q. Is that because it's his statement?

19 A. Yes.

20 Q. The whole thing in this case would be his
21 quote?

22 A. Yes.

23 Q. Did the mayor during your discussions
24 about the book ever indicate to you when he had first
25 received a copy of the book?

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1 A. I don't think he remembered when. It was
2 after the book was published, but, you know, he
3 receives lots and lots and lots of books, and so to
4 say when he received one or the other, I don't -- I
5 don't know when he actually received it. I don't
6 know if he actually knew when he received the book.
7 But we didn't find out again about the book until
8 around the 20th, 24th -- well, 20th of November.

9 (Exhibit 99 was marked for
10 identification.)

11 BY MR. CONNELLY:

12 Q. You've been handed by the court reporter
13 what's been marked Plaintiff's Exhibit 99.

14 A. Okay.

15 Q. And as per our usual custom here this
16 morning, I'll give you a couple of seconds to read
17 this.

18 A. Okay.

19 Q. Familiarize yourself with it.

20 A. Okay.

21 Q. Starting from the bottom again, who is
22 Kristin Wilson?

23 A. She's our deputy COO.

24 Q. And do you recognize this e-mail?

25 A. Yes.

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1 Q. And what is it?

2 A. It's a notification to the members of city
3 council, and it's a draft that indicates that our
4 deputy chief, Joel Baker, will serve as the interim
5 chief of fire and rescue.

6 Q. And what does "Hold until you hear from
7 Candace" mean?

8 A. This was drafted and I looked it over, and
9 I generally send the communications to council, and
10 so that was a courtesy from Kristin, and then I
11 agreed to go ahead and send it over.

12 Q. So would this have been a draft of the
13 communication you were speaking about before --

14 A. Yes.

15 Q. -- the e-mail?

16 A. Yes.

17 Q. Thank you.

18 So once that November 24th suspension goes
19 into effect, it looks like at 5:07 you received that
20 e-mail from the draft. Can you talk to me about any
21 meetings or communications you had with either the
22 mayor or senior cabinet officials between that
23 November 24th date and the January 6th termination?

24 A. What I can recall is we were assuming now,
25 because we had made the notification of the

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1 suspension and the suspension was actually in effect,
2 we felt that things were going to go smoothly. And
3 so I don't recall having a whole lot of conversation
4 about it initially. I think we recounted after the
5 suspension what had actually taken place and went
6 about the business of the day at that point.

7 News travels, you know, very quickly. We
8 respected Chief Cochran and we respected the decision
9 that we were making, and so we weren't going around
10 getting ready to tell about the suspension. But, of
11 course, as you begin to notify people, council -- and
12 I'm not saying that they told -- but the more people
13 you tell, the more people who know.

14 And so the exhibit indicates that the AJC
15 had already come across and had found out about the
16 suspension, and so I'm assuming, of course, that we
17 then began to figure out or try to figure out the
18 messaging around that, again, saying that we don't
19 respond to -- or on employment matters, that it is an
20 employment matter and that we were going to treat it
21 as such. But of course, when a media outlet or media
22 outlets find out about it, then it's their job to try
23 to find out as much information as possible.

24 I think we also in the discussions were
25 trying to figure out how they got the information so

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1 quickly. Of course, news media outlets have their
2 own sources, so that's kind of like tracing down a
3 rabbit hole. But I think at that point we were
4 trying to figure out, I believe, messaging at that
5 point.

6 Q. So as you said, that one of the -- the
7 Kristin Wilson e-mail to you says "The suspension is
8 already on the AJC home page."

9 A. Right.

10 Q. So on the 24th, the AJC had this up. Was
11 there a decision made as to what the communications
12 plan was going to be, given that the AJC had it up?

13 A. Generally it's still the same, that we
14 don't respond to unemployment matters. They probably
15 want to know the basis for it or how long or all of
16 the facts surrounding it, but we wouldn't have
17 treated this one any differently than any other
18 employment matter, which is we don't comment on it.

19 Q. You talked about the rabbit hole of trying
20 to figure out how the AJC got it.

21 A. Yeah.

22 Q. Did you ever discover how the AJC or any
23 other media outlet got wind of the suspension?

24 A. No. I mean, it was just a guess of
25 anybody trying to figure out how they found out

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1 something as quickly as it was instituted, how they
2 found out. But we took -- I took no action on trying
3 to figure it out. It was just a matter of -- I guess
4 it's more of how did they find out. So -- but I took
5 no action in attempting to find out how they find out
6 anything.

7 Q. Did you have any contact between
8 November 24th, the day of the suspension, between
9 that time and January 6th, which is the termination
10 date, with anybody involved in the investigation?

11 A. No. I don't know who actually
12 investigated, so no, I did not engage in that.
13 That's not my role, and so I did not get involved in
14 that part.

15 Q. Were you interviewed by any investigators?

16 A. No, I was not.

17 Q. I think you said that Mike Geisler would
18 have been the one to be in on that meeting, but you
19 were called in as a senior member --

20 A. Yes.

21 Q. -- of his staff.

22 A. Yes.

23 Q. Did you report to him after you were in
24 that meeting with Chief Cochran during the suspension
25 meeting about what happened?

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1 A. No, I don't think so.

2 Q. Did he acquire a view what the
3 circumstances were of that meeting?

4 A. No, I don't think so.

5 Q. Was there any discussion after
6 Chief Cochran left the room between you, Mr. Godfrey,
7 or Ms. Yancy about filling in Mr. Geisler?

8 A. She might have said that she would fill
9 him in, but I don't recall specifically about us
10 going to Michael Geisler to tell him what had
11 happened. I don't even know where he was or when he
12 came back, so no. The answer's no.

13 Q. After you sent that e-mail to council on
14 the 24th, the evening of --

15 A. Uh-huh.

16 Q. -- what do you recall? Do you recall any
17 formal meetings between the mayor and you or any of
18 his senior staff regarding the matter between then
19 and January 6th?

20 A. Any formal meetings?

21 Q. Formal. They could be informal too. I
22 was going to save that question for next, so you can
23 expand it if it makes the question easier to answer.

24 A. You know, again, we talked about the fact
25 that the AJC had gotten it. I don't remember a

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1 number of meetings that we had. I think in
2 some -- these kinds of things were very fluid, so I
3 don't recall a formal meeting.

4 Again, I think we went back and spoke to
5 the mayor about having suspended Chief Cochran on the
6 24th. I think we talked about what was said in the
7 meeting. And I'm not sure if at that time, between
8 the time of the suspension and the termination, if
9 the press conference had been had.

10 I do know that we had gotten word about
11 statements or appearances that Chief Cochran had made
12 during the suspension, and that it was about the
13 suspension or the comments that he had been making
14 were about the suspension that had happened.

15 MR. GEVERTZ: When we get to a
16 breaking point, it's been about an hour
17 now.

18 MR. CONNELLY: That's fine. We can
19 take a break.

20 THE VIDEOGRAPHER: This concludes
21 Media Number 1 in the deposition of Candace
22 Byrd. We're off the record at 12:55 p.m.

23 (A recess was taken.)

24 THE VIDEOGRAPHER: This begins
25 Disk Number 2 in the deposition of Candace

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1 Byrd. We're back on the record at
2 1:13 p.m.

3 BY MR. CONNELLY:

4 Q. Ms. Byrd, we spoke about the suspension
5 meeting a little before. I just wanted to -- a few
6 follow-up questions from that meeting.

7 Did Ms. Yancy ever show any excerpts of
8 the book to Chief Cochran at the suspension meeting?

9 A. I don't remember. I don't recall.

10 Q. After you directed Chief Cochran, you
11 testified you directed him not to speak about the
12 suspension during the suspension, did
13 Chief Cochran -- how did Chief Cochran respond to
14 that guidance?

15 A. I don't recall specifically, but he didn't
16 say that he couldn't comply with that.

17 Q. Do you recall him specifically requesting
18 that the City or you put out a guidance to the media
19 he would not be able to speak about the suspension?

20 A. Do I recall that he asked that?

21 Q. Yes.

22 A. I do not.

23 Q. You spoke a little before we broke about
24 discussions you had between suspension and
25 termination.

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1 Do you recall any other discussions other
2 than the ones you've already recounted up until the
3 point of termination, which was on January 6th?

4 A. Any other discussions?

5 Q. With any one of the mayor's senior staff
6 regarding the book, Chief Cochran?

7 A. I don't.

8 Q. Also just before we broke you were talking
9 about there was some information coming to you, or at
10 least people in the cabinet level, about that the
11 chief had been speaking -- I think the way you
12 characterized it was speaking about the suspension.

13 Do you recall what those instances were?

14 A. I don't know how it came to us, but we had
15 learned that he had spoken at his church. It was I
16 guess shortly after the suspension. I don't know if
17 it was the Sunday following, but we had gotten word
18 that he had spoken at his church about the
19 suspension.

20 I believe there was a convention, a couple
21 of conventions that he had spoken at, and we found
22 out that he had spoken at those conventions, and
23 spoken about the suspension during the time of the
24 suspension and before the termination, I believe.

25 Excuse me, if we can take a moment. I'm

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1 sorry. Sorry.

2 THE VIDEOGRAPHER: The time is 1:16.

3 We're off the record.

4 (Brief recess.)

5 THE VIDEOGRAPHER: The time is 1:17.

6 We're back on the record.

7 BY MR. CONNELLY:

8 Q. Do you recall who made you aware of those
9 speaking engagements that you said Chief Cochran was
10 involved in?

11 A. I don't know. We were -- we just
12 discussed it, but I don't know who -- I don't know
13 who knew or how they found out. So the conventions
14 are something that are large gatherings, and so I
15 don't know who attended or had heard about the
16 conventions, but it got back to us that he had been
17 speaking at the conventions.

18 Q. And when you say "conventions," what do
19 you -- just enlighten us --

20 A. A Baptist --

21 Q. -- to what you mean by that.

22 A. I'm sorry. A Baptist -- one was a Baptist
23 convention. I don't know where it was held. And I
24 believe there was another one, I believe, somewhere
25 in Newnan. But we had heard that on those occasions,

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1 and then there might have been more, I don't
2 remember, but I remember there were several occasions
3 that we had heard that he had spoken out about the
4 book and him being suspended.

5 Q. Once that information was brought to your
6 attention, what happened at that cabinet level?

7 A. You know, we were disappointed, because we
8 were trying to figure out then, you know, what was
9 next, because the instruction was to not talk about
10 the suspension, and in my mind, based on the
11 conversation in the meeting and my recollection, it
12 was clear, just ride out the 30-day suspension. And
13 that did not happen.

14 Q. Were there any discussions held between
15 you and any of the other members you've talked about
16 of the mayor's cabinet or heads of departments
17 regarding that particular issue?

18 A. Him speaking out?

19 Q. Your understanding that he had been
20 speaking about the suspension, as you characterized
21 it?

22 A. Not a discussion, but just an awareness
23 that we had found out that he had been speaking out
24 about the suspension and about the book.

25 Q. What was done with that information once

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1 you received it?

2 A. I think we -- I think we spoke to the
3 mayor about it, but I'm not sure. I mean, we just
4 had a -- I know we had a meeting about it, but
5 specifically, I don't recall.

6 Q. So you said you had a meeting about it.
7 Do you recall who was at that meeting?

8 A. I mean, it wasn't like a meeting. I
9 mean --

10 Q. A conversation?

11 A. Yes.

12 Q. Who was in that conversation?

13 A. The one that I definitely remember I
14 believe was Commissioner Yancy.

15 Q. Do you recall where that was in the
16 office?

17 A. I don't.

18 Q. Was it in person?

19 A. It was.

20 Q. Was there anybody else in the conversation
21 except for you and Ms. Yancy?

22 A. I don't recall.

23 Q. Do you remember what Ms. Yancy said?

24 A. I don't.

25 Q. Do you remember what you might have said

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1 to her?

2 A. I don't.

3 Q. Was there ever any attempt once you found
4 out that information that you -- it was your
5 understanding that the chief had been speaking --

6 A. Yes.

7 Q. -- about the suspension?

8 And I think you mentioned a number of
9 conventions and maybe his church.

10 A. Uh-huh.

11 Q. Was there ever any attempt on anybody's
12 part at the department head level or the cabinet
13 level to verify the information that you had
14 received?

15 A. I did not. And so, again, I don't know
16 who began conducting that. So I don't -- I can't
17 say. I don't know.

18 Q. Do you remember what the mayor said to
19 you?

20 A. I don't.

21 Q. Do you remember what you might have said
22 to the mayor?

23 A. If anything, that we had heard that he had
24 been speaking out.

25 Q. Do you recall what his reaction was?

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1 A. I don't.

2 Q. When did you first become aware that
3 Chief Cochran was not going to be retained?

4 A. I don't remember when it was. I don't
5 know.

6 Q. Did you have any involvement in the
7 decision to terminate Chief Cochran?

8 A. I did not.

9 Q. Do you know who did?

10 A. I do not.

11 Q. Did you talk to the mayor prior to
12 Chief Cochran's termination regarding --

13 A. Regarding termination?

14 Q. Yes, regarding termination.

15 A. Not that I recall, no.

16 Q. Did you ever discuss the issue of
17 Chief Cochran's termination with any city council
18 members?

19 A. No.

20 Q. Did you send any e-mails to city council
21 members regarding termination?

22 A. Before terminating?

23 Q. Yes.

24 A. No.

25 Q. Upon termination?

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1 A. Not that I recall. Not that I recall, no.

2 Q. Is it possible you might have sent a
3 similar e-mail to the city council?

4 A. It's possible, yes.

5 Q. Had you discussed any -- with any members
6 of the press Chief Cochran's termination?

7 A. No, no.

8 Q. Either before --

9 A. No.

10 Q. -- or after?

11 A. No.

12 Q. Do you recall who communicated the final
13 decision to terminate Chief Cochran to you?

14 A. To me?

15 Q. Yes.

16 A. No. No.

17 Q. Did you have any involvement in the
18 communications surrounding Chief Cochran's
19 termination?

20 A. I don't know what you mean in terms of
21 communication.

22 Q. Well, I believe that the chief held a
23 press conference on January 6th; is that correct?

24 MR. GEVERTZ: The chief?

25

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1 BY MR. CONNELLY:

2 Q. My apologies. The mayor.

3 A. Yes, I believe so, if that's when --

4 Q. Were you in -- my apologies. Were you in
5 attendance at that press conference?

6 A. I believe so, yes.

7 Q. Did you have any involvement in writing
8 the statement for the mayor that he delivered?

9 A. I did not.

10 Q. I'm handing you what's been previously
11 marked as Plaintiff's Exhibit 13. I'll give you a
12 few seconds to review that.

13 MR. GEVERTZ: You want her to focus
14 on a specific page or --

15 THE WITNESS: Yeah, I was about to
16 say, any particular --

17 BY MR. CONNELLY:

18 Q. No. You can just familiarize yourself
19 generally with it.

20 A. (Witness complies with request of
21 counsel.)

22 Q. I don't want to interrupt your review, but
23 I have a few general questions that might cut short
24 your --

25 A. Okay.

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1 Q. -- necessity to read the whole thing.

2 A. All right.

3 Q. Do you recall seeing a copy of this when
4 it was published?

5 A. No.

6 Q. So you don't recall reading it. Did you
7 have any --

8 MR. GEVERTZ: I'm sorry. That was a
9 no?

10 THE WITNESS: No. I'm sorry. Sorry.

11 BY MR. CONNELLY:

12 Q. Do you recall, did you have any
13 involvement in disseminating the investigative
14 report?

15 A. No.

16 Q. Did you have any involvement in -- as head
17 of -- as chief of staff and as head of the
18 communications department, did you have any hand in
19 drafting communications regarding the investigative
20 report?

21 A. I did not.

22 (Exhibit 100 was marked for
23 identification.)

24 BY MR. CONNELLY:

25 Q. The court reporter has handed you what's

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1 been marked Plaintiff's Exhibit 100. Do you
2 recognize this e-mail chain?

3 A. I mean, I don't recall it, but --

4 Q. You have no reason to doubt its
5 authenticity, do you?

6 A. No.

7 Q. Who is Amber Diggs?

8 A. She's one of my assistants.

9 Q. And it appears that on January 8th, which
10 would have been two days following termination of
11 Chief Cochran, late in the workday she forwarded you
12 or at least called a post from Franklin Graham; is
13 that correct?

14 A. Yes.

15 Q. And then you forwarded that on --
16 45 minutes later to Ms. Torres, Ms. Mullinax, and
17 Cathy D. Hampton?

18 A. Yes.

19 Q. Why did you forward that?

20 A. It was just -- it was an FYI. It was more
21 information that we were receiving, and we had been
22 getting, I think at that time, a lot of calls about
23 his firing and that it was unjust in some way. And
24 so I just forwarded it on to our law department, to
25 our communications. But again, it was more of an

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1 FYI. I didn't know what they had or if they had
2 received it, and so I wanted to make sure that they
3 had.

4 Q. And "FYI" stood for "for your information"
5 or for their information? Did you understand them to
6 be tracking that type of information?

7 A. No. I did not understand that they were
8 tracking it, but again, I wanted them -- since I had
9 it, I wanted them to have it.

10 (Exhibit 101 was marked for
11 identification.)

12 BY MR. CONNELLY:

13 Q. The court reporter has handed you what's
14 been marked Plaintiff's Exhibit 101. Do you
15 recognize this e-mail chain?

16 A. I don't recall it, but --

17 Q. You have no reason to doubt its
18 authenticity?

19 A. I don't.

20 Q. The top part of that e-mail appears to be
21 Ms. Robin Shahar e-mailing many of the cabinet-level
22 officials, mayor's senior staff regarding the AFRD
23 diversity and workplace equity issue.

24 Did you have any involvement in this
25 particular enterprise?

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1 A. No.

2 Q. Had you spoken to anyone about it before
3 receiving this e-mail from Ms. Shahar?

4 A. You mean the diversity training?

5 Q. This appears to be -- and I'll just give
6 you the second line from Ms. Shahar, "The chief and
7 I" -- and she's referring to Chief Baker below --
8 "met Monday and have had numerous follow-up
9 conversations. We are both excited to address
10 departmental equity issues in a meaningful and
11 comprehensive way, looking not only at LGBT issues,
12 but also at other equality issues which may result in
13 workplace divides."

14 A. No.

15 Q. You had no involvement in this?

16 A. I did not.

17 Q. You spoke a little bit before about the
18 fact that you had had a relationship with Mayor Reed
19 from law school --

20 A. Correct.

21 Q. -- that, you know, enabled you to come on
22 board here with the City.

23 During law school, I think you spoke a
24 little bit about in your testimony that you had had
25 discussions about your religious faith throughout

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1 your time here with the City.

2 A. Yes.

3 Q. Did you have those similar
4 discussions -- did those similar discussions sort of
5 make their way back into your law school days as
6 well?

7 A. No.

8 Q. When would you say you started speaking
9 about religious beliefs or religious issues?

10 MR. GEVERTZ: With?

11 BY MR. CONNELLY:

12 Q. With Mayor Reed.

13 A. About anything? I mean, we talked about
14 whether we went to church or which church you went
15 to, and that was, you know, in law school.

16 When you're talking about a person or
17 anything like that, we, as students -- and I'm not
18 speaking specifically with the mayor now, but, you
19 know, you go to church. So we talked about, you
20 know, what church, what church you went to, what
21 church to go to in D.C. since we were both from
22 Atlanta.

23 Q. You also spoke a little bit before about
24 your beliefs evolving. How did your evolving beliefs
25 affect your reading of Chief Cochran's book?

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1 A. Well, I didn't read his book.

2 Q. Did you read excerpts of the book?

3 A. Excerpts were read, but I didn't read
4 excerpts from the book.

5 Q. So would it be accurate to say that you
6 heard excerpts read from the book?

7 A. Yes.

8 Q. What particularly about the excerpts read
9 from the book clashed with your religious beliefs as
10 they had evolved?

11 A. Well, again, I mean, talking about -- one
12 I believe in particular was about having an intimate
13 relationship with your spouse only for the purpose of
14 procreation, if I recall correctly. That's not
15 something that I believe.

16 And, you know, I believe that people
17 should have the ability to marry who they choose to
18 marry, and that's just a belief that I have.

19 And so for me, it was more of a -- for me,
20 in my views, it was more of an equal protection kind
21 of issue for me. That's just me and that's how my
22 evolution went.

23 Q. So it sounds like from what you just said
24 that you had an evolution with regard to what's come
25 to be known as same-sex marriage --

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1 A. Yes.

2 Q. -- would that be correct?

3 Did you ever discuss that subject with the
4 mayor as well?

5 A. Excuse me. I did.

6 MR. CONNELLY: Do you need a break?

7 THE WITNESS: Sorry.

8 THE VIDEOGRAPHER: The time is
9 1:35 p.m. We're off the record.

10 (Brief recess.)

11 THE VIDEOGRAPHER: The time is
12 1:38 p.m. We're back on the record.

13 BY MR. CONNELLY:

14 Q. We're speaking about same-sex marriage and
15 your evolution regarding that topic. Did you ever
16 speak to the mayor about whether he had evolved on
17 that topic as well?

18 A. I talked to him about my position about
19 it. I believe there was some legislation that the
20 City was undertaking at the time, and I don't know if
21 at the point that it was being sponsored whether he
22 was at a place -- where he was in his process. And
23 so I spoke to him about what I thought and how I was
24 feeling about same-sex marriages and the challenge
25 that it had for me in not affording people of the

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1 same gender to get married.

2 Q. So would it be accurate to say that before
3 you evolved on that topic, that it was your religious
4 belief that marriage should be reserved to a man and
5 a woman?

6 A. I think it would be more accurate to say
7 that prior to my evolution, I did not feel that
8 same-sex people should get married and rights should
9 not be afforded to them.

10 Q. Since you've been at the City -- and I
11 think it was 2011 you came on board, or 2010?

12 A. As chief of staff?

13 Q. Yes.

14 A. 2010.

15 Q. Have you ever known any City employees
16 other than Chief Cochran who held the religious
17 belief that marriage is or should be reserved to one
18 man and one woman?

19 A. No, not that -- can you give me the
20 question one more time?

21 Q. Yeah. Since you've worked at the City of
22 Atlanta as chief of staff, have you known other City
23 employees who believed that marriage should be the
24 union of one man and one woman?

25 A. No. I don't think I can honestly say that

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1 specifically, or only between a man and woman. No, I
2 can't say that.

3 Q. Now, is that because you haven't had
4 discussions with people regarding religion?

5 A. Yes. I don't know what -- I don't -- I
6 don't know what they believe, so that's not something
7 that I discuss.

8 Q. So would it also be safe to say that you
9 couldn't say for certain that everyone you know as a
10 City employee believes that marriage should be open
11 to everyone?

12 A. I don't know what everyone believes.

13 Q. So would it be accurate to say, then, that
14 the same would hold true for people on the mayor's
15 senior staff, you don't know what they believe
16 regarding marriage?

17 A. No. I mean, I -- yes, that would be true.
18 I don't know what they espouse deeply in their
19 hearts, no.

20 Q. So then would it be accurate to say the
21 only person you know besides yourself regarding your
22 religious beliefs about what they believe would be
23 the mayor because of your discussions with him about
24 religion?

25 MR. GEVERTZ: Other than Cochran.

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1 BY MR. CONNELLY:

2 Q. Yes. Well, assuming -- did you have any
3 discussions with Chief Cochran about his religious
4 faith?

5 A. No.

6 Q. So other than the mayor, would you know
7 anything about anyone else's religious beliefs with
8 anybody you work for in the City of Atlanta?

9 MR. GEVERTZ: Object to the form.

10 THE WITNESS: I know where people go
11 to worship, and so I know what their
12 religion is or what they practice based on
13 where they go to church, but further, we
14 don't -- no, the answer would be no.

15 BY MR. CONNELLY:

16 Q. Given that you know where they worship, is
17 there -- would it be your sense that where they
18 worship is a marker for what they might believe?

19 A. Not necessarily. It may be an indicator,
20 but it doesn't necessarily mean just because that's
21 where you go, that that's what you do. You know,
22 people go to church and they say don't lie, but that
23 doesn't mean that people don't lie. So I can't -- to
24 me, that doesn't necessarily follow.

25 Q. Since you've been employed as chief of

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1 staff, in your experience, do you recall anyone else
2 who is a City of Atlanta employee writing a book?

3 A. No.

4 Q. We talked a little bit about the AFRD
5 diversity workplace e-mail you got from Robin Shahar,
6 and you said you had no involvement in that. At that
7 time you mentioned something about diversity
8 training.

9 Have you ever been involved in diversity
10 training while a City of Atlanta employee?

11 A. I'm not sure. I don't recall.

12 Q. If I changed the name of the title to
13 sensitivity training, do you recall whether you've
14 been involved in any of that?

15 A. No, not that I can recall.

16 Q. Would you know if any of your colleagues
17 have -- have they ever told you that they've been
18 involved in diversity training or sensitivity
19 training?

20 A. Not that I can recall. That doesn't mean
21 that they haven't.

22 Q. You spoke a little bit about how
23 your -- one of your jobs as chief of staff is to
24 advise the mayor.

25 A. Yes.

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1 Q. You've also been working, I think it's
2 accurate to say, is it not, that you've been working
3 in fairly close proximity to him while you've been
4 chief of staff?

5 A. Yes.

6 - - -

7 (Whereupon, testimony ensues that has
8 been designated confidential.)

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1 (Whereupon, the following testimony
2 has been designated as confidential.)

3 - - -

4 BY MR. CONNELLY:

5 Q. Can you tell me about any other senior
6 cabinet officials or senior members of the mayor's
7 staff that have been either suspended or terminated
8 since you've been working for the mayor?

9 A. I have.

10 Q. When you say you have, what do you mean by
11 that?

12 A. You asked the question about senior --

13 MR. GEVERTZ: I'm going to move to
14 make this confidential.

15 Go ahead. Sorry.

16 THE WITNESS: You asked if I knew of
17 anybody -- senior staff?

18 BY MR. CONNELLY:

19 Q. Yes.

20 A. Or cabinet members who I'd known who had
21 been suspended or terminated, and that was my
22 response to the question.

23 Q. So you have been suspended. I'm assuming
24 you haven't been terminated.

25 A. Yes, yes.

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1 Q. What were the circumstances of your
2 suspension?

3 A. There was an issue regarding some behavior
4 that was deemed to be insubordinate.

5 Q. Do you recall what the behavior was?

6 A. It had to do with the mayor's mother.

7 Q. Was it something you said or -- I'm just
8 trying to get the details.

9 A. Partly, yes. Yes.

10 Q. What was it that you said?

11 MR. GEVERTZ: Help me out here,
12 because I think we're treading into an area
13 that -- especially given your stance on
14 some other protective issues, I'm -- I
15 understand your need to try to draw
16 similarly situated circumstances. I think
17 she's given enough detail, so I --

18 MR. CONNELLY: Well, you've marked it
19 confidential.

20 MR. GEVERTZ: Yeah. I'm not inclined
21 to have her go into anything more than
22 she's done already. She said that she made
23 a verbal comment about the mayor's mother
24 that he took the wrong way, and I think I'm
25 going to instruct her not to answer any

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1 additional questions on that specific topic
2 on the ground that it would be embarrassing
3 and humiliating. I think the Court, and if
4 appropriate, the jury gets it.

5 MR. CONNELLY: Well, on the substance
6 you're going to, correct?

7 MR. GEVERTZ: Correct.

8 BY MR. CONNELLY:

9 Q. So leaving the substance aside as to, you
10 know, the reason for the suspension, how did the
11 logistics of the suspension play out? In other
12 words, I'm not asking you, you know, what was the
13 nature of the things you said or the things the mayor
14 responded to internally.

15 What -- how did it play out? In other
16 words, we've talked about how the meeting was held
17 with respect to Chief Cochran. That's the type of
18 stuff I want to get into.

19 A. So I don't recall all who was in the room
20 or if it was just the mayor and me, since I don't
21 report to anybody else. And we had a conversation
22 about what he heard and what he was not happy with,
23 and then he indicated that I had been placed on
24 suspension without pay.

25 Q. And for how long was that for?

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1 A. I believe a week.

2 Q. When you came back from the suspension,
3 was there any training that was required?

4 A. No.

5 Q. Was there any announcement from the mayor
6 or anybody in the communications department to the
7 media regarding your suspension?

8 A. Not that I know of, no.

9 Q. At the time you were the chief of staff
10 when you were suspended?

11 A. I was.

12 Q. And when that week suspension was over,
13 you returned to that position?

14 A. I did.

15 - - -

16 (Whereupon, the testimony is no
17 longer designated confidential.)

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1 BY MR. CONNELLY:

2 Q. Do you recall any other senior
3 cabinet-level officials or senior members of the
4 mayor's team, defining that broadly, who have been
5 suspended and/or terminated?

6 MR. GEVERTZ: So like watershed,
7 aviation?

8 BY MR. CONNELLY:

9 Q. Right.

10 A. Not that I can recall suspended, but there
11 have been several who have been terminated, yes.

12 Q. Do you recall who those people were?

13 A. Over the course of our seven-year period
14 or within another timeframe?

15 Q. Yes.

16 MR. GEVERTZ: I'm sorry. Yes to
17 what?

18 BY MR. CONNELLY:

19 Q. Over the seven-year time period. I mean,
20 if there's 100, let me know, but --

21 A. At cabinet level?

22 Q. Yeah.

23 A. I believe Miguel Southwell. And I will
24 say folks who are now no longer here, but Joanne
25 Macrina. And let me further clarify, I don't know if

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1 they were terminated or if they resigned. I'm
2 speaking more accurately on people who are
3 cabinet-level members who are no longer here.

4 So suspensions and terminations, I don't
5 want -- these are cabinet members who are no longer
6 here. I can say that more accurately than who were
7 suspended or who were terminated.

8 So it would be our general manager of
9 aviation. It would be our watershed commissioner. I
10 believe it was our -- our first CFO.

11 Q. Do you recall his or her name?

12 A. Her name was Joya DeFoor.

13 Q. As chief of staff, did you have any role
14 in the logistics of the disciplinary process?

15 A. No.

16 Q. Do you know how these people -- you said a
17 few seconds ago you can't recall whether some of
18 these people may have resigned or were terminated in
19 lieu of resignation.

20 Do you recall any of the circumstances of
21 how they were let go, resigned, terminated?

22 A. I wasn't involved in those, so I can't
23 speak to that.

24 Q. As chief of staff, have you ever been
25 issued any City-owned equipment?

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1 A. Yes.

2 Q. What do you have in your possession? You
3 don't have to have it on you right now, but what has
4 the City issued to you?

5 A. I have a City phone. I have a city
6 computer.

7 Q. Is that a laptop or a --

8 A. It's a laptop.

9 Q. Do you have a desktop at work, or do you
10 just use your laptop?

11 A. I have a desktop at work.

12 Q. Any tablets, iPads?

13 A. I have an iPad, I believe.

14 Q. Is that, to your knowledge, the City?

15 A. Yes, it is.

16 Q. On any of these devices that have been
17 issued to you by the City, have you ever performed
18 any function that could be considered personal use?

19 A. Yes, on my phone. So if my mother can't
20 reach me or my family can't reach me on my personal
21 phone, which is what she normally calls on, then
22 she'll call me on my City phone, but not as a matter
23 of course.

24 Q. Have you ever checked Facebook on your
25 laptop or your desktop while you were at work?

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1 A. No.

2 Q. Have you ever checked any of your personal
3 e-mail accounts on any of your City-issued equipment?

4 A. I can't say I've never done it.

5 Q. Have you ever -- do you think you might
6 have bought anything on Amazon Prime? Do you have
7 Prime?

8 A. No.

9 Q. Have you ever checked a news source that
10 wasn't particularly required for work while you were
11 at work?

12 A. I don't know what that necessarily means.

13 Q. Well, say, for instance, you follow
14 March Madness and you want to check a score during
15 the day and you are at work, would you have checked
16 ESPN potentially on any of your City-issued
17 equipment?

18 A. No. I have the iPhone, my personal phone.

19 Q. Have you ever been aware of anybody being
20 disciplined for personal use of City equipment?

21 A. Not that I'm aware of, but the rule is
22 that you use your City equipment for City functions
23 and you use your personal phone for your personal
24 use. And like I said, I'm sure with any person who's
25 high level, if someone -- I guess your family member

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1 can't reach you on your personal phone, that they've
2 called the City phone to try to reach you.

3 MR. CONNELLY: Take a quick break. I
4 think we're wrapping up quickly.

5 MR. GEVERTZ: Do you need us to leave
6 or --

7 MR. CONNELLY: We can leave.

8 MR. GEVERTZ: I just ask because her
9 back is giving her --

10 MR. CONNELLY: No, that's fine. We
11 can leave. Yeah, for sure.

12 THE VIDEOGRAPHER: The time is
13 1:53 p.m. We're off the record.

14 (A recess was taken.)

15 THE VIDEOGRAPHER: The time is
16 1:56 p.m. We're back on the record.

17 BY MR. CONNELLY:

18 Q. After the chief was suspended on
19 November 24th, do you recall members of the Elizabeth
20 Baptist Church asking for a meeting with Mayor Reed?

21 A. I believe the Pastor, Craig Oliver, had
22 asked for it -- I believe it was at the time that
23 there was a -- I don't want to say a protest, but a
24 press conference on the steps of -- the steps of city
25 hall on the outside.

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1 Q. Do you recall whether that meeting
2 occurred with the mayor?

3 A. I do not know if it occurred. I do know
4 that I spoke, I believe, with Pastor Oliver and
5 indicated that we were willing to meet, but the
6 request was denied.

7 Q. When you say "the request was denied" --

8 A. By Pastor Oliver.

9 Q. What did you communicate to him?

10 A. That we'd be willing to meet.

11 Q. And what did he say in return?

12 A. That they didn't want to meet anymore. He
13 didn't want to meet anymore. But again, this was at
14 the same day that we had a large -- "we," not as in
15 the City, but "we" being city hall -- there was a
16 press conference outside on the steps of city hall.
17 I think there were lots of members of the clergy.

18 Q. When you say "members of the clergy," were
19 they supportive of Chief Cochran or supportive of the
20 mayor?

21 A. They were supportive of Chief Cochran.

22 Q. When did the original request from
23 Pastor Oliver come in?

24 A. I don't know.

25 Q. But it sounds like from what you're saying

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1 it must have been some time between the original
2 request and then your agreement or your indication
3 that the mayor was willing to meet; would that be
4 correct?

5 A. I don't know. I don't know when it came
6 in. I just know that I indicated that we would be
7 willing to meet. I indicated to Pastor Oliver that
8 we would be willing to meet.

9 Q. When you say "it came in," how did the
10 request from Pastor Oliver come in? Was it to you?

11 A. To meet with the mayor?

12 Q. Yes.

13 A. It was not to me. I don't know how it
14 came in.

15 Q. So you became aware of the request,
16 correct?

17 A. I don't -- all I can say is there was a
18 request that I made of Pastor Oliver. I agreed to
19 meet or indicated to Pastor Oliver that the mayor
20 would be willing to meet, and that request was denied
21 or turned down by Pastor Oliver.

22 Q. He told you he didn't need to meet --
23 didn't desire to meet with the mayor anymore?

24 A. That's correct.

25 MR. CONNELLY: I don't have any

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1 further questions. Thank you.

2 EXAMINATION

3 BY MR. GEVERTZ:

4 Q. Ms. Byrd, I've got a couple of questions.

5 A. Okay.

6 Q. During the one-week suspension that you
7 described previously, your position at the time, I
8 take it, was chief of staff?

9 A. It was.

10 Q. Consequently, you were not in a position
11 of public safety?

12 A. That's correct.

13 Q. Do you have any reason to believe that the
14 mayor ever received a copy of the book Who Told You
15 That You Were Naked? from Chief Cochran?

16 A. I do not.

17 Q. Do you have any reason, based on your
18 communications with the mayor and others, to believe
19 or suspect that the contents of the book played any
20 role whatsoever in the decision to suspend
21 Chief Cochran?

22 A. No, I don't. It was the fact that he no
23 longer had the confidence, Chief Cochran didn't have
24 the confidence of the mayor anymore. People
25 were -- again, the fire department, we had heard that

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1 people didn't believe that he would be able to lead
2 the fire department, and you've got to have an
3 ability to lead the fire department. That was what
4 he was hired to do.

5 And we had also heard that the book had
6 been disseminated, which was also presenting again a
7 noncohesive fire department. And so because he no
8 longer enjoyed the confidence of the mayor, he was
9 terminated, but not to the content of the book.

10 Q. When Ms. Yancy was describing or reading
11 aloud, I guess, portions of this book, were there
12 portions of the book that referenced Chief Cochran's
13 job as the chief of the Atlanta Fire Rescue
14 Department?

15 A. Yes.

16 Q. Do you recall her reading those portions
17 aloud?

18 A. I recall a portion. It talked about him
19 as a fire chief specifically in the book and that it
20 was -- and I'm paraphrasing, the fact that it was his
21 job as the fire chief to cleanse the fire department
22 or the culture of the -- the environment of the fire
23 department as the fire chief of the City of Atlanta.

24 Q. What was your reaction, if any, to that
25 portion?

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1 A. I don't feel that that was appropriate.
2 The job of the fire chief of the City of Atlanta and
3 the job for which Chief Cochran was hired was to make
4 sure that the city was safe and to run the fire
5 department to make sure that it was run as a
6 best-in-class fire department and to -- and to do
7 that job. But it's not to -- and again, I'm
8 paraphrasing, to cleanse an environment of what's
9 perceived to be moral or immoral.

10 Q. Did others in your presence react to
11 Ms. Yancy reading aloud Chief Cochran's reference to
12 his position within the City of Atlanta fire
13 department?

14 A. I don't recall who else was in there when
15 she read the excerpt, but I can, you know, speak to
16 how my reaction was when she read the excerpt.

17 Q. Can you take a look, please, at
18 Exhibit 100 that was set out before you. And this
19 time I'd ask you to look at the bottom portion of the
20 document. And let me know when you're ready. Take
21 your time.

22 A. Okay. Which part on -- at the bottom?

23 Q. I'm talking about the part that's
24 attributed to Franklin Graham, that portion.

25 A. All right. Okay.

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1 Q. As the person who oversaw the
2 communications operations for the City of Atlanta --

3 MR. CONNELLY: Object to the form.

4 BY MR. GEVERTZ:

5 Q. Did I misstate your role?

6 A. No. The director of communications
7 reports to me.

8 Q. As the person who oversaw the
9 communications operations for the City of Atlanta --

10 MR. CONNELLY: Same objection.

11 BY MR. GEVERTZ:

12 Q. -- do you believe it was appropriate for
13 the City to respond to these assertions publicly?

14 A. I do. I believe at the time of this,
15 there was a lot of speculation about the fact that we
16 had terminated Chief Cochran based on his religious
17 beliefs, just like this excerpt from Franklin Graham
18 indicates, and that was not true.

19 We were -- "we" being the City of
20 Atlanta -- there were lots of speculation from people
21 from all walks, I guess, that we were basically
22 persecuting Chief Cochran.

23 And I feel that it was necessary for us
24 to respond so that there was not just one side and an
25 inaccurate side of why Chief Cochran was terminated.

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1 This misconstrues why Chief Cochran was terminated.
2 This has nothing to do with his religious beliefs.
3 As I stated, I'm a Christian. And so he clearly
4 wasn't terminated because he was a Christian. I'm a
5 Christian.

6 Q. Do you have any reason to believe that,
7 quote, "an openly gay city council member went on a
8 rampage" of some sort with respect to the chief or
9 his book?

10 A. Not to my knowledge. I didn't -- I didn't
11 see it. I don't know what -- I know what I typically
12 think of as a rampage. I don't know if that's what
13 Franklin Graham is referring to or characterizing,
14 but no, the answer is no.

15 Q. You were finally asked a couple of
16 questions about your personal use, if any, of
17 City-related equipment: phones, computers,
18 et cetera.

19 A. Yes.

20 Q. I'd like to ask you a different question.
21 Have you ever used any City equipment of any variety,
22 of any sort, at any point in time in the past seven
23 years to conduct outside business?

24 A. No.

25 Q. Have you ever enlisted a secretary or

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1 assistant on the clock while paid by the City to
2 engage in any sort of business or profit-minded
3 enterprise?

4 A. No.

5 MR. GEVERTZ: No further questions.

6 Thank you.

7 MR. CONNELLY: I have nothing

8 further.

9 THE VIDEOGRAPHER: This concludes
10 Media Number 2 and the video deposition of
11 Candace Byrd. We're off the record at
12 2:08 p.m.

13 (Deposition was concluded at 2:08 p.m.)

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E R R A T A S H E E T

Pursuant to Rule 30(e) of the Federal Rules of Civil Procedure and/or the Official Code of Georgia Annotated 9-11-30(e) any changes in form or substance which you desire to make to your deposition testimony shall be entered upon the deposition with a statement of the reasons given for making them.

To assist you in making any such corrections, please use the form below. If supplemental or additional pages are necessary, please furnish same and attach them to this errata sheet.

- - -

I, the undersigned, CANDACE L. BYRD, do hereby certify that I have read the foregoing deposition and that to the best of my knowledge said deposition is true and accurate (with the exception of the following corrections listed below).

Page_____ Line_____ should read:_____

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KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
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1 Page _____ Line _____ should read: _____

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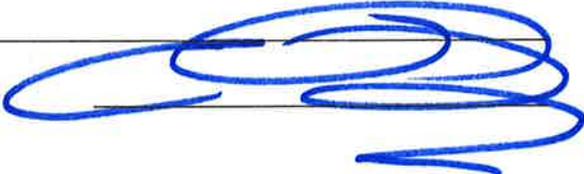
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16 Page _____ Line _____ should read: _____

17 Reason for change: _____

18 Signature 

19 Sworn to and Subscribed before me

20 Karla Johnson, Notary Public.

21 This 23rd day of March, 2017

22 My Commission Expires: 2/6/21

23

24

25

ESB

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1 C E R T I F I C A T E

2

3 G E O R G I A :

4 F U L T O N C O U N T Y :

5

6 I hereby certify that the
7 foregoing deposition was reported, as
8 stated in the caption, and the questions
9 and answers thereto were reduced to the
10 written page under my direction; that the
11 foregoing pages 1 through 96 represent a
12 true and correct transcript of the evidence
13 given. I further certify that I am not in
14 any way financially interested in the
15 result of said case.

16 Pursuant to Rules and Regulations
17 of the Board of Court Reporting of the
18 Judicial Council of Georgia, I make the
19 following disclosure:

20 I am a Georgia Certified Court
21 Reporter. I am here as an independent
22 contractor for Huseby, Inc.

23

24

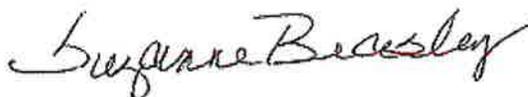
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1 I was contacted by the offices
2 of Huseby, Inc. to provide court reporting
3 services for this deposition. I will not
4 be taking this deposition under any
5 contract that is prohibited by O.C.G.A.
6 15-14-37 (a) or (b).

7 I have no written contract to
8 provide reporting services with any party
9 to the case, any counsel in the case, or
10 any reporter or reporting agency from whom
11 a referral might have been made to cover
12 this deposition. I will charge my usual
13 and customary rates to all parties in the
14 case.

15 This, the 7th day of March, 2017.

16
17 

18
19

SUZANNE BEASLEY, B-1184
20 My commission expires on the
21 24th day of August, 2018.
22
23
24
25

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From: Byrd, Candace
To: Wilson, Kristin; Johnson, Camille
CC: Geisler, Michael
Sent: 11/24/2014 10:17:55 PM
Subject: RE: Interim Fire Chief Joel Baker

Sure.

Candace L. Byrd, Esquire
Chief of Staff, Mayor Kasim Reed
55 Trinity Avenue, SW, Suite 2400
Atlanta, Georgia 30303 (404) 330 6100
cbyrd@atlantaga.gov

From: Wilson, Kristin
Sent: Monday, November 24, 2014 5:17 PM
To: Byrd, Candace; Johnson, Camille
Cc: Geisler, Michael
Subject: RE: Interim Fire Chief Joel Baker

Candace, after you send, can you let Camille know, so she can send?
FYI, the suspension is already on AJC home page.

From: Byrd, Candace
Sent: Monday, November 24, 2014 5:16 PM
To: Wilson, Kristin; Johnson, Camille
Cc: Geisler, Michael
Subject: RE: Interim Fire Chief Joel Baker

Thanks. Will send to Council.

Candace L. Byrd, Esquire
Chief of Staff, Mayor Kasim Reed
55 Trinity Avenue, SW, Suite 2400
Atlanta, Georgia 30303 (404) 330 6100
cbyrd@atlantaga.gov

From: Wilson, Kristin
Sent: Monday, November 24, 2014 5:07 PM
To: Johnson, Camille; Byrd, Candace
Cc: Geisler, Michael
Subject: Interim Fire Chief Joel Baker
Importance: High

HOLD until you hear from Candace

Please send to *AFR Chief Officers
Cc: Joel Baker, Yvonne and me

Effective immediately, and through January 6th, 2015, Deputy Chief Joel Baker will serve as Interim Chief of Atlanta Fire and Rescue.

If there are any questions, please contact me.

Thanks,



Mike

From: Byrd, Candace
Sent: Friday, January 09, 2015 5:14 PM
To: Torres, Anne; Mullinax, Melissa; Hampton, Cathy D.
Subject: FW: Franklin Graham facebook excerpt being referenced by callers this afternoon

Candace L. Byrd, Esquire
Chief of Staff, Mayor Kasim Reed
55 Trinity Avenue, SW, Suite 2400
Atlanta, Georgia 30303 (404) 330-6100
cbyrd@atlantaga.gov

From: Diggs, Amber
Sent: Thursday, January 08, 2015 4:43 PM
To: Byrd, Candace
Subject: Franklin Graham facebook excerpt being referenced by callers this afternoon

Franklin Graham

4 hrs ·

The latest target of politically correct bullying against Bible believing Christians is Atlanta's former fire chief Kelvin Cochran. That's right, I said "former." Cochran was fired Tuesday because of a small passage—less than half a page—in a book he wrote for his church's bible study group. The book on biblical morality simply restates God's position put forth in His Word, the Bible. From Cochran's book: "Uncleanness – whatever is opposite of purity; including sodomy, homosexuality, lesbianism, pederasty, bestiality, all other forms of sexual perversion."

I personally know Chief Cochran. He served as chairman of my Crusade in Shreveport in 2005. He is a fearless man of great faith.

Because Cochran expressed his biblical belief on sexual purity in general, not only homosexuality, an openly gay city council member went on a rampage to discredit this upstanding servant of the community. Cochran didn't discriminate against anyone, he didn't persecute anyone for homosexuality or create a hostile work environment. Instead he was persecuted and denied his career because of his privately held religious beliefs. This is true discrimination.

The LGBT community wants us to be afraid of expressing our Christian beliefs. They want us to cower in the face of their threats to the livelihoods of believers. But we shouldn't back down! Cochran said, "I'm not discouraged and I'm not downtrodden," he said. "This is a God thing and He's going to do great things and He will vindicate me publicly."

Let the Atlanta Mayor's office know that this discrimination is unacceptable and should not continue--404-330-6100 or on Twitter at <http://twitter.com/kasimreed>.

Read more about the story in Todd Starnes' article here:<http://www.foxnews.com/.../atlanta-fire-chief-was-fired-beca.../>

If you'd like to read Chief Cochran's testimony from Decision magazine, click here: <http://billygraham.org/.../december.../more-than-i-ever-dreamed/>

Like · [Comment](#) · 11,7541,4835,050



From: Shahar, Robin
Sent: Saturday, January 17, 2015 9:11 PM
To: Mayor Reed
Cc: Byrd, Candace; Geisler, Michael; Taylor, Katrina; Wilson, Kristin; Hampton, Cathy D.; Yancy, Yvonne Cowser; Mullinax, Melissa; Torres, Anne; Matthews, Kristi; Baker, Joel; Shahar, Robin
Subject: Fw: Diversity and Workplace Equity Initiatives Memorandums
Attachments: Mayor's Advisor on LGBT Issues Letter to AFRD Personnel.pdf; Memorandum #3 AFRD Diversity and Workplace Equity.pdf

Good afternoon Mayor Reed,

I am writing with an update regarding Chief Baker's and my AFRD workplace non-discrimination efforts. The Chief and I met Monday and have had numerous follow-up conversations. We are both excited to address Departmental equity issues in a meaningful and comprehensive way, looking not only at LGBT issues, but also at other equality issues which may result in workplace divides.

We agree that it is important for staff to feel included and heard during this process. For the next two weeks, I will meet with members of the Department, at their request, to obtain feedback and suggestions. After this period, Chief Baker and I will discuss specific measures to implement.

This afternoon, Chief Baker emailed the two attached letters to his staff, the first from me and the second from him. Chief Baker's correspondence describes his focus on transparency, equity and inclusion. My correspondence informs staff of how to participate in the process of achieving these goals.

I am available to answer any questions and will continue to provide updates.

I hope you are enjoying your holiday weekend.

Respectfully,

Robin

From: Baker, Joel
Sent: Saturday, January 17, 2015 02:58 PM
To: *AFR All Fire Users
Cc: Shahar, Robin
Subject: Diversity and Workplace Equity Initiatives Memorandums

To All AFRD Personnel:

Please, review the attachments concerning the department's Diversity and Workplace Equity Initiatives.

Thanks,

JGB



Joel G. Baker, Interim Fire Chief
Public Safety Headquarters
226 Peachtree Street, SW



Atlanta, Georgia 30303
Cell: (404) 379 – 6269
<http://www.atlantaga.gov>

