

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Stephen D. Borders on 02/17/2017

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

ORIGINAL

KELVIN J. COCHRAN,)
)
Plaintiff,)
)
vs.)
)
CITY OF ATLANTA, GEORGIA;)
)
and MAYOR KASIM REED, IN)
)
HIS INDIVIDUAL CAPACITY,)
)
Defendants.)

CIVIL ACTION FILE
NO. 1:15-cv-00477-LMM

- - -

VIDEOTAPED DEPOSITION OF
STEPHEN D. BORDERS

FEBRUARY 17, 2017
2:01 P.M.

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

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

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1 APPEARANCES OF COUNSEL:

2 On behalf of the Plaintiff:

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18 Videographer: Brandon Brantley
19
20
21
22
23
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1 THE VIDEOGRAPHER: This is the
2 beginning of Media Number 1 in the
3 deposition of Stephen Borders in the matter
4 of Kelvin Cochran versus City of Atlanta,
5 et al., Case Number 1:15-cv-00477.

6 Today's date is February 17th, 2017.
7 The time on the monitor is 2:01 p.m. My
8 name is Brandon Brantley. 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, Jeana
16 Hallock, Doug Wardlow, and Kevin Theriot
17 for Plaintiff Kelvin Cochran.

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

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

22 STEPHEN DARDEN BORDERS,
23 having been duly sworn, was examined and testified
24 as follows:

25

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1 EXAMINATION

2 BY MR. CONNELLY:

3 Q. Good afternoon, Mr. Borders. My name's
4 Ken Connelly. I'm one of the attorneys for Kelvin
5 Cochran in this matter.

6 Could you please state your full legal
7 name for the court reporter?

8 A. Sure. It's Stephen Darden Borders.

9 Q. Can you spell your middle name, please?

10 A. It's D-a-r-d-e-n.

11 Q. Thank you.

12 Have you ever been deposed before?

13 A. I have not.

14 Q. I'd like to start before we start just by
15 going over a few ground rules, since you haven't been
16 deposed before, just to make sure we get a good
17 transcript. The videographer and the court reporter
18 are taking down my questions and your answers, so if
19 we get these ground rules right, we'll get a much
20 cleaner transcript for use later on.

21 Because everything is being typed and/or
22 videographed, if you could answer my questions
23 verbally rather than with nods or head gestures or,
24 you know, motions of the hand, that would be much
25 appreciated.

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1 A. Sure.

2 Q. This is as much a reminder to me as it is
3 a directive to you, but if we can try to -- I'll --
4 when I ask a question, I will do my utmost to try and
5 let you complete your answer; and if you would do the
6 same when I'm speaking, asking a question, not to
7 talk over each other. But again, I say that knowing
8 that I'll probably be the main offender, so we'll
9 just do our best to get that straight. It just makes
10 it easier for the court reporter.

11 If I ever ask a question to you that's
12 unclear, please just ask me directly to restate the
13 question or just tell me you don't understand it, and
14 I'll go ahead and rephrase it, or we'll get to a
15 point where you understand what I'm asking you.

16 If you need a break, just let me know.
17 Usually I'll be able to get you a break within two or
18 three minutes once I finish a line of questioning.
19 We'll plan on taking regular breaks anyway, but if
20 you need one for any reason, just let me know.

21 A. Thank you.

22 Q. Finally, if you ever give me an answer and
23 later on you think of something that you want to add
24 to that answer, or something that you forgot to tell
25 me about something we've talked about, just let me

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1 know, and I'll give you an opportunity to add to that
2 answer or to modify it, or to add what you thought of
3 later.

4 Are you represented by counsel today?

5 A. I'm not.

6 Q. Just a quick couple of quick questions on
7 your current condition. Is there any reason today
8 why you can't provide your best and most accurate
9 testimony?

10 A. No.

11 Q. Are you currently taking any medications
12 or drugs that would affect your ability to testify
13 truthfully today?

14 A. No.

15 Q. Are you under the influence of any other
16 substances that might impair your ability to testify
17 today?

18 A. No.

19 Q. Are you sick at all today?

20 A. No.

21 Q. I asked you about whether you'd been in a
22 deposition before. Have you ever been a party to a
23 lawsuit?

24 A. Yes.

25 Q. What did that involve?

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1 A. I was part of a class action lawsuit
2 against the city that we were the -- I was one of
3 the -- the primary representatives in the -- in the
4 class.

5 Q. Okay. I think we're going to get to that,
6 so thank you for that. Any other lawsuits?

7 A. I don't believe so, not civil. There was
8 a criminal case I was a witness in, but --

9 Q. Okay. And what did that involve?

10 A. It involved a -- it was a -- there was a
11 criminal case from my side job, and it was -- I was
12 just a witness for the detectives on some evidence
13 that they found.

14 Q. Did you testify in court as a part of
15 that?

16 A. I did.

17 Q. Do you understand that you're under oath
18 today and you're required to testify truthfully just
19 as if you were in a court of law?

20 A. Yes.

21 (Exhibit 38 was marked for
22 identification.)

23 BY MR. CONNELLY:

24 Q. I'm going to hand to you what I'll have
25 the court reporter mark this as Exhibit 38. I just

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1 want to give you a second to look at that document.

2 And when you're done reviewing it, just -- you can
3 look up.

4 A. (Witness complies with request of
5 counsel.)

6 Q. Do you recognize that document,
7 Mr. Borders?

8 A. Yeah, it looks similar to one that I
9 received last week.

10 Q. The subpoena that we served upon you?

11 A. Yes.

12 Q. If you could look down to the first page
13 where it says "production," there's a checkmark.

14 A. Yes.

15 Q. You'll see, and I'll just read that and
16 you'll let me know if I read that correctly. "You
17 and your representatives must also bring with you to
18 the deposition the following documents:
19 electronically stored information or objects and must
20 permit inspection, copying, testing, or sampling of
21 the material. See attached Exhibit A."

22 If I could just have you turn that next
23 page to Exhibit A. Did you familiarize yourself just
24 now with this document -- with this exhibit --

25 A. Yes.

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1 Q. -- when you looked through the document?
2 What I'd like to ask you is obviously you're here --
3 well, I shouldn't say obviously. You're here because
4 of the subpoena; is that correct?

5 A. Yes.

6 Q. We also asked you pursuant to the subpoena
7 to produce documents or conduct searches regarding
8 these three subjects: The suspension or termination
9 of Chief Cochran, the book authored by Kelvin
10 Cochran, and the Chick-fil-A incident. Did you
11 conduct searches of your records including electronic
12 records for these subjects?

13 A. I did, and because I no longer work for
14 the city, I don't have access to my city documents
15 e-mail accounts.

16 Q. Uh-huh.

17 A. And I'm no longer the union president
18 anymore, so I don't have access to the union
19 president files that were there. So I looked through
20 all of my personal files. Didn't find anything that
21 was -- that met this criteria, so I did not bring
22 anything to produce.

23 Q. Do you think you may have deleted any
24 documents from your personal files --

25 A. No.

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1 Q. -- related to these subjects?

2 A. I don't believe I -- I know I did not
3 delete anything. I just -- I just don't have access
4 to all of the files, so --

5 Q. Official?

6 A. Right, to where I stored them.

7 Q. Do you have any paper correspondence at
8 home you think you might have or diaries that would
9 relate to these subjects?

10 A. No.

11 Q. Do you have a Facebook or a Twitter
12 account or LinkedIn?

13 A. I do.

14 Q. Do you think those -- have you checked
15 those with respect to these topics?

16 A. I never -- I never put anything related to
17 the fire department or anything, any of these
18 incidents on my personal Facebook account, and I no
19 longer manage or have access to anything that's on
20 the fire union account, so there should not be
21 anything that applies to these.

22 Q. What I would ask you to do is if you do
23 come upon any of that information, if -- you know, if
24 right now your testimony is you don't have any of it
25 and you don't know of its whereabouts or it doesn't

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1 exist, if you do come upon that, I'd ask you to
2 supplement your response to us with those documents,
3 and I can give you an e-mail for that.

4 A. Okay. Thank you.

5 Q. Did you review any documents in
6 preparation for this deposition?

7 A. No. I made a few phone calls to just
8 refresh my memory because it has been several years,
9 just to familiarize myself with everything that
10 happened and how it happened. But there was no
11 documents or anything that I officially looked at.

12 Q. Who did you call?

13 A. I called Chris Wessels, who was a chief at
14 the fire department, and I called Vic Bennett, who is
15 my vice president of the union at the time. And he
16 was the one who handled the Item C on the Chick-fil-A
17 incident, and I asked him to refresh me on the
18 details of that, the disciplinary action.

19 Q. Other than Chris Wessels and Vic Bennett,
20 did you consult with anybody else regarding your
21 attendance at this deposition?

22 A. My employer and my wife to let them know
23 that I was going to be unavailable and this is where
24 I'd be.

25 Q. You're talking about your current

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1 employer, not the AFRD, correct?

2 A. Correct.

3 Q. Have you read any of the pleadings in this
4 matter? And that's just a fancy word for have you
5 read a complaint, any of the motions filed, any of
6 the answers, anything on the court website?

7 A. No, not -- I believe I read the initial
8 one that was filed, and I was still involved in the
9 fire union. But I haven't since -- since I left in
10 October of 2015, I haven't followed up. I haven't
11 seen anything but news stories.

12 Q. Now, when you say you read the initial one
13 that was filed, do you mean the AFRD action with
14 regard to Chief Cochran or Chief Cochran's case that
15 was filed in the federal district court?

16 A. I believe I -- once we -- the story broke
17 that there was a -- this -- a suit had been filed
18 that we went and looked and just read the public
19 documents of what it said.

20 Q. So you think you read the complaint that
21 was filed by Chief Cochran?

22 A. I believe so, but I don't even remember
23 what the details of it were.

24 Q. And when you say "we," do you mean, you
25 and --

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1 A. Me and my executive board members of the
2 fire union, which would be Vic Bennett, vice
3 president, and Justin Padrazzi, the
4 secretary/treasurer.

5 Q. Have you spoken with any city officials
6 regarding the case filed by Chief Cochran?

7 A. Chris Wessels, who was a fire chief, and
8 then I spoke with Yvonne Yancy just before this, just
9 hadn't seen her in a long time, and we talked a
10 little bit about it, but just got into -- didn't get
11 details others than just refreshing each other's
12 memory.

13 Q. Right. Was that in passing, or did you
14 have a meeting set up with her?

15 A. Just in our pre-meeting next door.

16 Q. And you had dealings with Ms. Yancy as
17 president of the union?

18 A. Yes. She was the head of HR. She was my
19 main point of contact on employee HR issues and
20 disciplinary issues.

21 Q. Have you spoken to anyone at this firm or
22 city attorneys regarding Chief Cochran's case?

23 A. Yes. Kathryn Hinton contacted me, let me
24 know, gave me a heads up that there was a subpoena
25 coming, and it looks like these are the incidents

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1 that they're wanting to know about, if you want to go
2 ahead and refresh your memory, find what you can,
3 just as a heads up.

4 Q. Have you entered into any agreements that
5 could be oral or written to provide testimony or
6 witness statements in this case?

7 A. No.

8 Q. Have you given anybody any witness
9 statements in this case to date?

10 A. No.

11 Q. I just want to go over a few general
12 background personal information.

13 Where were you born?

14 A. Marietta, Georgia.

15 Q. Did you grow up in Atlanta?

16 A. Grew up in Marietta and still live there.

17 Q. Where did you go to school?

18 A. Marietta High School is where I went to
19 high school.

20 Q. What's your highest level of education?

21 A. I had some college. I went to
22 Jacksonville State University as well as North Metro
23 Tech in Acworth.

24 Q. Are you married?

25 A. Yes.

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1 Q. Children?

2 A. Yes.

3 Q. What's your current address?

4

5

6 Q. Do you practice or profess any particular
7 religion?

8

9

10

11

12

13

14 Q. What's your current occupation?

15 A. I'm a operations director for an IT firm
16 in Kennesaw.

17 Q. And can you outline for me what your
18 employment history was from the time you -- I don't
19 know if you went to high school and then took some
20 college classes; but when you started working as an
21 adult, you know, after school, can you just sort of
22 outline, get me up to the point where we're at the
23 AFRD.

24 A. All right. After some college, I was able
25 to go get my emergency medical technician, started

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1 riding the ambulance down in East Point, Georgia.
2 Worked a year and a half there. Came up to Cobb
3 County for AVAR, then Metro Atlanta Ambulance, then
4 Cherokee County Fire; and then in 2005, I was hired
5 by City of Atlanta as a firefighter.

6 Q. So, 2005 you began your tenure at AFRD.
7 When did you say you left?

8 A. I left in October of 2015.

9 Q. Were you a truck or a ladder guy?

10 A. I was a truck driver.

11 Q. Truck driver on a truck or a ladder? I
12 mean, an engine or a ladder?

13 A. On a ladder was my primary.

14 Q. How do they make those -- you know, how do
15 you know whether you're going to go on a ladder or
16 truck? I mean, engine. I call it a truck.

17 A. Yeah. Well --

18 Q. My dad was a fireman, so forgive me.

19 A. Yeah, yeah. No, obviously you've got to
20 be at a double house first to even have the engine.

21 Q. Right.

22 A. And then it's up to the captain. And
23 typically it's on seniority, that the more -- the
24 more senior drivers are put on the truck.

25 Q. And where did your truck run out of?

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1 A. It ran out of Station 1 on Elliott Street.

2 Q. Were you a para -- I know a lot of times
3 today you're both firemen and paramedics. Were you
4 also a paramedic?

5 A. I am a paramedic.

6 Q. Is that common now that firefighters are
7 both?

8 A. Yes. Yes. Almost everywhere now it's
9 minimum EMT and paramedic is becoming the new
10 standard.

11 Q. When did you begin your union involvement?

12 A. I joined the union out of recruit school
13 and did not become an officer -- my first office that
14 I held in the union was president, and that was 2012,
15 I believe.

16 Q. So you were in the union for about seven
17 years then, if I'm doing the math right, before you
18 became president?

19 A. Yes. Correct.

20 Q. Is that an elected position, president?

21 A. Yes.

22 Q. And how does that -- how does that work?
23 I'll just let you talk.

24 A. Yeah. There's a process in the bylaws
25 that the election is announced. Candidates go sign

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1 up to run for an office, and then through secret
2 ballot of all active members, they're -- it's a
3 majority win, and then you're appointed and sworn in
4 and --

5 Q. And then you're lucky enough to do all the
6 work for the union?

7 A. Yeah.

8 Q. What's the name of the union you were the
9 president of?

10 A. The common name was Atlanta Professional
11 Firefighters, and it was a -- we're affiliated with
12 the International Association of Firefighters, and
13 the local number is 134.

14 Q. Any other unions that represent AFRD
15 members in the city?

16 A. Official labor unions, no. There were
17 other fraternal organizations, but there was one
18 labor union that was the official labor union for the
19 fire department, and that's how the code was --

20 Q. Sorry to step on you there. You said
21 there were other fraternal organizations. What
22 were -- what were the names of those?

23 A. The most prominent was the -- it used to
24 be Brothers Combined, but their name -- I can't --
25 what was the official name now? I don't remember.

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1 Q. It's fine. I want to talk to you a little
2 bit about the types of issues that, you know,
3 consumed your time as a union president and as a
4 member as well. Just talk to me about what -- you
5 know, if you had to give me the major elements of the
6 things your members were concerned about and the
7 things you were fighting for as a union president,
8 what would those be?

9 A. The main issues that we dealt with were
10 representing employees that were subject to
11 disciplinary action in representing them at the fire
12 department level as well as the civil service board
13 when it gets to the city level. We were advocates
14 for the employees just in general for benefits
15 directly with the fire department as well as the
16 city, the mayor's office, and HR in trying to make
17 sure that we had all the tools, equipment, and pay
18 that we needed.

19 Q. If I asked you, you know, what were the
20 main -- and you gave me the issues. What were the
21 main complaints, if you had to say, what were the
22 things, you know, you'd take up to the mayor or the
23 city council?

24 A. We need more money, we need more trucks,
25 we need better stations. It was -- it was all over

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1 the map, and some of them were calls on the
2 telephone. Some guys would come in the station. It
3 was just a constant flow of every issue under the sun
4 that employees typically want.

5 Q. And when you say you need more pay, do you
6 mean pay for apparatus, equipment, or salary?

7 A. Salary.

8 Q. Okay. Were there pension issues that came
9 up?

10 A. Yes, there was -- there was pension issues
11 for years and just the changing of the pension and
12 the contributions of the employees. And, yes, the
13 pension has -- since I came on the fire department,
14 was a very heated -- very hot topic for most
15 everyone.

16 Q. What about pay compression? Can you tell
17 me what that is?

18 A. Pay compression, the best that -- in
19 trying to define it to our -- the city stopped one
20 process that had a -- had a gradual upward motion for
21 all employees. And when they stopped that process,
22 it created a stacking of experienced employees with
23 unexperienced employees that were all receiving the
24 same compensation. And then when there was movement
25 because the system wasn't restarted the same way,

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1 there was a, just a lingering issue that you had
2 employees with ten years difference, and they should
3 have been paid differently but were paid the same.

4 Q. You talked a little bit about one of the
5 main things as union president, or the union's job
6 was to deal with discipline issues. How did that
7 process work? And I think you talked about two
8 tracks with the civil service and then the internal
9 fire department. Can you give me sort of an outline
10 or sketch of what the discipline process looked in
11 both of those tracks?

12 A. Sure. There was a disciplinary process
13 within the fire department that defined when a
14 complaint was made who would handle that complaint,
15 be it a chief officer or a station officer, or the
16 office of professional standards within the fire
17 department, depending on the degree of it.

18 And at every level in that process, it was
19 -- that employee could be represented by a union
20 representative, if they chose to. So we had a vice
21 president that was solely over disciplinary issues,
22 that if someone was informed they had a complaint
23 against them, they would contact Vic Bennett. He
24 would schedule representing them at any kind of
25 interviews, at their employee response sessions.

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1 And then once the fire department was done
2 with their process, the civil service board -- if the
3 employee chose to appeal, they could go to the civil
4 service board, which was a group of citizens that
5 would review the case. You could go in in a, I guess
6 kind of a -- not a court hearing, but a official
7 meeting that they would hear your case, they would
8 make a ruling on it, and we would represent them or
9 have legal representation provided for them during
10 that.

11 Q. And so what I hear you saying then is that
12 Vic Bennett or somebody from the union would actually
13 accompany them on that firefighter level and then
14 perhaps the same thing at the civil service level
15 or --

16 A. Yes. Yes, if they requested it, then yes,
17 we -- that was one of our duties that we would
18 provide that.

19 Q. And would the union pay for the attorney,
20 if one was needed, if you recall?

21 A. It was on a case-by-case basis. You
22 weren't guaranteed legal representation, but if it
23 was a situation that we felt was going to set a
24 precedent, then there was a -- there had to be a vote
25 at a meeting to provide X number of dollars for legal

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1 representation, and then explain why this case gets a
2 lawyer and the other one doesn't.

3 Q. What were the -- I hesitate to say common
4 because obviously each situation different, but what
5 were the typical types of disciplinary situations
6 you'd see, either in the union or when you were the
7 union president?

8 A. A lot of employees that were either late
9 to work, or had some small infraction of didn't wear
10 their right uniform -- small things, all the way up
11 to there were criminal charges pending for them,
12 which became fire department charges, and DUIs, and
13 other things that became -- and that was kind of most
14 of what we saw. Every now and then, there was an
15 outlier that we hadn't seen before, but most of them
16 were either attendance related or some kind of
17 outside of work complaint that came back in with
18 employer discipline.

19 Q. During your time at AFRD, both as a union
20 member and as a union president, do you ever recall
21 any AFRD members, firefighters being disciplined for
22 ethics violations?

23 A. I don't -- I don't remem -- I don't
24 remember any specific ethics violations, and if they
25 were, they weren't framed as this is an ethics

1 violation. It was all a rule violation. This is the
2 rule. You know, I think that's possibly up to
3 interpretation, but it was never you're being
4 disciplined for an ethics violation.

5 Q. And for all those cases -- and I just want
6 to make sure I have this right. For all those cases,
7 the firefighters, when they'd go through the process,
8 would have an opportunity to be heard or to appeal
9 the process?

10 A. Yes.

11 Q. Tell me a little bit about, if you would,
12 the organization of the union in terms of do you have
13 shop stewards, union reps in each firehouse? Do you
14 have regular meetings? You know, in other words, how
15 did you run the union?

16 A. Yeah. So we did not have representation
17 in every firehouse. Our goal was to have a
18 representation in every battalion, and that was
19 throughout the city, as well as the airport. And
20 running an organization of that size is -- it became
21 very daunting to keep a representative for every
22 battalion because it's not a paid position. It's
23 something you have to do in your off time, and the
24 workload is tough. But that was -- that was our
25 goal.

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1 It was just the executive board that I
2 spoke of, and then the battalion representatives, and
3 then the membership that we had meetings every month,
4 and we'd come in, we'd talk about issues with the
5 city, issues with the fire department, new rules and
6 how they were affecting us, as well as listen to
7 members that wanted to raise issues that they thought
8 we needed to be aware of and decide how to handle.

9 Q. So would you say even -- how many houses
10 were in a battalion, because you said you would try
11 to have a rep for every battalion.

12 A. Roughly five houses per battalion. There
13 was -- it changed every few years, but sometimes it
14 was four, sometimes it was five. There may have been
15 one with six out there.

16 Q. Would it be a fair statement to say that
17 you and the other officers in the union tried to keep
18 yourselves abreast of all the issues that were facing
19 your firefighters?

20 A. Yes. We did our best.

21 Q. And do you think you did a good job at
22 that?

23 A. Some days, yes; some days, no. With a
24 thousand employees all over the city, and in addition
25 to having to work a 24-hour shift and do union duties

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1 on the side, and work a third job to keep the lights
2 on, it was -- there was a lot of days that I felt
3 like a failure, but I tried to talk to as many
4 employees as I could, and respond to e-mails and text
5 messages and --

6 Q. And would it -- would it be a fair
7 statement to say that given all the efforts of you
8 and the officers and the union members with the
9 regular meetings and the union -- the monthly
10 meetings you talked about, that you had a pretty good
11 sense, even though life is busy and you've got a
12 bunch of jobs, that you had a good sense of the
13 problems that were occurring in the fire department,
14 what was working well, what needed to be worked on,
15 and what needed to be raised up the chain of command?

16 A. Yes, I feel like we were pretty well
17 informed.

18 Q. I want to talk a little bit about your
19 interaction with more senior-level officers.

20 A. Sure.

21 Q. First, let me go a little bit into just
22 talking about how a house is run or how it's -- you
23 know, give me a shift. Who's on, who's the sort of
24 the officer in charge on the working operational end
25 of that, and then we'll talk about sort of as we move

1 up the chain.

2 A. Okay. Just in every house, the officer in
3 charge that's assigned there would be at the captain
4 rank. And then the next level up would be the
5 battalion chief, who was over the five or so houses
6 in his battalion. And then each day in the downtown
7 area, there was a division chief, who was over all
8 the battalions, which excluded the airport.

9 And then over the division chief that
10 worked that 24-hour shift, there was a deputy chief
11 of operations, who worked a 40-hour week in
12 headquarters, who fell directly under the fire chief.

13 Q. So was there any formal process by which
14 firefighters would meet with more senior officers?

15 A. For official issues, yes, there was a
16 chain of command that official issues need to be
17 brought through your chain of command, through your
18 station officer, and then direct that through his
19 battalion chief, division chief.

20 Didn't, say -- didn't have -- there was
21 plenty of unofficial conversations, and then as the
22 union president, I did have many conversations with
23 chief officers regarding city issues, but not
24 personal issues with me as an employee, but me as the
25 union president.

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1 Q. As union president, what was your working
2 relationship with Chief Cochran like, would you say?

3 A. It was -- it started out well. I think
4 there were some things that we did not see eye to eye
5 on, and there were some things that I felt like that
6 he had no control of, especially when it comes to
7 city, to salary issues, pension issues, and that it
8 was those issues I eventually just stopped taking to
9 him because it was beyond his control. And I think
10 those were the issues that we struggled with the
11 most, or that I struggled with as the president the
12 most.

13 So I think we had -- we had a pretty good
14 personal relationship, but we -- especially after the
15 first six months of me taking office, I don't -- we
16 didn't meet regularly and have a lot of communication
17 back and forth because we just got overwhelmed with
18 bigger issues than he could handle. But I felt like
19 we had a pretty good relationship throughout my
20 tenure as president.

21 Q. And when you say bigger issues than the
22 chief could handle, I hear you to be saying that
23 those were issues that were beyond his control at his
24 level?

25 A. Yeah. Mostly salary issues and pension

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1 issues, and they were directly dealt with the city,
2 the city council, HR, and the mayor's office.

3 Q. And you said earlier -- so how often would
4 you meet with him, you said?

5 A. We initially set a goal of meeting once a
6 month, and I think as the years went on, it was
7 probably once every three months unless we just
8 happened to see each other, but it wasn't a regular
9 schedule.

10 (Exhibit 39 was marked for
11 identification.)

12 BY MR. CONNELLY:

13 Q. The court reporter is marking this
14 document as Plaintiff's Exhibit 39. I just want to
15 have you to take a look at it, if you would, and
16 whenever you're done with it, you can look up.

17 Okay. Have you reviewed the document,
18 Mr. Borders? Do you recognize the document?

19 A. Yeah. It looks like an e-mail that -- or
20 an e-mail string from 2014.

21 Q. And it appears to be an e-mail from
22 Ms. Napper. Do you know Ms. Napper?

23 A. She was the executive assistant for the
24 fire chief.

25 Q. It looks to be like she's trying to

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1 schedule a meeting with you, the chief, and Terrence
2 Simon; is that correct?

3 A. Yes.

4 Q. Do you have any reason to doubt the
5 authenticity of this e-mail?

6 A. No.

7 Q. Or that you received it?

8 A. No.

9 Q. Who is Terrence Simon?

10 A. Terrence Simon was the president of the
11 former Brothers Combined organization.

12 Q. Was this the first time Ms. Napper had
13 tried to set up a meeting with you, the chief, and
14 Mr. Simon?

15 A. I don't -- I don't recall if this was
16 the -- if this was the first time. I know it was
17 definitely one of the -- one of the first few times.

18 Q. Do you recall having a meeting as a result
19 of this invitation?

20 A. I don't remember if we ever had the
21 meeting or not.

22 Q. Apart from this particular invitation, had
23 you met with the chief and Terrence Simon before?

24 A. I've met with them both. I'm trying to
25 remember if I met with them both exclusively when it

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1 was just the three of us in the room, and I don't
2 remember.

3 Q. To the best of your recollection, when you
4 did -- if you did meet or you met separately, what
5 was the chief -- well, did the chief give you any
6 guidance with respect to labor issues or union issues
7 with respect to you and Mr. Simon's separate groups?

8 A. I can remember saying that -- or I can
9 remember Chief Cochran saying that he wanted to see
10 us work together, and he wanted to see us work
11 together on issues with the same type of response. I
12 don't remember any more specific than that.

13 Q. Do you recall why he wanted you to do
14 that, why he gave you that advice?

15 A. I can't -- I mean, I can only speculate
16 why he would -- what his reasons were, but I mean, I
17 feel like he -- he wanted the different groups in the
18 fire department to work together and be able to
19 address issues with more solidarity.

20 Q. You had said before that some of those
21 issues were beyond the level of the fire chief in
22 terms of they were city issues, they were city
23 council issues. Nevertheless, did you get the sense
24 from meetings like this or meeting invitations like
25 this or other communications with the chief that he

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1 took your concerns seriously as firefighters?

2 A. That was a -- that's a hard thing to try
3 to read because I think there's so many moving parts,
4 and my position representing the firefighters and his
5 position working directly for the mayor, that I think
6 trying to figure out someone's true motives is the
7 absolute name of the game. And it was always
8 speculation on, is it just a show; is this something
9 that, you know, would benefit the city? Is it being
10 pushed from back channels to try and create
11 something?

12 So as far as what the true motives were
13 and what the end game, there was never a full, clear
14 understanding, or I guess explanation of this is what
15 we're trying to accomplish, and this is why we're
16 trying to accomplish it, and this is why it's good
17 for both employees and the administration.

18 Q. You testified just a second ago that you
19 can't recall whether you met all three of you in the
20 same room. Were there other occasions where
21 Ms. Napper or Chief Cochran extended an invitation to
22 talk to you?

23 A. Yes. We met numerous times, and I had
24 one-on-one meetings with the chief. I just don't
25 remember each meeting who was there and exactly what

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1 we talked about.

2 Q. So would it be fair to say that there were
3 at least open lines of communication between you and
4 the chief over the course of your tenure as union
5 president?

6 A. Yes. At times some of those lines were
7 more open than others, but yes, there -- we did have
8 communication, and I felt like if I needed to speak
9 to him, that he would answer and respond.

10 Q. Did you ever -- outside of the -- it could
11 be at work what I'm asking here, but did you ever
12 have any personal discussions with Chief Cochran?
13 Life? Family? Again, it could be at work.

14 A. Yeah. Nothing -- nothing -- nothing too
15 deep other than just the general small talk of how's
16 the family, how's life, how are things. We never had
17 deep personal conversations, no.

18 Q. Did you talk to him about a mission trip
19 you were planning on going on?

20 A. Yeah. I believe I told him that I was
21 going on a mission trip to India.

22 Q. Did you say India?

23 A. Yes.

24 Q. Was there some request for equipment
25 involved with that, or do you recall?

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1 A. It was a medical mission trip, and I think
2 I may have asked -- I don't remember if it was
3 something that he was able to follow through on or
4 not, but it sounds familiar, yes.

5 (Exhibit 40 was marked for
6 identification.)

7 BY MR. CONNELLY:

8 Q. The court reporter has handed you what's
9 been marked Plaintiff's Exhibit 40. I'm going to
10 give you a couple of seconds to review it. I'll
11 represent to you it's an Al Jazeera English article
12 in which you're quoted. If you could turn to
13 page four in that article towards the bottom there
14 below the cropped quote. If you review that, I think
15 that'll be fine, up until the beginning of page five.

16 A. Okay.

17 Q. Can you tell me what you remember about
18 this -- and I'll just, for lack of better words, this
19 whole Ebola crisis. Tell me what your involvement in
20 that was, what the fire department's involvement in
21 that was?

22 A. Sure. During the Ebola crisis, there was
23 obviously precautions that the fire department felt
24 like that we needed to take to help recognize and
25 mitigate any possible Ebola exposure in the city and

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1 that -- we came out with lots of just memorandums and
2 policies of if a patient meets this criteria, make
3 sure and follow X, Y, Z.

4 Q. And where did those -- you said memoranda
5 and stuff like that. Where did those directives come
6 from? Where did they originate; do you recall?

7 A. I don't remember who wrote them, but they
8 would have come down through the chain of command
9 through the upper end, chief officers.

10 Q. Chief officers on down?

11 A. Correct.

12 Q. It looks from this article, if I'm reading
13 it correctly, on page five, for instance, that you
14 were satisfied with the plan, and you can correct me
15 if I'm wrong. I'm characterizing. These are my
16 words. That you were satisfied with the plan that
17 came down, and you had the equipment you needed to
18 work through that crisis; is that correct?

19 A. Yes, I think that's a fair interpretation.

20 Q. Did you work directly with Chief Cochran
21 or any other chief officers on this, or were you at
22 sort of the operational end of things?

23 A. No. On the -- from the operational side,
24 I was a sergeant paramedic. The only response that I
25 would have been involved in is making sure that our

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1 employees had the training, the information, and the
2 equipment that they needed to handle it.

3 (Exhibit 41 was marked for
4 identification.)

5 BY MR. CONNELLY:

6 Q. We spoke a little bit about the
7 Chick-fil-A incident at the outset because that's one
8 of the things we asked you to look for documents.
9 And I've just handed you what's been marked
10 Plaintiff's Exhibit 41. Do you recognize, or do you
11 remember seeing that picture?

12 A. Yes.

13 Q. Can you tell me who those -- to the best
14 of your ability -- we've tried to give you the best
15 copy we could -- who the firefighters in that picture
16 are?

17 A. I can tell you that's Stephen Hill on the
18 far left of the picture.

19 Q. In the front?

20 A. Yes.

21 Q. Okay.

22 A. And that would be -- I think it's -- his
23 last name is Clark on the far right, but I don't
24 remember his full name, and that's the only ones I
25 can tell for sure.

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1 Q. Far right up front, correct?

2 A. On the -- yeah, far right up front and the
3 far left up front.

4 Q. What do you recall about the Chick-fil-A
5 incident?

6 A. I remember that there was a -- there was
7 some type of public outcry both for and against
8 Chick-fil-A. And I don't remember the exact details,
9 but there was a day that some people called to
10 boycott Chick-fil-A, and some people decided to
11 support Chick-fil-A. And I believe that was during
12 that time -- and they posted it saying, "We support
13 Chick-fil-A." And then I think there were some
14 comments afterwards that really created disciplinary
15 issues, but that's the gist of where that came from.

16 Q. Do you remember what the comments were?
17 You said the later comments.

18 A. I believe that one of the comments on the
19 post used the word "fag" in reference to the
20 firefighters that were there, and I believe they -- I
21 think there was a citizen complaint that started the
22 disciplinary process, that saw that, and was offended
23 and reached out to the fire department for action.

24 Q. We talked a little bit about the fact that
25 one of the union's main functions was to deal with

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1 these disciplinary issues. How did you become --
2 when did you become aware of this issue? Do you
3 remember where you were?

4 A. I don't remember where I was. I'm sure
5 Vic Bennett, my vice president who handled
6 disciplinary matters, informed me once the complaint
7 was filed, and that the firefighter who was being
8 investigated called him for representation.

9 Q. Do you remember who that was, the
10 firefighter being investigated?

11 A. Joey Shoemaker.

12 Q. Do you remember which -- was there -- was
13 it just only one who was being disciplined; do you
14 recall?

15 A. I believe it was two that were
16 investigated. It was one that was disciplined, if
17 I'm remembering correctly.

18 Q. Do you recall the discipline that was
19 handed down?

20 A. I believe it was 30 days suspension.

21 Q. Do you recall what your opinion of that
22 was?

23 A. My personal opinion was that that
24 was -- that was very harsh for a stupid mistake that
25 was not directed at -- it was not worthy of 30 days

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1 was my personal feeling.

2 Q. How closely were you involved in the
3 disciplinary process in that incident?

4 A. I was not.

5 Q. So would it be Vic Bennett?

6 A. Yes.

7 Q. Anybody else in union who would have
8 handled that?

9 A. No. He was -- he was the disciplinary
10 representative.

11 Q. Talk to me about your discussions with Vic
12 Bennett regarding that Chick-fil-A disciplinary
13 process.

14 A. The only discussions I can remember having
15 were of what did the -- what did the post say when it
16 was posted and what were the comments? Was it a
17 public page? Was it a private page, you know, and
18 was -- were comments directed at someone? Were they
19 directed at a group as a whole, or -- and just so I
20 was aware of it.

21 But we didn't have a lengthy discussion
22 about how to proceed with it. It was just us to
23 represent him and make sure that the policies and
24 procedures of the disciplinary process were followed.

25 Q. Do you remember -- we talked a little bit

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1 about the tracks of discipline. Do you remember what
2 process that went through, what office that was done
3 through?

4 A. Yeah. That was a -- that was a citizen
5 complaint. Automatically goes to the Office of
6 Professional Standards, which was the internal
7 affairs arm of the fire department.

8 Q. And what -- and break that down for me.
9 How does that process work?

10 A. If I recall exactly, it was a complaint is
11 filed. The person that it's filed against is
12 notified that they're going -- that a complaint has
13 been filed for what charge, and that they're going to
14 be interviewed, you know, at a certain time. They
15 can have a representative there.

16 They're then interviewed, and they have to
17 type up a written statement, and then it's
18 investigated further by the investigators in the OPS
19 office. And then they take it to a disciplinary
20 committee, who makes a recommendation, sends it back
21 -- and then sends it to the fire chief for sign-off
22 on what level of discipline.

23 Q. Do you remember -- you said you thought
24 you recalled that Firefighter Shoemaker got 30 days
25 suspension as a result of the comment he posted. Do

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1 you recall what the original recommendation of that
2 committee was?

3 A. No, I don't. And I believe I was on that
4 committee, but I don't remember what the --

5 Q. So you believe you were on the committee
6 actually for Firefighter Shoemaker?

7 A. Yes. Well, no, I'm sorry, I think -- I
8 don't think I was during his. I was on the
9 disciplinary committee after him, I believe, and
10 I -- I don't remember what the recommendation was
11 from the committee.

12 Q. And you thought it was personally too
13 harsh a sanction, the 30 days?

14 A. Yes.

15 Q. If I represented to you -- and you don't
16 have the document in front of you. But if I
17 represented to you that the original recommendation
18 of the committee to the chief was termination of
19 employment, and that was reduced by the chief to
20 30 days, would that change your opinion of the
21 harshness of the sanction?

22 A. No.

23 Q. Why is that?

24 A. I feel like 30 days is too harsh. How it
25 got to 30 days doesn't really matter. It's just my

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1 personal opinion.

2 Q. Now, who would have been -- you talked
3 about that disciplinary committee that would forward
4 that recommendation up to the chief, correct? Who
5 would have been on that committee? I'm not asking
6 for -- sorry.

7 A. Right, yeah. No. Just, it was mostly
8 chief officers, and then I believe they tried to have
9 one person from each rank, as well as one person from
10 the union.

11 Q. After the discipline was handed down, was
12 there some -- did this become an issue, or was it a
13 topic at a later union meeting? Was there some sort
14 of office cooler scuttlebutt that went on about the
15 harshness of the sanction back and forth?

16 A. It was lots of informal conversations.
17 Firemen love to have coffee, sit around the table and
18 talk about it, but there weren't any official
19 conversations that I recall.

20 Q. Do you remember any conversations with Vic
21 Bennett about the outcome?

22 A. Not specifically, no.

23 Q. Do you remember any conversations with
24 anyone else regarding the discipline that was handled
25 out to Firefighter Shoemaker?

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1 A. No, I remember any remember, no.

2 Q. Did he have a representative during that
3 process that was provided by the union?

4 A. Yes. Yes. He was represented by Vic
5 Bennett.

6 Q. And you don't recall Vic Bennett coming
7 back to you with any sort of summary of what happened
8 or his opinion of what happened?

9 A. Other than the details of what the -- this
10 was announced that it's a 30-day suspension. I don't
11 remember any more conversation than that.

12 Q. Did you ever hear from Firefighter
13 Shoemaker regarding the suspension he received?

14 A. I don't believe so.

15 (Exhibit 42 was marked for
16 identification.)

17 BY MR. CONNELLY:

18 Q. Okay. The court reporter has handed you
19 what's been marked as Plaintiff's Exhibit 42. I'll
20 just give you a couple of seconds to review that
21 before I talk to you about it.

22 A. Okay.

23 Q. Do you recognize the e-mail and the
24 attachment?

25 A. Yes.

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1 Q. What is this document?

2 A. This is a response to a ethics complaint
3 that I made back in 2014.

4 Q. Who did you make the complaint against?

5 A. Against Chief Cochran and Terrence Simon.

6 Q. Did anyone help you file this complaint?

7 A. No.

8 Q. Did you speak with Vic Bennett about it
9 before you decided to file a complaint?

10 A. Yes. Our executive board discussed how to
11 handle it, and it was -- we said, yes, I should file
12 an ethics complaint.

13 Q. And who's part of that executive board?
14 Vic Bennett --

15 A. Vic Bennett and Justin Padrazzi.

16 Q. And why did you file the complaint?

17 A. Because we felt like there was a violation
18 of the City's code regarding labor organizations in
19 recruiting new membership during work hours on city
20 property.

21 Q. So you thought that -- now, who did you
22 think had violated the rules?

23 A. Well, that Terrence Simon as the president
24 of his organization had violated them by coming in
25 there, but that he had been allowed to come in there

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1 by city employees, who ultimately were under Chief
2 Cochran's -- well, it was -- I don't believe it was
3 specifically Chief Cochran that said this is how it
4 happened, but because he was the authority over the
5 fire department is why he was named in that.

6 Q. So you didn't name Chief Cochran because
7 you knew he had condoned what you believed to be a
8 rule violation, whether it was or not, you didn't
9 know that?

10 A. Exactly.

11 Q. Did you -- did either you, Vic Bennett, or
12 Justin Padrazzi, either individually or collectively
13 conduct an investigation before filing the complaint?

14 A. The only investigation was just the
15 details of how it happened of from the union members
16 that were there and saw how it happened and confirmed
17 that it did happen and just -- and that was just to
18 fill out the ethics violation. There was no official
19 investigation.

20 Q. Okay. So, so far we've talked a little
21 bit around the issue, and that's probably my fault.
22 Tell me exactly what you heard from the union members
23 regarding what prompted this. In other words, give
24 me the facts of what, you know, you said -- when you
25 heard these facts, you said I think there's a

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1 violation?

2 A. Yeah. So it was -- the first issue was
3 that this was -- that we were allowed to go in and
4 talk to the new recruits when they were 30 days from
5 being released from recruit school and becoming
6 sworn-in firefighters. So there was a 30-day window
7 that we were allowed to go and solicit for new
8 members at the official labor organization for the
9 city.

10 At the same day that Terrence Simon came
11 in to solicit members for his organization right
12 after ours, and that all of the white members of the
13 recruit class were pulled out of the room to do
14 something else so that his presentation was only to
15 the African-American members of the recruit class.
16 And we had a union member, Brandon -- I don't
17 remember his last name, who is an African-American
18 member of our organization, who stayed in there and
19 listened to the presentation, and reported that it
20 seemed like they were presenting themselves as a
21 labor organization and that they didn't have nice
22 things to say about our organization.

23 Q. Did you -- before you filed the complaint,
24 had you ever spoken with Terrence Simon?

25 A. Yes.

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1 Q. Personally, you'd met with him?

2 A. Yes.

3 Q. Did you speak about fire department
4 issues?

5 A. Yes. Yeah.

6 Q. Sorry. What I mean by that is did you
7 speak operational issues, or were you speaking mostly
8 about union issues?

9 A. Only union issues. Operationally we
10 didn't cross paths very much. He was at the airport.
11 I was in the downtown area. So, yeah, our only
12 interaction was with labor issues and our
13 organization and their organization.

14 Q. And you said that -- so this was the
15 permissible window, though, where they were making
16 their pitch and you had already made your pitch; is
17 that correct?

18 A. The permissible window for us to make our
19 pitch --

20 Q. Right.

21 A. -- and we felt that the city code
22 explicitly said that it was only one organization per
23 department that could be the official labor
24 organization.

25 Q. So if I get that right, then, that sort of

1 the reason for the complaint was that they were
2 permitted to make the pitch during the permissible
3 window for you, correct?

4 A. Yeah. During business hours on city
5 property, and it was -- they were not offered an
6 invitation to come after hours to some club. They
7 were sat down in a room and directed to attend this
8 meeting while you're getting paid.

9 Q. But was it your understanding that your
10 group, the Local 134, could make that pitch during
11 work hours? Is that -- do I have that right?

12 A. It was -- we didn't have -- we never got
13 explicit definition of this is the process to follow,
14 and it was always a gray area that we were allowed to
15 go in. We couldn't interrupt a class, but we could
16 do it while the recruits were there, and it was
17 always allowed. Whether it was perfectly done to the
18 legal definition of the code, we never were told that
19 we were in violation of the code.

20 Q. But it was your position in filing this
21 complaint that the Brothers Combined headed by
22 Terrence Simon were not permitted under any
23 circumstances to make that type of pitch that you
24 would have been able to make?

25 A. Yeah. It felt like they were selling

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1 themselves as a labor organization to the
2 firefighters, and that we felt that that was a
3 violation.

4 Q. Okay. So this was essentially a labor
5 dispute --

6 A. Right.

7 Q. -- between two --

8 A. Right.

9 Q. -- I don't want to say rival labor
10 organizations, but the two that were -- you claim
11 that they're not --

12 A. Right.

13 Q. -- a labor organization. You felt they
14 should have to go outside hours and do it at a
15 restaurant or some other place, correct?

16 A. Correct.

17 Q. It appears from this letter, and you can
18 correct me if I'm mischaracterizing it, that the
19 ethics complaint was dismissed or found to be without
20 jurisdiction; is that correct?

21 A. Yeah. The impression I got is that that
22 was not within their jurisdiction and that they would
23 turn it over to someone else.

24 Q. Okay. It looks like Jabu Sengova was the
25 associate ethics officer sent you that letter; is

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1 that correct?

2 A. Yes.

3 Q. She says at the bottom there, if you look
4 at the bottom of the letter, "However, we will refer
5 your complaint to the Office of Professional
6 Standards Atlanta Fire Rescue Department." Do you
7 know if she did that?

8 A. Don't know if she did that. Don't know if
9 OPS ever investigated it. Don't know -- I got no
10 more communication beyond that that I recall.

11 Q. So you didn't follow up on that?

12 A. No.

13 Q. Why?

14 A. OPS, even as the union president, unless
15 there's a case that we're specifically representing
16 will not release any records to us, and they will
17 claim that it's privileged because it's an open
18 investigation.

19 Q. And you never heard anything about an
20 investigation coming to a close or a finding by OPS?

21 A. Nor did I expect to.

22 Q. Why was that?

23 A. Because it was the -- when it was turned
24 over to the internal organization of the fire
25 department, my assumption was it would disappear.

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1 The fire department doesn't want to investigate the
2 fire department when it comes to a rule that has
3 a -- it's a, like you said, a labor dispute.

4 Q. Do you recall -- the date on this letter,
5 what I'll call the dismissal date or the notification
6 that they're not going to proceed with the
7 investigation is November 24th. Do you recall when
8 you filed this complaint?

9 A. I feel like it was months before, but I
10 don't remember when it was.

11 Q. Would the complaint be in the records of
12 the union? Do you guys keep records?

13 A. Yes. Yeah, they would be in the records
14 of the union, and I'm sure they could produce them if
15 you need them to.

16 Q. We spoke a little bit about you had
17 already spoken to Firefighter Simon regarding labor
18 issues before, and I think, correct me -- you
19 probably certainly had spoken to Chief Cochran a
20 number of times just on other issues?

21 A. Yes.

22 Q. Did you call Chief Cochran before you
23 filed this complaint?

24 A. No. I felt like this was -- that this was
25 a -- we needed a outside party interpretation of was

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1 this proper, was it not, and that it really -- it
2 would only cloud the issue to involve Chief Cochran,
3 so we didn't involve Simon and didn't involve Chief
4 Cochran.

5 Q. I want to turn to what is at the heart of
6 this case, a book written by Chief Cochran. When did
7 you become aware that Chief Cochran had written a
8 book?

9 A. When Chief Wessels brought it to my
10 attention after work one morning in the back parking
11 lot of Station 1, and he showed me the book, told me
12 that it had been given to him, and that he finally
13 got around to reading it or reading part of it, and
14 there were some passages that were disturbing. And
15 that he wanted to make me aware and get my opinion
16 and see how we wanted -- how we wanted to handle that
17 as the union.

18 Q. Working at, you said Station 1; is that
19 correct?

20 A. Yes.

21 Q. Was Chief Wessels -- did he work out of
22 that station?

23 A. Yes. His office was on the back of
24 Station 1. I mean, there's -- it's a separate
25 office, but it's attached to the station.

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1 Q. Do you recall -- sounds like you have a
2 pretty good memory of where it happened, back parking
3 lot, I think you said. Do you recall when, if you
4 can give me your best guess on a date?

5 A. I feel like it was the end of October,
6 early November. Maybe a month or so before Chief
7 Cochran's suspension.

8 Q. So Chief Wessels brings you the book. Did
9 he tell you he had read the whole book? What was
10 the -- give me the conversation soup to nuts, if you
11 would.

12 A. The conversation was -- it was, hey, I
13 want to show you something. This is a book that
14 Chief Cochran wrote that was given to me during a
15 work event. And I don't remember exactly what the
16 details were, and that when he read it, there was
17 some very explicit conservative Christian ideals that
18 concerned him since he also identified himself very
19 clearly and explicitly as the fire chief in the City
20 of Atlanta.

21 And it was -- from a firefighter
22 standpoint, that we were all brought up very clearly
23 that if you say that you are representing the City of
24 Atlanta that -- and you give an interview, a public
25 statement, write a book, write an article in a

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1 journal, that you have to get approval for that, and
2 that if you don't, you can be subject to disciplinary
3 action.

4 Q. Do you remember what made you think he was
5 representing himself as writing a book for the fire
6 department or --

7 A. And it wasn't -- it was never conveyed
8 that he was writing the book for the fire department,
9 but it was just -- it was in the early part of the
10 book where he identified himself as the fire chief
11 for City of Atlanta. There was no, no doubt of who
12 he was and what position he was in and where he
13 worked.

14 Q. Placing before you what's been marked
15 Plaintiff's Exhibit 8. I'll just give you a chance
16 to look at that.

17 A. Sure.

18 Q. Just the first page, I'm going to ask you
19 a question. Is that portion where Chief Cochran's
20 about-the-author section, is that what you were
21 referring to in terms of identifying himself?

22 A. I believe so. I don't remember if there
23 was other references, but this seems to match what I
24 recall that he says his position in the City of
25 Atlanta.

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1 Q. So where he just says, I'm the fire chief
2 of Atlanta --

3 A. Yes.

4 Q. -- that's what gave you the idea that
5 there could be a problem?

6 MR. GEVERTZ: Object to the form.

7 BY MR. CONNELLY:

8 Q. Is that what gave you the idea there could
9 be a problem?

10 MR. GEVERTZ: Same objection.

11 THE WITNESS: Should I answer?

12 MR. GEVERTZ: Yeah, you can answer.

13 My objection is for the record.

14 THE WITNESS: Thank you.

15 It was one of the things that raised
16 concern for me, yes.

17 BY MR. CONNELLY:

18 Q. After Chief -- did Chief Wessels tell you
19 he had given the book to anybody else, or he gave it
20 to you directly after reading it?

21 A. I don't recall if he told me that he
22 showed it to anyone else or that he talked to anyone
23 else about it, but I got the impression that he read
24 it very recently. I think he said the night before,
25 if I'm not mistaken; and brought it to me, and what

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1 he did after that, I don't know.

2 Q. Did he tell you why the chief would have
3 given him the book?

4 A. He seemed to imply that it was given in a
5 employer/employee type -- he framed it that it was
6 given at a work event, you know, during a
7 conversation on a boss talking to his subordinate.
8 He did not give the impression that it was given
9 outside of work when they were spending personal time
10 together as friends. It was framed as an
11 employee/employer kind of action.

12 Q. And I can't recall whether you spoke about
13 this, so I don't want to put words in your mouth.
14 Did you say that Chief Wessels was also what you
15 consider to be a practicing Christian or a
16 conservative Christian, or did you know anything
17 about his particular religious beliefs?

18 A. He never explicitly expressed his specific
19 beliefs, but yes, I got the impression that he was a
20 Christian as well.

21 Q. So up until the point that you meet in
22 that back parking lot with Chief Wessels, you hadn't
23 heard about the book at all --

24 A. No.

25 Q. -- is that correct?

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1 A. That's correct.

2 Q. No one else had spoken to you about the
3 book?

4 A. No.

5 Q. After that day -- did you say it was in
6 the afternoon?

7 A. No, it was in the morning coming off
8 shift.

9 Q. Okay. So you're heading home at that
10 point?

11 A. Uh-huh.

12 Q. Do you take the book from Chief Wessels at
13 that point? Does he give you the book?

14 A. No, he doesn't give me the book, no.

15 Q. Okay. So he keeps the book?

16 A. Yes.

17 Q. You go home, get some sleep. What happens
18 next?

19 A. So I talked with my executive board, told
20 them what -- and that's Vic Bennett and
21 Justin Padrazzi -- told them what Chief Wessels
22 showed me in the book. I went on, ordered a couple
23 of copies of the book so we could review it
24 ourselves, come to our own conclusions.

25 I got the book in, asked their opinion of,

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1 you know, how should we handle this. And I felt like
2 that we needed to be prepared and have a response
3 from our members, as well as the public if the story
4 was framed that there's a fire chief that has a
5 problem with a certain population, what was the
6 union's response going to be; that we weren't
7 blind-sided with an issue that we didn't know was
8 coming.

9 And then I took it to Alex Wan on the city
10 council, who I had a good relationship with
11 professionally and a lot of dealings with on pay
12 matters and different city issues for just his
13 counsel and advice on how we should handle it, how
14 the city should handle it. And then he -- I gave him
15 one of the copies of the book and let him take it
16 from there.

17 Q. I want to talk to you a little bit about
18 that decision making-process, okay?

19 A. Okay.

20 Q. You testified earlier that you had an open
21 line of communication with Chief Cochran, correct?

22 A. (Witness nods head affirmatively.)

23 Q. Did you ever attempt to speak with Chief
24 Cochran about the book before handing it along to
25 Councilman Wan?

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1 A. No, I didn't.

2 Q. Why not?

3 A. Well, I think it was one of those issues
4 that we didn't have open enough communication lines
5 that I felt like that I could take him an issue like
6 this that was obviously aimed and directed at him
7 without him feeling like it was a personal attack,
8 and I didn't want him to feel like it was a threat
9 either.

10 And, really, I just wanted to be prepared
11 for the response if and when it got out to the
12 members, got out to the public that we knew -- yes,
13 we knew about the book. The city handled it. You
14 know, we -- I didn't feel like that we were at the
15 point yet that I needed to go sit down with Chief
16 Cochran and get an explanation because I didn't feel
17 like there was any need for his explanation. It was
18 just a -- I was looking for a response on the City's
19 explanation and how they were -- how they would
20 handle it.

21 Q. When Chief Wessels gave you the book, did
22 he have it marked up?

23 A. He may have had some Post-it notes or
24 something on pages that he -- but I don't remember
25 that there were any markings like highlights or

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1 underlines or notes on the side.

2 Q. Do you recall on that initial conversation
3 with Chief Wessels the portions of the book he was
4 concerned about?

5 A. I only remember the very beginning where
6 it identifies Chief Cochran working for the City of
7 Atlanta, and then there were some other passages
8 where -- that were talking about homosexuality and
9 kind of a conservative Christian.

10 Q. So that was -- when you said you all
11 bought books after that and you read through it, was
12 that the population you were talking about with
13 respect to the problems you had with the book?

14 MR. GEVERTZ: Object to the form.

15 THE WITNESS: Can you clarify a
16 little?

17 BY MR. CONNELLY:

18 Q. What did you find -- did you find anything
19 objectionable about the book when you read it?

20 A. I personally didn't agree. I don't think
21 it was anything that I felt like -- I mean, Chief
22 Cochran is -- he's welcome to have any opinion he
23 wants to, any interpretation of the Bible he wants
24 to, and I didn't have a problem with it. It just, as
25 a labor organization, I had an issue with that it

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1 seemed like that he was putting himself as an
2 official representative of the city explicitly, and
3 saying that he believes these views, as well as being
4 on -- at an employee-sponsored event or meeting or
5 something, and that it seemed to be given to chief
6 officers in the boss/employee-type relationship and
7 that -- those were the two things that really
8 concerned me. And I felt like that we needed to have
9 a response and some counsel from the city on how --
10 what their opinion was and how they wanted to handle
11 the situation.

12 Q. So going back to Wessels again, that
13 initial conversation, did he express misgivings about
14 the book?

15 A. I think -- personally, I think he
16 was -- he disagreed with how the book was presented,
17 as well as the two things I mentioned earlier. That
18 it was, you're saying that you're the fire chief and
19 you're saying that you believe this way, and that
20 that was a -- a concerning issue.

21 Q. And when you said presented, you mean how
22 the book was given -- the circumstances under which
23 the book was given to him?

24 A. Yes. That was one issue. The
25 circumstances of how the book was given, as well as

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1 it being framed as a official representation of how
2 the fire department feels.

3 Q. After you and the executive board or
4 Justin Padrazzi and Vic Bennett decided to hand it up
5 to Councilman Wan, did you have any more
6 conversations with Chief Wessels about it?

7 A. I'm sure we did. I don't recall
8 specifically, but it was not an issue that I wanted
9 to get out internally or externally in the public
10 until we felt like that we had a good response and
11 the city had a good response, and so it was something
12 that we -- that I tried to keep a lid on the best I
13 could.

14 Q. So you didn't publicize this with any
15 other members of the AFRD; is that an accurate
16 statement?

17 A. Yeah, I spoke to some specific chief
18 officers and other members in trying to ask if they
19 were aware of it. It was not something that we
20 announced, this is going on, this has happened, and
21 tried to stir the pot with it, no.

22 Q. So when you give the book to Councilman
23 Wan, do you remember the -- can you approximate the
24 date, to the best of your ability?

25 A. Early November -- early to mid November

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1 would probably be a good -- because it probably took
2 a couple of days for the book to come in, be able to
3 review it, feel like I had a good handle on where we
4 were, talk to the executive board, schedule a meeting
5 with Councilman Wan and meet with him.

6 Q. All right. That leads me to my next
7 question. You said schedule a meeting. Do you
8 remember -- I mean, you remember where the Wessels
9 thing happened pretty vividly. Do you remember where
10 the meeting happened with Councilman Wan?

11 A. In his office in city hall.

12 Q. Was it night or day?

13 A. It was daytime. I don't remember the
14 exact time, but it was during the day.

15 Q. Was it -- who was there?

16 A. It was just Councilman Wan and myself.

17 Q. He had already had a copy of the book?

18 A. No.

19 Q. You brought it to him?

20 A. Yes.

21 Q. Talk to me about that conversation. What
22 happened?

23 A. I went in and explained to him the
24 information that Wessels had shared on, it was given
25 to him during a work event, and that, you know, there

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1 were some passages in there that got his attention --
2 showed those passages. And that our concern was
3 that, you know, is this -- is this something that the
4 city needs to address from an HR standpoint. And
5 what's the City's response going to be, and make sure
6 that we had a similar response and were ready for it,
7 if it did become a news story, as things often did in
8 the City of Atlanta.

9 Q. And you said before you went to
10 Councilman Wan after you decided to go up to him,
11 that you didn't publicize it, correct, throughout
12 AFRD, but you did speak to a couple of chief-level
13 officers; is that correct?

14 A. Yes. And I don't remember exactly who
15 they were. I didn't have lengthy conversations. It
16 was really just trying to find out if they were aware
17 of the book, if they had received it, and what their
18 -- you know, how did they receive it. And it may --
19 only a couple, and I don't even remember who said
20 they had and who said they had not.

21 I was just trying -- I was trying to
22 figure out was it a -- was this an isolated incident
23 with Chief Wessels; was it given to multiple
24 executive staff; was it given to all chief officers,
25 but trying to do so without raising flags that, you

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1 know, I was looking into something.

2 Q. But other than Chief Wessels, again, you
3 hadn't heard any complaints from any other AFRD
4 members about the book?

5 A. No, not about the book.

6 Q. What did Councilman Wan tell you once you
7 explained to him your concerns, or, you know, what
8 you -- you're bringing it to him to run it up the
9 chain, I suppose, or to figure out what to do, right?

10 A. I think he was -- he was very surprised
11 that I was -- of what was in the book and how it was
12 written. And then he gave the impression that he was
13 going to pass it on to human resources, as well as
14 the mayor's office on how they wanted to handle the
15 situation.

16 Q. What did you say to him about the book?
17 You had read the book by that point; is that correct?

18 A. I had read portions of the book. I didn't
19 read it cover to cover, but yes.

20 Q. Okay. So you said you had read portions
21 of it. How did you know which portions to read?

22 A. There were the portions that Chief Wessels
23 showed to me, and then I tried to flip through them,
24 find was there anything else that, you know, may be
25 an issue later. And I didn't see anything that

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1 jumped out, so I didn't spend too long going through
2 the book.

3 Q. So during the meeting, you pointed out
4 those passages then?

5 A. To Councilman Wan?

6 Q. To Councilman Wan.

7 A. Yes.

8 Q. So he expressed surprise at that meeting
9 at those passages --

10 A. Yes.

11 Q. -- and then decided he was going to send
12 them up to HR?

13 A. Yes. Yeah. He seemed concerned on a
14 similar level that I did, that there was a -- that it
15 was given in an employee/employer setting, and that
16 there was some explicit representation of the city,
17 as well as some pretty antihomosexual beliefs that
18 were kind of framed in the same book.

19 And it was concerning that that was going
20 to be the sound bite on the news, that the fire chief
21 feels this way about the public, and that was my
22 concern. I felt like his concern was similar, but I
23 don't know exactly.

24 Q. After that meeting with Councilman Wan,
25 did you speak to anyone else about the book either at

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1 the fire department level or at the city council
2 level?

3 A. At the -- no, not -- we did have a lunch
4 meeting with retired Chief Cindy Thompson, who one of
5 my executive board members knew she was in town. And
6 we had lunch with her to get her opinion just as a
7 trusted and experienced member that -- wanted to see
8 what her opinion on the matter was.

9 Q. Do you know how long -- you said she's
10 retired, right?

11 A. Yes.

12 Q. How long had she been retired?

13 A. A few years at the time.

14 Q. Was she in town for a fire department
15 event or --

16 A. No. I believe she was in town for family.
17 She lives in California, I think, but just happened
18 to be in the Atlanta area, so we wanted to --

19 Q. Did she contact you, or did you contact
20 her?

21 A. One of the board members contacted her.

22 Q. Specifically about the book?

23 A. Yes, to set up a meeting to get her
24 opinion on our response to the book.

25 Q. And this was, again, correct me -- I mean,

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1 forgive me for not remembering or not knowing if I
2 should. This was after you took it to
3 Councilman Wan; is that correct?

4 A. I believe so.

5 Q. Do you recall when, date-wise that would
6 have been?

7 A. No. It would have been similar to that
8 early to mid November. I don't remember the exact
9 timeline, but --

10 Q. Do you remember where it was?

11 A. I believe it was a restaurant over on 14th
12 Street over in -- on the west of -- I guess that
13 would be north of Northside Drive.

14 Q. Whose idea was it to call Chief Thompson?

15 A. I don't remember. It was either Vic or
16 Justin Padrazzi that knew she was in town and said,
17 why don't we get her opinion about this matter.
18 She's not in the fire department anymore. She's well
19 versed on social issues, and let's -- and we felt
20 like it was -- she could add value without risking
21 the issue getting out in the fire department and
22 exploding on us.

23 Q. When you say she was well versed in social
24 issues, what do you remember by that?

25 A. That she was a -- she is a --- an out

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1 homosexual, and made it well known to her friends
2 that she was. And we were concerned about any
3 response from the gay community in Atlanta, as well
4 as many homosexual employees that we had, that if
5 they found like -- if they felt like that this was an
6 issue, how should we be prepared to respond.

7 Q. What happened at that lunch? Did you show
8 her the passages from the book, as you did with
9 Councilman Wan?

10 A. Yes.

11 Q. And what did she say?

12 A. She agreed with our response and felt like
13 it was an issue that needed to be addressed. I think
14 she was more personally offended than I was, but she
15 seemed to have great concern that this was going to
16 get out in the public, and that it was going to be
17 damaging to the fire department and potentially
18 employees as well.

19 MR. CONNELLY: Take a break?

20 THE WITNESS: Sure.

21 THE VIDEOGRAPHER: This concludes

22 Media No. 1 in the video deposition of

23 Stephen Borders. We're off the record at

24 3:26 p.m.

25 (A recess was taken.)

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1 (Ms. Hinton joins the proceedings.)

2 THE VIDEOGRAPHER: This begins Disk 2
3 in the video deposition of Stephen Borders.

4 We're back on the record at 3:33 p.m.

5 BY MR. CONNELLY:

6 Q. We spoke a little bit about your reading
7 of the book earlier. I just want to make sure I have
8 it clear what your -- what content of the book you
9 found to be objectionable.

10 A. It was -- the passages that concerned me
11 were the explicit identification as the chief of the
12 City of Atlanta, and the pretty explicit
13 antihomosexual conservative Christian passages later
14 on in the book.

15 Q. So it was the -- for lack of a better term
16 or a shorthand, the LGBT issues in the book, those
17 were the issues that concerned you?

18 MS. HINTON: Object to the form.

19 THE WITNESS: Yes.

20 BY MR. CONNELLY:

21 Q. After you spoke with Chief Thompson, what
22 did -- did she say she was going to do anything?

23 A. She did not, or she didn't express to us
24 that she was going to do anything, nor did we ask her
25 to do anything.

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1 Q. But she blessed your plan, so to speak,
2 correct?

3 A. Yes. Yeah, she did. She felt like we
4 were handling it appropriately; that we needed to get
5 ahead of this. That if it became a public issue that
6 it was going to be something that we needed to have a
7 response for.

8 Q. And did she say what she was personally
9 offended by as well?

10 A. I think it was that -- hers were
11 definitely the LGBT issues expressed in the book.

12 Q. And has she, to your knowledge -- you'd
13 been on the force for I guess around nine years at
14 that point, correct?

15 A. Something like that.

16 Q. Had she worked during Chief Cochran's
17 tenure as fire chief under his leadership?

18 A. Yes.

19 Q. Did you speak to Chief Thompson after that
20 lunch conversation?

21 A. I don't remember if I've spoken to her
22 since then or not.

23 Q. You said that your executive board decided
24 to call Chief Thompson specifically for this, to talk
25 about this issue. Did you -- did that executive

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1 board or did you speak to anyone else specifically or
2 intentionally with regard to this issue?

3 A. Not -- not that I recall officially, no.

4 Q. Did you hear back from Councilman Wan at
5 any point after --

6 A. I don't believe so.

7 Q. When was the next time that you dealt with
8 this issue; do you recall?

9 A. I believe that the next thing I heard was
10 that Chief Cochran was being suspended for 30 days.
11 I believe that's the next communication I heard from
12 the city or the fire department.

13 Q. And what was your reaction to that?

14 A. It was a little bit of a surprise because
15 I hadn't heard anything since giving it to
16 Councilman Wan, and I was expecting there to be a --
17 more of an investigation that was -- that we were
18 included in as well as, you know, what is our
19 response going to be, what is the union's response
20 going to be, how do we need to handle this; and the
21 city took over and they decided how they wanted to
22 respond.

23 Q. To your knowledge as union president,
24 there was no consultation of anyone in the fire
25 department once Councilman Wan took the book from you

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1 and said he was going to take it to HR?

2 A. There was no -- there was no consultation
3 with any of the union representatives that I know of.

4 Q. Do you know of any firefighters that were
5 consulted during that time?

6 A. I wouldn't be party to that anyway, but
7 no.

8 Q. But you don't know of any?

9 A. No.

10 Q. Your executive board, did they have the
11 same reaction that you had to the news of the
12 suspension?

13 A. Yes. We were all surprised at the City's
14 swift action in the matter.

15 (Exhibit 43 was marked for
16 identification.)

17 BY MR. CONNELLY:

18 Q. And as per our usual, I'll just give you a
19 couple of seconds to look through this. When you
20 look up, I'll just assume you're ready to go,
21 Mr. Borders.

22 A. Okay.

23 Q. Do you recognize this e-mail trail?

24 A. Yes.

25 Q. And can you tell me what it is?

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1 A. This was setting up a meeting with the law
2 department regarding Chief Cochran's -- regarding the
3 book.

4 Q. Between the time that you said you heard
5 of the chief's suspension and this invitation, which
6 appears to have come from Tai White on
7 December 9th -- do I have that right?

8 A. That appears to be the first message,
9 December 9th.

10 Q. Did you have any contact with any fire
11 officials or city officials regarding the book?

12 A. I don't recall any.

13 Q. Did you or anybody on your executive board
14 during that time or at any time go to the media to
15 talk about the book?

16 A. I don't believe so. I believe when Chief
17 Cochran's suspension was made public, I believe I
18 gave an interview on the local news as the union, but
19 it was nothing else beyond that that I can remember.

20 Q. Do you remember who that was, which local
21 reporter or news channel?

22 A. I feel like it was Morse Diggs on
23 Channel 5, but I'm not a hundred percent sure.

24 Q. Do you know if any of your other executive
25 board members did?

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1 A. I don't believe so.

2 Q. Was that a video interview? Was that a
3 news interview on tape or was it --

4 A. Yes.

5 Q. -- print?

6 A. No, it was a video.

7 Q. Do you know if Cindy Thompson ever went to
8 the media?

9 A. I don't remember if she did or -- I don't
10 remember.

11 Q. Did she indicate to you that she intended
12 to?

13 A. If she did, I don't remember it, but I --

14 Q. If it was Morse Diggs or whoever else it
15 was, even if you're incorrect, do you remember what
16 you said to him?

17 A. Not -- no, I don't.

18 Q. Well, you must have had some official --
19 I'm assuming it was you were speaking as, in your
20 official capacity as the union rep?

21 A. Right.

22 Q. Is that correct?

23 A. Right.

24 Q. You said you were surprised that the chief
25 was suspended, correct?

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1 A. Yeah. If I remember, I think it was
2 something of that the union's official was -- it was
3 very -- it was like it was very bland because we did
4 not do the investigation, nor did we hand out
5 discipline, but I think it was kind of praise from
6 the city that they handled the issue and handled it
7 quickly. As far as beyond that, I don't remember
8 exactly.

9 Q. Did you put out an official statement; do
10 you remember?

11 A. I think I did, but I don't remember
12 exactly what it said.

13 (Exhibit 44 was marked for
14 identification.)

15 BY MR. CONNELLY:

16 Q. Just to give you a head start,
17 Mr. Borders, I'll represent to you this is a printout
18 from Local 134's website. I think we can save a
19 little time if you'll just turn to page five
20 through six. If you would, review those pages.

21 Just for the record, that's Plaintiff's
22 Exhibit Number 44.

23 A. Okay.

24 Q. At the bottom of page six where the
25 headline is "Atlanta Fire Chief Says Gays Vile and

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1 Dishonor God."

2 Looks like that second sentence says
3 there -- and correct me if I'm reading anything wrong
4 here, "We applaud Mayor Reed for his quick, decisive
5 decision and look forward to working with the mayor's
6 LGBT services to develop strategies to ensure equal
7 treatment and rights for all."

8 A. Yeah, that's from our website, yes.

9 Q. So that would have been your official
10 statement regarding the suspension?

11 A. I believe it's an excerpt from my official
12 statement that I sent out to members. I didn't run
13 the website, but I believe that's where that
14 statement came from.

15 Q. So you believe that would be around
16 November 24th or thereabouts, given that that was the
17 day of the suspension, if I represented that to you?

18 A. Yes.

19 Q. Did you eventually meet with the
20 investigators?

21 A. I met with the law department.

22 Q. Who did you meet with in the law
23 department?

24 A. I remember that Bob Godfrey was there, and
25 there was someone else, but I don't remember who.

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1 Q. I'm handing you what's been previously
2 marked as Plaintiff's Exhibit 13. Again, I represent
3 to you that's the investigative report that the law
4 department eventually put out on January 9th of 2015.
5 Have you read that report?

6 A. No.

7 Q. Have you ever seen the report?

8 A. I don't remember seeing it.

9 Q. Have you read about the report in the
10 news?

11 A. Not specifically the report, that I
12 remember, but I remember the incident.

13 Q. When you say "the incident," what are you
14 referring to?

15 A. Of Chief Cochran being suspended and there
16 being an investigation.

17 Q. If you could turn to page four, the second
18 full paragraph starting with "Union President." Do
19 you see where I am?

20 A. Yes.

21 Q. If you could read down through that next
22 paragraph all the way to the end, "None of them ever
23 did so." Do you see that towards the bottom?

24 A. Sure.

25 Q. So two --

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1 A. Yeah.

2 Q. -- full paragraphs from there.

3 A. Sure.

4 Q. If you could just read that, familiarize
5 yourself with it.

6 A. "Union president" --

7 Q. No, no. You don't have to read it out
8 loud.

9 A. Oh.

10 Q. Just familiarize yourself. I'm not --

11 A. Sure. Okay.

12 Q. So having now familiarized yourself with
13 it, the question I'd ask you first is do you believe
14 that this report accurately reflects what you told
15 the investigators?

16 A. Yes.

17 Q. So there's nothing in here that you want
18 to quarrel with, for instance?

19 A. I don't see anything, no.

20 Q. If I could direct your attention to the
21 bottom of that second paragraph, close to the bottom,
22 probably the second sentence up, and just follow
23 along with me. "He also advised." Do you see where
24 I am?

25 A. Yes.

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1 Q. Four lines up. "He also advised the
2 employees thought the investigation would not be a
3 serious effort to get at the truth but said that he
4 was convinced in seeing what was being done that the
5 investigation was legitimate."

6 Again, they're characterizing your
7 statements to them. What did you mean by you wanted
8 to see if the investigation would be legitimate?

9 A. I think often employees would see the city
10 do things that appeared to be smoke and mirrors that
11 were not -- that they were doing just for show; that
12 there was not a genuine concern, genuine actions
13 behind it, but that it was -- it was for public
14 perception rather than thoroughly wanting to follow
15 through with something.

16 And there was concern from members that
17 this investigation would fall into that category,
18 that it would -- it came out -- it came out to the
19 public, it would be a big show, but then it would
20 disappear and everyone would go about their own day
21 like nothing had happened.

22 Q. And you felt this way even though Chief
23 Cochran had already been suspended without anybody
24 ever having talked to anybody in the AFRD?

25 A. No, there was members of my organization

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1 that brought concern that that's what was -- that
2 that's how the investigation was going to be handled
3 because he was -- because he was an executive in the
4 fire department, and not a member of the rank and
5 file of the regular old classified employees.

6 Q. And what did you consider making it
7 legitimate? What did you feel like you had to do?

8 A. Well, that -- and what I was trying to
9 express there that their -- the detail of questions
10 that they asked, the information that they wanted to
11 know, and their concern at what I was saying seemed
12 to show that the city was actually doing a legitimate
13 investigation. That this was not just a political
14 show to make it seem like they were concerned about
15 what happened, the details of it, and what their
16 response was going to be; but that they were
17 seriously looking to if there were rule violations
18 that needed to be handled and how they would -- it
19 seemed like they were doing it for real.

20 Q. And even given the fact that there were
21 personally -- there were people that were personally
22 offended -- you said Cindy Thompson was personally
23 offended, correct?

24 A. It seemed so, yes.

25 Q. And that Chief Wessels may have had some

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1 disagreements with the content of the book too. You
2 couldn't cite any specific examples of maltreatment
3 or discrimination for investigators; is that correct?

4 A. That's correct.

5 Q. Did you know of any other firefighters who
6 could forward those complaints to you?

7 A. No. I was --

8 MS. HINTON: Object to form.

9 THE WITNESS: I was never made aware
10 of any specific incidents claiming
11 discrimination.

12 BY MR. CONNELLY:

13 Q. And as we spoke about earlier, you were as
14 union president, in likely as good a position as
15 anyone else to know what the problems were in the
16 department, correct?

17 A. Yes.

18 Q. And I'm not asking you what you said to
19 investigators specifically during that investigation,
20 but did you speak with anything else regarding the
21 investigation and what you said to investigators?

22 A. I don't -- I don't remember telling anyone
23 specifically talking about the details of the
24 investigation.

25 Q. Well, in other words, after you had

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1 talked -- who did you speak to? Do you remember
2 exactly?

3 A. Officially from the city during the
4 investigation?

5 Q. Yeah. In other words, you got that
6 invitation from Tai White. You went in to talk to
7 the law department.

8 A. Yeah.

9 Q. Who were the people you spoke with?

10 A. It was Bob Godfrey was the one I remember,
11 and I know there was at least one more person there,
12 but I don't remember who it was.

13 Q. Did you report back to your executive
14 board, Justin or Vic, regarding --

15 A. I'm sure I gave -- I'm sure I gave them a
16 report, but I didn't give details publicly to the
17 members or to anybody else in the fire department.

18 Q. Did you talk to the press at all about
19 your contact with the investiga -- regarding the
20 investigation?

21 A. I don't remember speaking about the
22 investigation at all publicly.

23 Q. Councilman Wan, did you speak to him
24 during that pendency of the investigation?

25 A. Not in an official capacity, I don't

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1 think, about the investigation or what was going to
2 be done. I don't remember.

3 Q. Did you have any contact with the mayor's
4 administration? Anybody in his cabinet? HR?

5 A. I can't remember any specific incident or
6 person.

7 Q. At the bottom of that second paragraph in
8 the investigative report, that last sentence. This
9 is referring to investigators, I'm assuming. "He was
10 then asked to have any of these employees who wanted
11 to share their concerns contact us. None of them
12 ever did so."

13 Did you in fact check back with the people
14 that had raised the concerns to see if they wanted to
15 come forward regarding the investigative process?

16 A. Yes. There were a few employees that --
17 or members of our organization that came to me in
18 confidence that they -- they had concern over the
19 book, and how it was put out, and how it made them
20 feel, but they also wanted to remain anonymous and
21 not come out publicly, not come out officially to the
22 city, to the fire department because it's such a
23 sensitive personal issue that -- and we wanted to
24 respect those members' choice.

25 Q. So I already know about retired Chief

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1 Thompson. I know about Chief Wessels. It seems to
2 me that you're talking about other AFRD employees
3 now.

4 A. Yes. There were -- there were members of
5 my organization that -- and I seem to remember
6 putting -- asking members to -- if people wanted to
7 talk about it, that they could come to me and that we
8 could address those issues together. That we
9 could -- if they felt for, against, and to see what
10 the perception of our members were.

11 And there were some that came explicitly
12 saying, I don't want to come out. I don't want to
13 tell anybody in my station this. I don't want to
14 tell the city officially. I don't want to be on
15 record, but I don't like the content of this book and
16 how it was framed and I'm personally offended. And
17 we never pushed them to either file an official
18 complaint or to make any kind of public statement.
19 And it was not a specific incident. It was just
20 their opinion of the -- of the incident of the book.

21 Q. When you said you put -- did you put out a
22 request? Was that by e-mail, or was that through
23 meetings to have people contact you?

24 A. I think it was during a meeting of just
25 the members were there, and I said, you know, take

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1 this back to your houses and your battalions and, you
2 know, anybody that has strong opinions about this,
3 you know, let's get the pulse of the members and
4 figure out where our members stand.

5 Q. Do you recall who responded back, names of
6 firefighters who said, I don't agree with this, I'm
7 personally offended?

8 A. No. No, I don't. And there was, I mean,
9 not more than a handful that we had more than a, you
10 know, 30-second conversation with. But, you know, in
11 passing, everyone likes to give their opinion, but I
12 never recorded -- I never gathered any data on, you
13 know, exactly where we were. It was just casual
14 conversation.

15 Q. How many -- what's the number, your
16 numbers, membership numbers?

17 A. Membership numbers hovered around 500,
18 but, like I said, it was close to 1,000 of fire
19 rescue employees, and I guess about -- we really
20 represent between six and 800 -- I'm trying to
21 remember -- of the classified employees would be
22 captain and below.

23 Q. You said of those 500, say in the Local
24 134, you only came into contact with a handful who
25 approached you regarding --

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1 A. That we had a conversation specifically
2 about -- you know, the news story comes out and
3 everybody comes in and wants to talk. Most of them
4 it was just a very casual -- I don't even remember
5 who I talked to -- and there was a few that sat down
6 and, Hey, why is our response this when -- there were
7 some that were for the City's response in support,
8 and some that weren't that were against, and I can't
9 remember -- I don't remember who was where, and I
10 didn't track.

11 Q. Did you -- did Local 134 send out the book
12 to its members, or how did those members find out; do
13 you know?

14 A. The news.

15 Q. The news, okay. Do you remember when the
16 news went out, or just the news of the suspension?

17 A. Yeah, the news of the suspension. I think
18 that's -- that's when it became a story.

19 Q. And up until that point, nobody approached
20 you from the AFRD?

21 A. I don't remember anybody approaching me,
22 no.

23 Q. That first paragraph in the investigative
24 report, if you'd just go back to that.

25 A. Uh-huh.

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1 Q. It says, "He cited to an example." I'm
2 four lines down.

3 A. Uh-huh.

4 Q. And that's referring to you. "Wherein
5 firefighters were disciplined for expressing support
6 of Chick-fil-A's CEO Dan Cathy's stance on
7 homosexuality."

8 Down at the end of that paragraph just to
9 cut to the chase here, "Border's opinion was that
10 Chief Cochran should be held to the same standards?"

11 Do you remember telling that to
12 investigators?

13 A. Sounds familiar, yes.

14 Q. So seeing that we said that Firefighter
15 Shoemaker was disciplined with 30 days for posting
16 the fags comment --

17 A. Uh-huh.

18 Q. -- would that mean that you wanted Chief
19 Cochran held to the same standard; that you thought
20 the suspension was adequate? In other words, do you
21 think it should be the same punishment?

22 A. I don't remember specifically having a
23 feeling one way or the other. I think it was just an
24 example of, you know, this was a very harsh treatment
25 for someone who decided to take -- to publicly

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1 announce how they felt or to -- and I just -- I
2 wanted to see that the city was going to hold
3 everyone to the same standard and not treat anyone
4 different because they were an executive of the
5 department rather than a line employee.

6 Q. So when did you find out that Chief
7 Cochran was terminated?

8 A. I think on the news when everyone else
9 found out. I think that was the official
10 communication that I got. I don't believe I was
11 notified in advance.

12 Q. So given the fact that you told
13 investigators that you wanted Chief Cochran held to
14 the same standard that he held Firefighter Shoemaker
15 to, did you consider the termination then to be
16 excessive?

17 A. I don't know the details of what happened
18 between the termination -- or between the suspension
19 and the termination. I was concerned about on Chief
20 Cochran's return, how would the members respond to
21 a -- him leading the department.

22 Q. Did you know Chief Cochran to be a
23 Christian before the book issue came up?

24 A. Yes.

25 Q. How did you know that?

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1 A. It was fairly clear in conversations with
2 him of where his beliefs were, and I think that
3 was -- it was common knowledge that he was a
4 Christian.

5 Q. As a union president, I'm assuming, tell
6 me if I'm wrong, that you know a fair amount of
7 firefighters on the force?

8 A. Yes.

9 Q. Did you know anybody who -- any of them
10 who were religious, Christians, for instance?

11 A. Yes.

12 Q. Whether or not you shared their beliefs,
13 did you consider that a hindrance to their ability to
14 live out the mission of being an AFRD firefighter?

15 A. No.

16 Q. Were you concerned then that Chief Cochran
17 couldn't live out the mission of the AFRD because of
18 these beliefs?

19 A. Not because of the beliefs, no.

20 Q. If you turn back to the Local 134
21 printout.

22 A. Sure.

23 Q. Bottom of page five, it starts with
24 Chief Cochran's photo. Up at the top of page six,
25 I'll go ahead and read that.

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1 "Atlanta Professional Firefighters
2 Local 134 would like to commend Mayor Reed and his
3 administration for their decision to terminate
4 Fire Chief Kelvin Cochran. Local 134 supports LGBT
5 rights and equality among all employees. Atlanta
6 Professional Firefighters believe we should take this
7 opportunity to work with city council and the Reed
8 administration to improve LGBT rights by adding an
9 LGBT liaison for the fire department."

10 Before the book, did you consider that
11 there was a problem with LGBT rights or relations in
12 the fire department?

13 A. I don't think rights, but I think just in
14 the culture of the fire service, that I think LGBT
15 relations is a -- it's a very sensitive matter and
16 very important one to address, simply because we
17 spend 24 hours in a house together with what
18 essentially becomes our second family, and if there's
19 -- we're together in a very intimate environment
20 that, you know, makes that -- those relations, and it
21 necessitates having very good policies, procedures,
22 and ways for employees to raise a flag if they feel
23 like they're being mistreated.

24 Q. And was this your official Local 134 press
25 release regarding the termination of Chief Cochran?

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1 A. Yeah, it looks to be. And I don't know if
2 it's entirely, or if it's a portion of my official
3 release to the members and just cut and paste in the
4 website, but, yeah, it's --

5 Q. Would you remember when that would have
6 gone out?

7 A. After Chief Cochran was -- it was
8 announced that he was terminated. I don't remember
9 exactly when.

10 Q. Is there a reason why you took the
11 opportunity -- it looks like that's the main focus is
12 commending Mayor Reed for his action and then an
13 entire focus on LGBT issues. Why is that?

14 MS. HINTON: Object to the form.

15 THE WITNESS: Twofold. First,
16 politics. It's always nice to stay in good
17 with the mayor and say that you support him
18 because there's so many things that I don't
19 support him on. I felt like it was
20 necessary to -- if there was a decision
21 that we could get behind him, then we
22 wanted to get behind him.

23 BY MR. CONNELLY:

24 Q. Did you do that because you thought the
25 mayor was a supporter of LGBT rights?

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1 A. I believe he was and said he was, but
2 I -- yeah, it was -- we felt that there was going to
3 be an issue with Chief Cochran being able to lead
4 after this incident; and, you know, we commended the
5 mayor for doing what surprised us by suspending him
6 in the first place, and then doing a worthwhile
7 investigation. So we felt like that the city did a
8 good job of addressing the issue.

9 And then during our conversations before
10 that with the executive board and members, there were
11 issues that weren't specific incidents that we needed
12 to address, but just a culture of intolerance and
13 firehouse culture to LGBT rights. And it felt like a
14 great time to springboard into, here, let's create a
15 liaison that specifically focuses on LGBT relations.

16 Q. Was it also because of the fact that the
17 comments you got from the handful of people you spoke
18 about related to LGBT concerns with the book?

19 A. It was more of the format that I got those
20 comments that were -- some of them were passed from
21 one employee to another, so I wouldn't even know who
22 the employee was. Some of them were a phone
23 conversation of saying, please don't say anything to
24 anyone else. It seemed like that we had discovered
25 that there were more issues on the LGBT relations

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1 agenda that we hadn't recognized before.

2 So it was not as much what they said but
3 how they said it, and that they were afraid to come
4 forward that made us realize that this is something
5 that we need to address globally.

6 Q. And this was despite the fact that you
7 couldn't come up with one single instance of
8 discrimination or maltreatment by Chief Cochran to
9 any AFRD member during his entire tenure, correct?

10 A. Right. It was not --

11 MS. HINTON: Object to the form.

12 THE WITNESS: It was not incident
13 based. It was -- it was culturally based.

14 BY MR. CONNELLY:

15 Q. So would you say this has nothing to do
16 with the book then?

17 A. I believe -- it felt like they were
18 separate issues. That the book made us look into
19 issues that we didn't know were -- that were there
20 that we decided need to be addressed and that this
21 was a good time to start addressing them.

22 Q. Are you familiar with the Atlanta Fire
23 Rescue Doctrine?

24 A. Somewhat.

25 Q. The court reporter has handed you what has

1 been previously marked as Plaintiff's Exhibit 18.
2 It's the Atlanta Fire Rescue Department Doctrine.
3 What's your -- do you have a working knowledge of
4 this doctrine?

5 A. It's been a while, but, yeah, I'm aware of
6 it and understand what it's about.

7 Q. Can you tell me what the main things that
8 jump out at you about the doctrine are?

9 A. Can you clarify?

10 Q. Well, if the look at page three, for
11 instance, in the actual document, the core values,
12 for instance, is what I was getting at. When you
13 look at A through G there.

14 A. Uh-huh.

15 Q. So integrity, competence, excellence. F,
16 "Providing an ism-free climate devoid of racism,
17 sexism, favoritism, nepotism, and territorialism."
18 Had you heard of that before this incident?

19 A. Yes.

20 Q. How did you hear about it?

21 A. There were -- this was a -- the core
22 values were something that had been pushed out in
23 every station and in meetings there, I think there
24 was big posters on the wall that said what our core
25 values were; and it kind of tried to announce the

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1 overall feeling of the fire department, this is how
2 we are and what we're about.

3 Q. And you came on board in 2005. Do you
4 remember when this doctrine came into being?

5 A. I believe this was a Chief Cochran
6 initiative.

7 Q. So one of Chief -- so it would be safe to
8 say that an accurate statement that Chief -- one of
9 Chief Cochran's goals, one of the things that was
10 pushed down from high on the chain of command down to
11 the operational units' members was that you wanted to
12 create an environment free of isms, correct?

13 A. Or at least have a doctrine that said we
14 did, yes.

15 Q. And one of those was the goal. That was a
16 goal of the doctrine?

17 A. Yes.

18 (Exhibit 45 was marked for
19 identification.)

20 BY MR. CONNELLY:

21 Q. The court reporter has handed you what's
22 been marked as Plaintiff's Exhibit 45. I represent
23 to you that it's an AJC article dated September 14th,
24 2015. I'll give you a couple of seconds to review
25 that, if you would.

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1 A. Okay.

2 Q. On that second page it's got a quote from
3 you as union president up top. It's that second
4 paragraph.

5 MS. HINTON: I think we're missing
6 the second page.

7 BY MR. CONNELLY:

8 Q. If you can just go ahead and read that.

9 A. (Witness complies with request of
10 counsel.)

11 Q. Now, within that article you're quoted as
12 saying that "The chief is very customer service
13 oriented," right?

14 A. Yes.

15 Q. What did you mean by that?

16 A. I meant that the chief was all about us
17 serving the citizens, and that anything that the
18 citizens wanted that we could provide within reason,
19 that we would try to see them as customers and not
20 just taxpayers or patients or victims.

21 Q. And did you ever get any indication from
22 Chief Cochran or any of his command structure under
23 him that customer service was limited to certain
24 segments of the community?

25 A. No.

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1 Q. Or that services were to be rendered only
2 to certain segments of the community depending on
3 what they believed?

4 A. No.

5 Q. Or what the chief believed or what command
6 structure believed?

7 A. No.

8 Q. Would it be an accurate statement to say
9 that your tenure as union president was fairly
10 contentious?

11 A. Yeah, that's probably accurate and
12 probably understated.

13 Q. When you say understated, expand on that,
14 if you would.

15 A. No. I believe I took the position during
16 a very hard time with the salary issues, pension
17 issues, and I think that only added fuel to the fire
18 of my role as the new president.

19 (Exhibit 46 was marked for
20 identification.)

21 BY MR. CONNELLY:

22 Q. The court reporter has handed you what's
23 been marked as Plaintiff's Exhibit 46. Do you
24 recognize that document?

25 A. I do.

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1 Q. What is it?

2 A. Looks like the class action suit that we
3 filed against the City of Atlanta in regards to our
4 pension changes.

5 Q. If you could just give me a thumbnail
6 sketch of what that complaint was about. What was
7 that case about?

8 A. The case -- the city decided to change the
9 terms of our pension agreement with regards to
10 employer responsibility and contribution. We felt
11 that that change was a violation of our employee
12 contract from when we started, and that we were
13 seeking some relief from the Court to define that for
14 us.

15 Q. What was the outcome of that complaint?

16 A. The Court agreed with the city that they
17 had the right to change the pension because of how --
18 because of the way that the pension ordinance was
19 written.

20 Q. And so that five percent you talked about,
21 I think, right, did that have any -- what effect did
22 that have on your firefighter pay?

23 A. It -- I mean, it took what we felt was
24 already a substandard pay and lowered it by five
25 percent, and without increasing any benefits or

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1 pension returns in the end.

2 Q. What was the mayor's take on the case?
3 Did he make any public statements?

4 MS. HINTON: Object to the form.

5 THE WITNESS: He made several public
6 statements, if I recall, but he was -- he
7 felt firmly that the change was legal and
8 necessary.

9 (Exhibit 47 was marked for
10 identification.)

11 BY MR. CONNELLY:

12 Q. The court reporter handed you what's been
13 marked Plaintiff's Exhibit 47. I'll represent to you
14 it's an article from Creative Loafing dated
15 August 11, 2015. I don't really have any questions
16 for you regarding the actual article or the content.
17 Do you recognize the picture?

18 A. I do.

19 Q. What does that picture represent?

20 A. That was a collaboration between the
21 police union and our organization to put pressure on
22 the mayor to address firefighter salaries.

23 Q. Who paid for this?

24 A. I believe we -- our organization put in
25 some. I don't remember if it was half or how it was

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1 split, but we did contribute some money.

2 Q. Do you remember how long it was up?

3 A. It feels like 30 days maybe, but it may
4 have gone another month. I don't remember.

5 Q. What was the mayor's response; do you
6 recall?

7 A. He was not happy about it.

8 Q. When you say he wasn't happy, give me some
9 details.

10 A. I think he -- he did not like that we were
11 putting public pressure, and that he felt like that
12 we were in the wrong, and that the pension lawsuit
13 needed to be dropped before he would address any
14 other salary issues; and we disagreed.

15 Q. Were there any disciplinary -- was there
16 any disciplinary fallout from putting that billboard
17 up?

18 A. Against the union?

19 Q. Against the union or any firefighters I'm
20 talking about, not union.

21 A. I don't know of any. I don't believe
22 there were any firefighters that were directly
23 involved as their capacity as firefighters.

24 Q. It was strictly a union --

25 A. It was union members.

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1 Q. Okay.

2 A. We try to walk the line very carefully
3 between are we representing the city or are we
4 representing the union.

5 MR. CONNELLY: I think if we take a
6 short break, we can get him out of here
7 pretty quickly.

8 MS. HINTON: Okay, sure.

9 THE VIDEOGRAPHER: The time is
10 4:16 p.m. We're off the record.

11 (A recess was taken.)

12 THE VIDEOGRAPHER: The time is now
13 4:25 p.m. We're back on the record.

14 BY MR. CONNELLY:

15 Q. Mr. Borders, you said earlier that you
16 personally disagreed with some of the beliefs
17 expressed in Chief Cochran's book regarding
18 homosexuality; is that right?

19 A. Yes.

20 Q. What beliefs exactly did you disagree
21 with?

22 A. I think it's just in -- his interpretation
23 of the Bible and mine just vary a little bit. I
24 think we're both Christians, but I think his
25 interpretation would be a little more conservative on

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1 when it comes to LGBT issues.

2 Q. Trying to get a little more specific, what
3 did you understand his position to be?

4 A. That the Bible explicitly says that
5 homosexuality is a sin and that that is -- that is
6 how he feels and --

7 Q. And what are your beliefs?

8 A. That when the Bible talks about
9 homosexuality, that I don't feel like it is a
10 black-and-white issue, that it -- I feel like that
11 there was -- there's a lot of gray area for, is it a
12 written by man but inspired by God that may
13 have -- and man in their culture that -- I don't feel
14 that LGBT issues, that it is a sin, you're going to
15 hell. I think it's a different world that we live in
16 than was in the Bible, and it was even 30 years ago
17 when my parents were young that I -- I'm not as
18 conservative on those areas.

19 Q. Assuming Chief Cochran's views were the
20 same from the time you first operated under his
21 leadership through the point of his termination -- in
22 other words, he had the same views up and through
23 termination that are recognized in the book, you
24 didn't have any problem working with him before the
25 book was published; is that correct?

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1 A. Not because of his views, no. We had
2 different views on other things when it came to the
3 fire department and how to address issues, but his
4 personal beliefs were never an issue when it came to
5 official fire department capacity.

6 Q. But you wouldn't deny that he was fit for
7 leadership as a fire chief up until the point you
8 heard -- you read about the book?

9 A. Yes. And he had the qualifications, and
10 yes, he was able to be fire chief.

11 Q. So even disagreeing with the views that
12 you read in the book from those excerpts, if Chief
13 had come back, could you have worked under him?

14 A. I wouldn't have had a choice. That's
15 beyond my control on who the fire chief is, and I
16 didn't -- I didn't have a problem with his beliefs.
17 I didn't have a problem with anyone else's beliefs,
18 but there was -- there's an issue of -- there's some
19 things that you don't officially talk about and put
20 out that this is -- and I was concerned about the
21 members being represented fairly when you had someone
22 who felt like we crossed the line of expressing that
23 they're in this position, and this is how they
24 believe, and this is how they believe in that
25 capacity of their position.

1 It wasn't that they were -- we heard this
2 in a church, that this is how they believe on Sunday.
3 They put a different uniform on, they come in, and
4 they talk about this on Monday. We were afraid that
5 there was a line that either had been crossed or was
6 going to be crossed of that there would be -- the
7 beliefs from Sunday would carry over while you're in
8 uniform, and that was our concern as the union.

9 Q. And that was even though -- like I said,
10 assuming the chief hadn't changed his views, there
11 was no indication that he couldn't operate as fire
12 chief or didn't operate respecting everyone beliefs,
13 serving everyone?

14 A. There were no specific --

15 MS. HINTON: Object to the form.

16 THE WITNESS: There were no specific
17 incidents, no, but there was also -- there
18 had never been -- I think it was widely
19 known Chief Cochran's beliefs, but there
20 had never been an explicit announcement of,
21 this is where I stand in uniform. It's not
22 this is where I stand outside of the
23 capacity.

24 And that was our fear, that we may
25 have crossed that line and that may affect

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1 his ability to lead in the City, and that's
2 why we asked for the City's help to look
3 into it.

4 BY MR. CONNELLY:

5 Q. But apart from the fact that you say you
6 have no choice as an operational firefighter who's
7 not in the --

8 A. Right.

9 Q. -- upper ranks or the mayor who has --

10 A. Right.

11 Q. Is it your testimony you could have worked
12 for him even though he had those views and they were
13 known?

14 A. Yes.

15 Q. You talked a little bit about the handful
16 of people that may have come to you or come to you
17 through third parties.

18 A. Right.

19 Q. I think you also said that there were some
20 expressions of support for Chief Cochran; is that
21 correct?

22 A. Yes, there were.

23 Q. Who were those firefighters; do you
24 remember?

25 A. I don't remember specifically who they

1 were, but there was, you know, at least three or four
2 conversations that people came up and that they felt
3 like we were in the wrong by supporting the city on
4 this because as they understood it, that it was a --
5 that we -- they felt like that the city and the union
6 were attacking someone because of their beliefs, and
7 I felt like that that was not -- that was not the
8 issue is what their beliefs were, but it was that
9 there was -- it was separating beliefs and personal
10 life with employment and work life and -- but there
11 was, I think three or four employees that expressed
12 that they felt like we were on the wrong side of the
13 argument.

14 Q. You talked about your official union
15 position when you put out those statements. How did
16 the union have come to that official position?

17 A. Through the executive board as well as
18 through -- I believe once we -- once the story came
19 out and that was a topic for discussion, it was there
20 to all members present of how the union should
21 officially proceed, how we should address the issue,
22 and what things we should do moving forward.

23 Q. So was there a vote, or was a decision
24 made by the three of you as executive -- --

25 A. I don't believe there was an official

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1 vote, but there was an open forum that allowed for
2 people to express their opinions. But I don't
3 believe there was anything that met the criteria of
4 action that we were doing that required a vote.

5 Q. So basically then you decided as a trio
6 that that was the official position that the union
7 was going to take?

8 MS. HINTON: Object to the form.

9 THE WITNESS: Yes. As the executive
10 board of the union, on issues like that of
11 where we decide the direction is going,
12 there's explicit things that we have to
13 get -- bring before a vote, you know,
14 spending money or doing official legal
15 actions and things, but there's -- the
16 bylaws state that the president leads and
17 guides with the help of the executive
18 board.

19 BY MR. CONNELLY:

20 Q. Were you -- as an AFRD employee
21 firefighter, were you ever issued any city equipment?

22 A. Yes.

23 Q. And what I mean by that is cell phones,
24 laptops, not, say, firefighting equipment.

25 A. No.

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1 Q. So you didn't have a cell phone?

2 A. No.

3 Q. You had a city e-mail account?

4 A. I did.

5 Q. Did you ever use that city e-mail account
6 on any occasion to e-mail friends or family, say, if
7 your personal e-mail account was down?

8 A. I'm sure I did in the ten plus years that
9 I was there. I don't recall any specific incident,
10 and if it -- I'm sure it was for personal, not for
11 additional -- like, it wasn't personal business used
12 for income or revenue. It was --

13 Q. Did you ever know anybody who was
14 disciplined for incidental use of e-mails accounts or
15 city-issued cell phones?

16 A. I don't remember specific incidents, but I
17 know that there were -- if there were employees that
18 were utilizing the city e-mail system to either
19 announce things that they were trying to sell or push
20 on the side, that they were disciplined or -- and
21 told they can't do that.

22 If people came around soliciting their
23 side business at the fire stations, you couldn't do
24 that. You had to go through the city to get
25 permission to come to the fire stations. So it was

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1 pretty clear rules of what you could and couldn't do
2 while you were on duty and while you were on city
3 property.

4 Q. Chief David Rhodes, can you tell me what
5 happened with him?

6 A. What about Chief David Rhodes?

7 Q. Was he terminated?

8 A. As I understand it, he was terminated
9 after I was gone from the fire department.

10 Q. Do you know any of the specifics of his
11 termination?

12 A. What specifics I know were very vague and
13 that he was just brought in and terminated, and
14 without cause, and without any other explanation; but
15 that was third or fourth party that I heard it
16 because I was not in an official capacity.

17 Q. At some point did you resign from the
18 union?

19 A. I did when I left the fire department.

20 Q. Did that happen at the same time?

21 A. Yes. Yes. When I left the fire
22 department officially, I resigned my position as
23 president.

24 Q. When exactly did you leave? Do you recall
25 the date?

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1 A. October of 2015.

2 Q. Can you tell me why you left the fire
3 department?

4 A. I just decided -- I had become -- I got
5 vested in my pension. I felt like the direction and
6 the career ladder that was there was not going to be
7 sufficient for my -- for where I wanted to be in my
8 professional life and decided to move on to the
9 private sector.

10 MR. CONNELLY: I don't have any
11 further questions for you, Mr. Borders.
12 You do have the opportunity to read and
13 sign, and that just basically means you can
14 have a copy of the transcript once it's
15 completed. You can look it over to see if
16 there are any what you consider to be
17 mistakes, and you can make notations on
18 that and sign it and get it back to the
19 court reporter, so if you'd like to do
20 that, just let us know.

21 THE WITNESS: Okay. No, I don't I
22 think I need to unless I need to.

23 MR. CONNELLY: You can let us know.

24 MS. HINTON: We'll have him read and
25 sign, yeah.

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1 MR. CONNELLY: Thank you.

2 THE WITNESS: Sure.

3 MS. HINTON: I have just a few
4 questions.

5 EXAMINATION

6 BY MS. HINTON:

7 Q. Mr. Borders, was Chief Cochran a member of
8 the union?

9 A. Not officially. I'm not sure if he was
10 ever a member of the - our parent, the International
11 Association of Firefighters, in his career; but not
12 in Atlanta, he was not an official member.

13 Q. Then what was his relationship with the
14 union during your time as president?

15 A. Well, his relationship was at the top end
16 of the fire department, and I was the top end of the
17 classified employees, and that I would go to him with
18 internal fire department issues that felt like they
19 needed to be addressed.

20 Q. Was he the one on the other side of the
21 table from you negotiating?

22 A. On internal fire department issues, yes.

23 Q. Are you aware of the difference between a
24 classified and an unclassified employee of the city?

25 A. Yes.

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1 Q. And, what is the difference, to your
2 knowledge?

3 A. A classified employee, as my understanding
4 from the city code, that that's -- in the fire
5 service that's the rank of captain down to
6 firefighter. And those are protected by the civil
7 service code. That once you get above captain, you
8 become an unclassified at-will employee that we don't
9 officially represent. We had some chief officers
10 that were members, but they were not officially
11 represented by us. If there was a disciplinary
12 action, they were -- they had a different process and
13 fell under a different code than the captains and
14 below.

15 Q. And when you say an unclassified employee
16 is an at-will employee, what do you mean by that?

17 A. That they don't -- they don't -- they're
18 not defined in the civil service code of protection
19 and guidelines, that if there's a complaint, that
20 this procedure happens. If they're fired, they have
21 to go through this procedure. They can appeal any
22 decision the fire department makes to the civil
23 service board. It's just a -- it's a lot more
24 procedures that apply in dealing with classified
25 employees.

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1 Classified employees get overtime.
2 Unclassified employees do not get overtime. They're
3 essentially the management, and they can be told
4 however many hours they have to work and it's --
5 that's our demarcation between white collar and blue
6 collar.

7 Q. During your tenure as union president,
8 were you aware of employees in the fire department
9 who were suspended?

10 A. Yes.

11 Q. During those suspensions, are you aware of
12 whether or not those employees were allowed to
13 comment publicly on their suspension or employment?

14 A. Well, as a general rule, whether they were
15 being disciplined or not, that employees
16 shouldn't -- they were not allowed to talk about the
17 city in an official capacity without going through
18 the mayor's office of communications. That
19 they -- if a reporter came into the fire station,
20 they could be there as a citizen, but if they want an
21 interview, turn the camera on, then no employee was
22 allowed to talk to them except me. In the union
23 president role I could do it, but I couldn't do it as
24 a firefighter, you know, on the scene, and I could
25 not give official statements at all without going

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1 through the mayor's officer.

2 Q. Would it surprise you to learn that the
3 city had advised an employee not to speak on the
4 subject of their suspension while they were
5 suspended?

6 A. It would not surprise me, no. That sounds
7 like something that would happen.

8 Q. And why do you say that?

9 A. Typically the city will not talk to even
10 us as their official representation. OPS would not
11 give us any information about an investigation that
12 was still open or a disciplinary matter; and I'm sure
13 they would advise the employee to do the same thing.

14 That was one of the -- disciplinary stuff,
15 unless it was in a certain form was not to be talked
16 about. And I don't know if people that were
17 specifically told not to go back and be counseled on
18 how they should proceed, but it wouldn't surprise me
19 at all.

20 Q. When you issued that statement that we
21 were shown in support of Mayor Reed's decision to
22 terminate Cochran, did you feel that you had the
23 support of the union when you made that statement?

24 A. Yes. Yes, I felt like that that was
25 a -- that was me as the president, not as my personal

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1 feelings. I feel like that that's where the union
2 stood, that's where the executive board stood, and
3 that's where the majority of the members were with
4 that.

5 Q. And what did you base that feeling on with
6 respect to those outside of your executive team?

7 A. Just on conversations, either informal or
8 just with other members of their feelings on the
9 issue.

10 Q. When was the last time that you worked for
11 the City of Atlanta?

12 A. It was in -- actually, the last shift that
13 I worked was in August, I think August 14th of 2015.
14 And then I was on leave with my newborn son, and then
15 retired in October of 2015.

16 Q. Well over a year?

17 A. Yes.

18 Q. What special treatment, if any, have you
19 received from the city for coming today to testify?

20 A. I got a free lunch.

21 Q. Anything else?

22 A. No.

23 Q. Do you have a dog in this fight?

24 A. No.

25 Q. In fact, you've sued the mayor and the

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1 city in the past; is that right?

2 A. Yes. I've made both sides of this
3 argument very mad at numerous times.

4 MS. HINTON: No further questions.
5 Thank you.

6 THE VIDEOGRAPHER: This concludes
7 Media Number 2 in the video deposition of
8 Stephen Borders on February 17th, 2017.
9 We're off the record at 4:43 p.m.

10 (Deposition was concluded at 4:43 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, STEPHEN D. BORDERS, 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: _____

Reason for change: _____

Page _____ Line _____ should read: _____

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C E R T I F I C A T E

G E O R G I A :
F U L T O N C O U N T Y :

I hereby certify that the foregoing deposition was reported, as stated in the caption, and the questions and answers thereto were reduced to the written page under my direction; that the foregoing pages 1 through 119 represent a true and correct transcript of the evidence given. I further certify that I am not in any way financially interested in the result of said case.

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

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

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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 1st 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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AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of Georgia



KELVIN J. COCHRAN,

Plaintiff

v.

CITY OF ATLANTA, GEORGIA; and MAYOR KASIM REED, in his individual capacity,

Defendant

Civil Action No. 1:15-CV-00477-LMM

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Stephen Borders

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action.

Table with 2 columns: Place (Baker, Donelson, Bearman, Caldwell & Berkowitz, PC) and Date and Time (02/17/2017 2:00 pm)

The deposition will be recorded by this method: Court reporter and videographer

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Attached Exhibit A.

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/03/2017

CLERK OF COURT

OR

/s/ Kevin Theriot

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff

Kelvin J. Cochran, who issues or requests this subpoena, are: Alliance Defending Freedom, 15100 N. 90th Street, Scottsdale, AZ 85254 (480) 444-0020, ktheriot@ADFLegal.org

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Exhibit A

All documents and communications in your possession or control, including but not limited to, all notes, memoranda, diaries, journals, blog entries, social-media posts, calendars, e-mails, text messages, correspondence, and letters which relate in any way to the following:

- a. the suspension or termination of Chief Kelvin Cochran
- b. the book authored by Kelvin Cochran entitled *Who Told You That You Were Naked?: Overcoming the Stronghold of Condemnation*.
- c. the Chick-fil-A incident in which several Atlanta Fire Rescue Department employees were disciplined.

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 1:15-CV-00477-LMM

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

From: Terrance Simon [<mailto:tsimon010@gmail.com>]
Sent: Friday, November 07, 2014 8:51 AM
To: Arkla Napper; Napper, Arkla
Cc: Stephen Borders; Borders, Stephen
Subject: RE: Next meeting with Chief Cochran

I work on A shift. I will make myself available.

Terrance Aimon

On Nov 5, 2014 11:22 AM, "Napper, Arkla" <AANapper@atlantaga.gov> wrote:
Mr. Simon:

Will you provide me with dates in which you are available to conduct a breakfast meeting with Chief Cochran so that I can solidify these arrangements? Thanks!

From: Borders, Stephen
Sent: Wednesday, November 05, 2014 10:23 AM
To: Napper, Arkla
Subject: Re: Next meeting with Chief Cochran

I work Today (C) Shift

In Nov I work 5,8,11,14,17,20,23,26,29

Stephen

Sent from my iPad

On Nov 5, 2014, at 09:31, Napper, Arkla <AANapper@AtlantaGa.Gov> wrote:
I have not heard back from Terrance and I am not sure what shifts you two work. I need to know that in order to provide you with dates of availability.

From: Borders, Stephen
Sent: Wednesday, November 05, 2014 9:10 AM
To: Napper, Arkla
Subject: Re: Next meeting with Chief Cochran

Do we have any Nov dates yet? My schedule is filling up fast.

Stephen borders



Sent from my iPad

On Oct 7, 2014, at 14:29, Napper, Arkla <AAANapper@AtlantaGa.Gov> wrote:
Good afternoon:5,8

Chief Cochran has asked that I schedule a meeting with the both conducive to your off-duty time. I am not familiar with your respective work shifts but I have to following dates to offer for October. If these dates will not work, send me your on-duty shift and I will come up with some dates in November that may work for Chief Cochran.

Oct 8, 9, 15 at 7am

(/)

HEALTH (/TOPICS/TOPIC/CATEGORIES/HEALTH.HTML)



ERIK S. LESSER / EPA

US doctors: With proper protocols, no need to panic over Ebola

Critics allege Texas hospital workers were not sufficiently protected from the virus, causing two to become infected

October 21, 2014 5:00AM ET

by **Mary Brophy Marcus (/profiles/b/mary-brophy-marcus.html)** - @brophymarcus (<http://www.twit>)

Emergency room physicians say that if proper protocols are applied, the risk posed by Ebola doesn't have to be significantly more threatening than the dangerous situations and pathogens doctors face in their everyday work

Tweet



“There certainly is a risk. This isn’t just measles or the chicken pox. It’s an unknown. But I don’t feel personally at risk at this point in time,” said Dr. Robert Glatter, a spokesman for the American College of Emergency Physicians (<http://www.acep.org/>) (ACEP) and an attending physician in the department of emergency medicine at New York City’s Lenox Hill Hospital.

Many who labor daily on the front lines of medicine say that although there is heightened concern, they do not feel their safety is at imminent risk. They also said they don’t believe there is a potential for a large Ebola outbreak in the U.S.

“I feel safe knowing we have protocols in place and knowing how the virus is transmitted. I’m very comfortable at this point saying I don’t feel there will be an outbreak in the U.S.,” said Glatter. “I think there are going to be more cases than we’re seeing right now, but I don’t think it’s going to be a large number.”

Dr. Stephen Epstein, also of ACEP, said while he’s concerned about the virus’ presence in the United States, he is not overly worried about his safety while practicing medicine.

“Among health care workers, this is nothing terribly new. We deal with virulent pathogens all the time — patients who have meningitis and tuberculosis. Ebola is hard to catch. It is not airborne. Just like hepatitis C and HIV, it is spread through body fluids. We’ve been dealing with precautions for that for a long time,” said Epstein, who practices emergency medicine at Boston’s Beth Israel Deaconess Medical Center and is an assistant professor of medicine at Harvard Medical School.

“‘Among health care workers, this is nothing terribly new. We deal with virulent pathogens all the time – patients who have meningitis and tuberculosis. Ebola is hard to catch. It is not airborne. Just like hepatitis C and HIV, it is spread through body fluids.’”

— Stephen Epstein

emergency room doctor, Beth Israel Deaconess

Epstein said precautions for Ebola will be more stringent because doctors know less about it than, for example, influenza or enterovirus D68, which is causing paralysis in children.

In terms of protecting his health, Epstein said, “The biggest thing was just wanting to know what our plan is for Ebola. Now we have a plan in place. The CDC [Centers for Disease Control] has been assisting with that. Once you have a plan, you feel a lot more comfortable about it. You know the

equipment is there, how the virus is transmitted and how to proceed, who to call, what the resource are and how to protect the staff while caring for a patient with Ebola — and how to protect other patients. That eases concerns among hospital staff. It's just a matter of sharing knowledge. Good knowledge is a powerful thing.”

Glatter felt confident about the protocols that have been put in place at Lenox Hill Hospital: screening patients with West African travel histories, isolating patients of concern and having personal protective equipment ready for use, including surgical boots, gowns and neck protection.

“The leadership from emergency medicine here have been in contact with officials from the New York State Department of Health as well as the CDC,” he said, adding that there have been meetings and email communications with diagrams and procedures and that training on how to deal with Ebola patients has already began.

Still, others are unnerved after hearing last week's news of two Dallas health care workers who tested positive for the virus after caring for Thomas Eric Duncan, the first person who died of the disease in the United States.

Glatter said some nurses have a higher level of unease. “We're all on the front lines, but nurses in particular,” he said.



Ebola outbreak

Follow Al Jazeera's extensive coverage of the epidemic

(/topics/topic/issue/Ebola.html)

Deena Brecher, president of the Emergency Nurses Association (<http://www.ena.org/Pages/default.aspx>), said having a screening process in place for suspected Ebola patients — the CDC checklist that helps health care workers determine if a patient is low or high risk — has been key to boosting confidence among emergency room nurses.

“From that perspective, I'm very comfortable. But when Nina [Pham] the Dallas nurse got sick, that's when it hit home. You are out there taking care of patients like she does. We don't care who you are or what you look like. That's what we do. But that news, for all of us, added a level of uncomfortableness,” said Brecher, a pediatric emergency room nurse.



Nurses at Texas Health Presbyterian Hospital in Dallas alleged that Dunaway left an open area of an emergency room there for hours and that the nurses worked for days without proper protective gear and faced constantly changing protocols, according to a statement released (<http://america.aljazeera.com/articles/2014/10/15/dallas-nurses-citesloppyconditionsinebolacare.html>) on Oct. 14 by National Nurses United, the largest U.S. nurses' union.

“The system failed in Dallas. What happened in Dallas probably could have happened at any hospital this country. We need time to practice before a patient comes in, to learn how to put protective gear on and how to take it off using the buddy system that the CDC recommended. We can’t wait until that patient comes into an emergency department. Every emergency department should be doing it and simulating with fake patients now how to isolate and get them to where they need to be,” Brecher said.

Wendell Watson, a Texas Health Presbyterian spokesman, did not respond to specific complaints by the nurses but said the hospital has not received similar statements.

“Patient and employee safety is our greatest priority, and we take compliance very seriously,” he said in a statement. He said the hospital would “review and respond to any concerns raised by our nurses and all employees.”

“‘The system failed in Dallas. What happened in Dallas probably could have happened at any hospital this country. We need time to practice before a patient comes in, to learn how to put protective gear on and how to take it off using the buddy system that the CDC recommended.’”

— Deena Brecher
president, Emergency Nurses Association

Firefighter and paramedic Sgt. Stephen Borders, president of the Atlanta Professional Firefighters Association, drives a ladder truck that handles all the fire and medical emergencies at Hartsfield–Jackson Atlanta International Airport. The city is home to the CDC and Emory University Hospital, where three patients have been treated for Ebola.

He said he and his friends, some of whom work in hospital settings, have been talking a lot about Ebola. He said he feels more confident about his safety than friends who work in hospital emergency settings.

“Ebola has been extremely eye-opening for us. The standard precautions we’ve always used are not going to be enough,” said Borders.

The firefighters are developing Ebola-specific protocols and upgrading their general infectious disease protocols, he said.

“It’s much easier for us to get a little more equipment than for the hospital to create separate entrances for febrile patients and negative-pressure rooms and isolation areas versus nonisolation areas. We are well protected and have all of the gear we need, all the way up to an encapsulated suit and air supply,” said Borders.

Brecher said health care workers, especially those working in quarantined patients, need support to deal with the stress.

“There are motor vehicle incidences where someone you know is killed or you have a child die,” she said. But the emotional toll on health workers who have been exposed to Ebola can be “incredibly horrible” too.

Glatter said, “This is not just a medical issue but a psychological issue. Quarantine is like having the scarlet letter on you. Will the community view you as someone who can’t be approached or spoken to and dealt with? That’s a concern I would have for those people who’ve been infected.”

“There’s PTSD [post-traumatic stress disorder] from this kind of close encounter with death, and it can leave scars ... People’s fears are not backed up by scientific fact, but still people are approaching you differently because you’ve had [or been exposed to] Ebola,” he said.

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PENGAD 800-631-6088
PLAINTIFF'S
EXHIBIT
41
2/17/17 SB

From: Sengova, Jabu
Sent: Monday, November 24, 2014 4:49 PM
To: sborders@iaff134.org
Cc: Hickson, Nina; Meadows, Wilmond; Hampton, Cathy D.; Yancy, Yvonne Cowser
Subject: FW: Stephens Borders_letter_112414
Attachments: Stephens Borders_letter_112414.pdf

Mr. Borders,

Please see attached a letter from our office concerning the ethics complaint you filed.

Sincerely,

Jabu M. Sengova, Esq. | Associate Ethics Officer | Ethics Office
68 Mitchell Street, Suite 12130 | Atlanta, GA 30303
404.865.8643 Phone | 404.225.5892 efax | jsengova@atlantaga.gov
website: <http://www.atlantaethics.org/>





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ATLANTA, GEORGIA 30303-0312
(404) 330-6286
FAX: (404) 658-6077

ETHICS OFFICE
Nina R. Hickson, Ethics Officer
ethicsofficer@atlantaga.gov

Electronic and Regular Mail

November 24, 2014

Stephen Borders
161 Magnum Street, Suite 205
Atlanta, Georgia 30313

Re: **Ethics Complaint filed**

Dear Mr. Borders:

This letter is concerning your ethics complaint filed against Chief Kelvin Cochran and President Terrence Simon. Your complaint alleges that AFR Training Academy allowed a fraternal organization to solicit members as a labor organization in violation of Section 2-818 of the Ethics Code which governs Solicitations. Further, you allege that all non-African American recruits were excluded.

The Board of Ethics has jurisdiction only in matters covered by the Code of Ethics, located in sections 2-801 to 2-824 of the Atlanta, Georgia Code of Ordinances. Your allegations do not provide any facts that would constitute a violation of Section 2-818. Therefore, your complaint is dismissed for lack of jurisdiction. However, we will refer your complaint to the Office of Professional Standards, Atlanta Fire Rescue Department.

Sincerely,

A handwritten signature in cursive script that reads "Jabu M. Sengova".

Jabu M. Sengova
Associate Ethics Officer

cc: Nina R. Hickson, Ethics Officer
Wilmond Meadows, Deputy Chief
Cathy Hampton, City Attorney
Yvonne Cowser Yancy, Commissioner

From: Borders, Stephen <SBorders@AtlantaGa.Gov>
Sent: Wednesday, December 10, 2014 11:27 AM
To: White, Tai D.; White, Tai D.
Subject: RE: Interview with the Law Department

Yes tomorrow at 2 is fine. I'll be there.

Stephen Borders
Sent via the Samsung Galaxy Note® II, an AT&T 4G LTE smartphone

----- Original message -----
From: "White, Tai D."
Date: 12/10/2014 9:35 AM (GMT-05:00)
To: "Borders, Stephen"
Subject: RE: Interview with the Law Department

Sure, will tomorrow at 2:00 pm work for you?

Thanks,

Tai' White

From: Borders, Stephen
Sent: Wednesday, December 10, 2014 8:31 AM
To: White, Tai D.
Subject: RE: Interview with the Law Department

I'm sorry but I had a family emergency that called me out of town. I will be back today and will be available tomorrow anytime. Please let me know what works and I will make arrangements.

Stephen Borders

Sent via the Samsung Galaxy Note® II, an AT&T 4G LTE smartphone

----- Original message -----
From: "White, Tai D."
Date: 12/09/2014 1:37 PM (GMT-05:00)



To: "Borders, Stephen"

Subject: RE: Interview with the Law Department

Okay, would tomorrow at 10:00 am work for you?

From: Borders, Stephen

Sent: Tuesday, December 09, 2014 1:32 PM

To: White, Tai D.

Subject: Re: Interview with the Law Department

I work on the Thursday the 11th. I can do tomorrow if we can do it a before 2PM, or anytime Thursday.

Let me know what works

Stephen Borders

770-366-2500

Sent from my iPad

On Dec 9, 2014, at 11:58, White, Tai D. <TaiWhite@AtlantaGa.Gov> wrote:

Hi Mr. Borders,

Bob Godfrey and Soo Jo, attorneys in the Law Department, would like to schedule an interview with you this week regarding a Fire Department matter. It should last about an hour. Would tomorrow 12/10 at 2:30 work for you?

Thanks,

Tai D. White | Paralegal | City of Atlanta Law Department | 55 Trinity Avenue SW, Suite 5000 | Atlanta, Georgia 30303 | Direct: 404.546.4190 | Main: 404.546.4100 | E-Fax: 404.548.7995 | taiwhite@atlantaga.gov

<image001.gif>

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Atlanta Professional Firefighters

9

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Atlanta Professional Firefighters

In the News

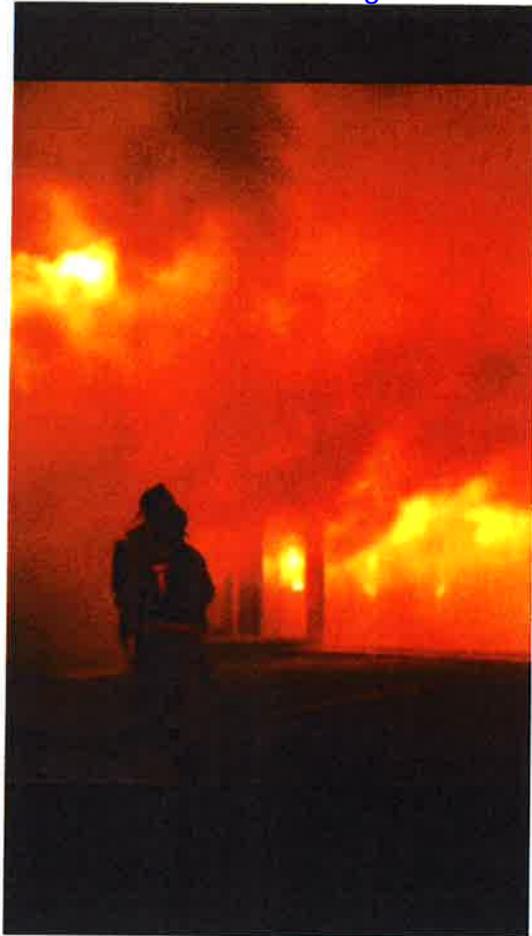
Atlanta Firefighters Respond To Apartment Fire

B Shift On Today February 6, 2017

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

Upcoming Events





<https://www.youtube.com/watch?v=T1R3dEcN-C8>

 share |



Yard Signs Going Up All Over Atlanta



These yard signs, with our billboard image will be going up all over Atlanta! Keep your eye out!

#stopreed #atlanta #kasimreed #cityofatlanta #iaff



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What Does A Decorated Paramedic Driver Bring Home?

Additional Amount	Override Amount	Override Percentage
1.00	1.00	5
1.00	1.00	3

Account Type	Account Number	Amount
IC	000011A	47.04
S		76.13



14 year Paramedic Driver
Two Medals of Valor
Medal of Merit

Brings home \$933.00 Bi-weekly! We are losing our veterans every day. Starting pay in many Departments is more than that!

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Atlanta Pro FFs Monthly Meeting



Members of Local 134 meet to discuss our plans moving forward.

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Atlanta Pro FFs Getting The Word Out



This Billboard was placed on I 75/85 South near University Ave in an effort to inform the citizens of Atlanta what is going on with the current city administration.

[+ share |](#)

What A 15 Year Decorated LT Brings Home



- 15 year Lieutenant
 - Medal of Merit recipient
 - Still makes less than \$40,000 a year
 - "Fire Fighters will get a raise at the appropriate time"
- #stopreed

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Why Are Firefighters Paid So Poorly?

<http://www.myfoxatlanta.com/Clip/11727728/why-are-they-paid-so-little#.Vbwo9dgNCBA.facebook>

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President Stephen Borders Message To The Atlanta FEC



Before the Atlanta City Council Finance/Executive Committee, July 29, 2015

"On Monday, July 20th, the Atlanta City Council passed legislation proposed by Mayor Reed providing pay raises for general employees of the City of Atlanta while purposely excluding its fire fighters and police officers. This action was followed by Mayor Kasim Reed grandstanding in front of the media, boasting that the reason for the exclusion was that, and I quote: "It would be ignorant to provide raises to a group of people who are suing us."

The Mayor added: "I am not going to approve any budget with a raise while we are being sued for \$48 million."

The action of denying raises because of a lawsuit on a separate issue or in an attempt to coerce us to drop that lawsuit is absolutely illegal, and if this Council goes along with the Mayor's illegal tactics, then you are condoning his illegal behavior.

Mayor Reed's stated reasons for denying raises to fire fighters are a clear violation of Atlanta's fire fighters constitutionally protected first amendment rights to free speech and to petition their government.

Mayor Reed's antics are also jeopardizing public safety in Atlanta, as well-trained, committed fire fighters are now looking elsewhere to find a city that values their work and to provide for their families.

As President of the Atlanta Professional Fire Fighters, I am here today to make it clear that our union, the International Association of Fire Fighters (IAFF), has pledged to stand with us and provide all of the legal and financial resources necessary to fight this illegal and discriminatory action. Unlike Mayor Reed, the IAFF respects fire fighters and the taxpayers of Atlanta, and they are willing to put their money where their mouth is to make sure this illegal discrimination is stopped.

It is terribly disconcerting that many of Atlanta's fire fighters and police officers have honorably served our nation in all parts of the world defending and promoting freedom. Then they come home and serve the citizens of Atlanta on the domestic frontlines, only to have those very same rights and principles they fought to defend vindictively trampled by a politician with no respect for the law or our nation's Constitution.

Atlanta's fire fighters are asking this Council to stop Mayor Reed. He's jeopardizing public safety and he's breaking the law. And we're asking this Council to start respecting the men and women who put their lives on the line for this city every day.

If the Mayor is allowed to continue his illegal campaign, Atlanta's taxpayers are the ones who will be footing the legal bills for his reckless, dangerous effort to discriminate against the city's fire fighters. And it is the taxpayers who will have to foot the bill again as the city will have to recruit and train all the new fire fighters it will need going forward as our bravest leave this great city."

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Frank Martinez (Squad 4, A)



Frank is currently on leave from his position as an Atlanta Fireman. He will need all of the assistance he can get from his Family and Friends which is why I have started this Fund in his honor. Frank has 2 sons ages 11 and 9. He will be going in for surgery in the very near future to remove part of his Colon and Liver. Anyone that has ever met Frank knows how incredible of a man he is. His family means more to him than anything in the world and that is why is I am asking everyone to assist him and his family through this unfortunate process. Anything that you can give would be much appreciated. Thank you

[Franks Fundraiser](#)

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Atlanta Professional Firefighters Local 134 would like to commend Mayor Reed and his administration for their decision to terminate Fire Chief Kelvin Cochran. Local 134 supports LGBT rights and equality among all employees. Atlanta Professional Firefighters believe we should take this opportunity work with city council and the Reed administration to improve LGBT rights by adding an LGBT liaison for the fire department. We look forward to working with City Council and the Mayor, and hope to provide any assistance they need going forward.

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30 GUNS 30 DAYS

Leatherheads FF MC Chapter 11 and SGI Guns have teamed up to raise money to benefit the Gunn and Richardson family.

Starting January 1st 2015, we will be raffling off 1 gun a day for 30 days. Tickets can be purchased any time between now and December 31st.



Ticket prices are \$35 each or 1 for \$100.

1000 tickets will be sold. Last day to buy is Dec. 31, 2014.

All proceeds from the raffle will go to these very deserving families. One firearm will be assigned to each day and the winning number will be the evening Georgia cash 5/7722 numbers for that day. See website for gun list and merchandise sales. www.leatherheadsff.com

Sgt. Frank Gunn was a veteran Atlanta Fireman that was killed in New Orleans training for a triathlon, while riding his bicycle. Frank leaves behind a wife and young triplet daughters.

Michael Richardson, AKA Waterhead, is 58 years old and has served the citizens of Douglas County for 19 years. In August of 2014 Michael was diagnosed with a rare and aggressive form of cancer called Merkel cell carcinoma.



Visit Us Online For More Info!
SGI Guns at 4479 Dunes Road #118, Dulles, GA 30112 (478) 261-7462
Skiers Guns at 4479 Dunes Road #118, Dulles, GA 30112 (478) 261-7462
Online at www.leatherheadsff.com 304 204 4444

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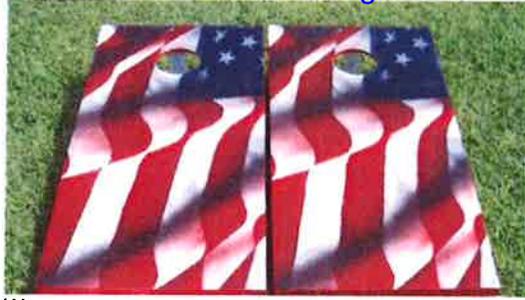
Atlanta Fire Chief Says Gays "Vile" And "Dishonor God"

Atlanta Professional Firefighters was disappointed to discover how the Fire Chief chose to represent Atlanta Fire Rescue in his book. We want the citizens of Atlanta and our Firefighters to know that we do not endorse nor tolerate discrimination of any kind. We applaud Mayor Reed for his quick decisive decision and look forward to working with the Mayor's of LGBT services to develop strategies to ensure equal treatment and rights for all.

<http://www.projectq.us/atlanta/atlanta-fire-chief-says-gays-vile-and-dishonor-god?gid=16318>

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Cornhole For A Cause



SAVE THE DATE!!!!

Hello Cornhole Warriors! Our next Cornhole For A Cause Tournament will be on Saturday, November 15th, and it looks like the location will be The Glenwood!! Tournament will be \$35.00 per team, and we will have raffles and silent auction, and great holiday t-shirts.

We will get back to everyone with the details in about 24 hours, and we will be donating the money to a battered women and children's shelter and the AFLAC Children's Cancer Center for gifts for children at the holidays. We will also be asking everyone to bring a canned good for the Food Bank, and a wrapped gift for a child along with your team entry fees.

We will include all of the details once we talk with The Glenwood!!

Graciously sponsored again by FEC - Fire and Explosion Consultants, and Christina Cotner/MB Financial Bank.

Message us with any questions!!!

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Fund Raiser



FUND RAISER

Next Saturday (April 19th), the AFRD will be participating in the American Lung "Fight for Air" stair climb. Immediately following this event, the Glenwood Tavern (1263 Glenwood Ave) will be hosting a Corn-Hole Tournament and 50/50 raffle to raise additional funds. The tournament will start at or around 1230.

As of this morning, the money raised from this event will go directly to the Guinn and Hall families. Representatives from American Lung and the Glenwood are in full support of this and look forward to helping us in any way they can.

This is a great opportunity for us to come together as Brothers/Sisters and support these families in their hour of need. Please contact Chief Edwards to register or feel free to stop by. tredwards@atlantaga.gov .

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Firefighter Clark Glass



The Atlanta Fire Report & Defender Deals is asking for your support for one of our own.

Atlanta Firefighter Clark Glass was injured Tuesday night while fighting a fire in a large, two story home on Lullwater Rd. in Midtown. Engine 6, the company Glass was assigned to, was working a hose line on the second floor when the roof collapsed, trapping Glass under the burning rubble. Glass was entrapped for 16 minutes while crews worked on rescuing him.

Glass was transported to Grady Hospital and admitted to the Burn Unit. He received second degree burns from his waist down on the back side. He remains in the burn unit through his healing process and treatment.

Please keep Clark and his family in your prayers for a speedy recovery. We have also set up an account to monetarily help Clark and his family during this difficult time. The link to make a donation is below. Thank you in advance for your support.

[Paypal Info](#)

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Fire Five K Sponsorship

The Fire-K is a 5K walk/run fundraiser to benefit firefighters from the CSRA who are currently battling cancer. Firefighters are 100 times more likely to be diagnosed with cancer than the general population. Help raise money to assist local firefighters who find themselves fighting cancer and struggling with the medical debt.

Participate With Local Firefighters Running In Gear!

All Participants Welcome!

FIRE-K FIVE K Walk/Run, Kids Fun Run & Firefighter Race
WHEN: April 26, 2014
TIME: Day of Registration: 7AM, Race Time: 8AM
LOCATION: Cross Creek High School

COST:

- Individuals: *Includes T-Shirt and Runner's goody bag.
 \$30 Per Child* \$35 Per Adult*
- Firefighters:** Teams Running in full gear. Teams will be competing for trophy.
 *Includes T-Shirt & Runner's goody bag for each person.
 \$ 5 Per Four Man group*
 \$100 Per Five Man group*
 \$125 Per Six Man group*

Register at [Active.com](#) Search FIRE-K in Augusta, Ga
 Volunteers Needed. Email wrescue1@gmail.com

Fellow brothers and sisters Local 134 is looking to pay the entry fee for a four or five firefighter team of union members to participate in this worthy event. If you are interested contact me or any other board member with the names and I will take care of the entry process.

Raymond Bearden
VP Local 134

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2014 Recruitment Drive



Union brother and sisters, while the Executive Board is continuing to serve our members daily by conducting monthly meetings to keep our membership informed, providing peer representation, providing presentations to our recruits at the training center, sitting on various committees such as the Disciplinary Review Panel and the Accident Review Committee, lobbying City Hall about key issues that affect our members, supporting our brothers and sisters in a time of need, along with other activities that can have an impact on our members we are reaching out to you to assist in a Recruitment Drive.

February 1 – March 1, 2014

For each firefighter that you can recruit to join Local 134 and complete a Payroll Dues Deduction Form on them, you will receive \$50.

Please have the form filled out legibly, in its entirety (payroll # not needed if they don't know it), and signed by a witness. It is very important that we can read the form for our contact records and Human Resources can be able to process the deduction form.

Once you have the completed payroll dues deduction form, scan it and email it to: Raymond Bearden at: arbysonly@bellsouth.net

If you have any questions you can contact me at the above listed email address or give me a call at 770 317-4052.

You should have the Payroll Dues Deduction Form as an attachment with this notification. Once we receive the form we will then get the new members their union t-shirt and window sticker.

We appreciate your involvement in this recruiting drive and below are listed some of the reasons, benefits, and advantages of being a member of The International Association of Firefighters Local 134. Please use the list below as talking points when you hit the recruiting trail! Good Luck and please do not hesitate in contacting me or one of the other executive board members if you have any questions.

Raymond Bearden V.P. Local 134

Why should I be a part of the IAFF and Local 134?

- ? Peer Representation and Legal Assistance. We have qualified members that can represent you and a legal fund that can provide assistance if needed.
- ? We have formed many good relationships with City Council and other City Officials that will support us on keys issues that could directly our members.
- ? Sitting members on committees such as the Disciplinary Review Panel and Accident Review Panel that ensures our members are treated fairly and within the guidelines set forth.
- ? Open door policy with the Fire Chief to address any concerns or issues that present themselves that affect our organization and its members.
- ? An organization that cares for its members and will try and assist them in times of hardship.
- ? We are the only recognized labor organization for fire department sworn employees.
- ? Unity- The only way that firefighters can have political respect is to speak with a united voice. Management will no longer make a decision affecting operations, pay benefits without wondering where Local 134 will stand on the issue.
- ? Networking- Your Local 134 leaders have a yearly updated IAFF directory to enable

them to make contact with the officers of over 2,500 locals in the United States and Canada. There are almost no problems that Local 134 will face that someone else has not already found a solution for.

? Advocacy- The IAFF is an advocate for you at all levels of government when your profession is under fire by those who would take away benefits and endanger your safety.

? Benefits/Discounts- As a member of the IAFF and Local 134, you are offered a variety of benefits which includes a \$100,000 in the line of duty death benefit, discount on all types of insurance, retirement investments, reduced home mortgages, and more.

? Local 134 is a way to come together as a team and watch out for each other. We don't accept mediocrity and we aren't looking for handouts. We are working to make the Atlanta Fire Rescue Department shine with quality people, who have the tools and resources needed to be the best.

? Firefighters are very proud of their ability to function regardless of the conditions. While we can't stop fires from being deadly, we are working to ensure that the men and women who bravely risk their lives are treated with the respect they have earned.

[+ share](#) |

Were The Pension Increases Of 2011 Legal?

Today in Fulton County Superior Court, papers were filed challenging the legality of the 2011 pension contribution increase. This is a unified effort representing employees in every department and with the support of the leaders of the IAFF, IBPO, and PACE. We will make updates available as they come.

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Meeting With City Council



City council meeting ended at 11PM with the budget passing. We will get a 1% raise July 1 and a 0.5% raise Jan 1. Salary compression acknowledged with 500k and meeting with HR next week to identify those employees. Council also passed a paper setting up a permanent group to establish long term plan to create "best in class" compensation. The issues are not solved but the awareness is out there. We knew this would be a long complicated fight and we won't back off. We are addressing pay, policy, and more.

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68°



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LOG IN

Reed's office investigating use of Atlanta fire station for escort ads

GEORGIA-POLITICS By Katie Leslie - The Atlanta Journal-Constitution



0

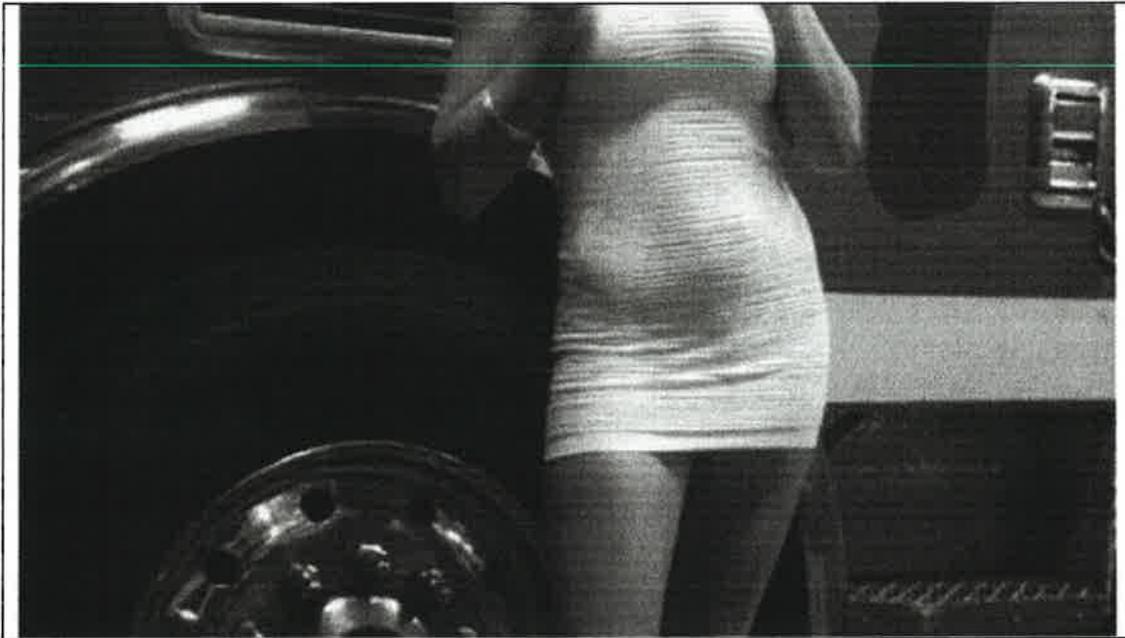


Photo illustration The AJC obscured the woman's face in this photo to protect her identity. When we received the photo, the emblems and identifiers of the Atlanta Fire Department already had been obscured.

Posted: 7:07 p.m. Monday, September 14, 2015

PENGAD 800-631-6888
PLAINTIFF'S EXHIBIT
45
4/17/17 SB

Mayor Kasim Reed's office is investigating the use of an Atlanta fire station for photos reportedly advertising escort services.

The images, which depict multiple women posing provocatively in front of a fire truck and wearing Atlanta Fire Rescue gear, appeared on the website Backpage Georgia.

Backpage, an online classifieds portal, has been accused of facilitating sex trafficking.

Channel 2 Action News located advertisements, listed as recently as Sunday, of a woman striking risqué poses at an Atlanta fire station. The caption reads "Absolutely Astonishing" and "vip service available all night." The ad states that the woman is 22 years old.

WXIA also found online ads for escort services depicting women posing suggestively. Channel 2 reports that the images were taken at station No. 2 on Jonesboro Road in southeast Atlanta.

A spokeswoman for Reed's office said the women in the photos are not city employees. The mayor's office has launched an internal investigation into the matter, spokeswoman Anne Torres said.

Stephen Borders, president of the Atlanta Professional Firefighters union, said fire stations typically have an open door policy for residents who want to tour the facilities and take pictures.

Borders said that under former Fire Chief Kelvin Cochran, the department was trained to welcome curious residents, provided they follow guidelines such as not posting political messages and are properly dressed.

"If they wanted to come in and squirt water with the hose, we let them squirt water with the hose. If they wanted a ride on the firetruck, we'd drive them around on the firetruck," Borders said, adding: Cochran "was very customer service-based."

The union leader said he hasn't spoken with the firefighters involved in the incident, but has been told that no firefighters took the images and that someone halted the photo session once he or she realized it had become lewd.

He hopes no one loses his or her job from the incident.

"I haven't done a thorough investigation, but from what I've seen, there was nothing that crossed either a legal line or ethical line. There was no nudity, nothing that is kind of forbidden as far as pictures," he said. "It may have been in poor taste, but I don't get to pass judgment on the citizens and taste in the city."

The ads appear to have been removed.

About the Author



KATIE LESLIE

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IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STEPHEN BORDERS, DON COLE,
JAMES SCERENSCKO, SANDRA GRIFFIN,
WILLIAM CLARK, QUINTON MITCHELL,
and CAROLINE TANKSLEY, individually and
on behalf of classes of all others similarly situated,

Plaintiffs,

v.

CITY OF ATLANTA, KASIM REED,
in his capacity as Mayor of the City of
Atlanta; CEASAR MITCHELL, in his
capacity as President of the City Council; and
CARLA SMITH, KWANZA HALL,
IVORY LEE YOUNG, JR., CLETA
WINSLOW, NATALYN MOSBY
ARCHIBONG, ALEX WAN, HOWARD
SHOOK, YOLANDA ADREAN, FELICIA
MOORE, C.T. MARTIN, KEISHA LANCE
BOTTOMS, JOYCE SHEPHERD, MICHAEL
BOND, AARON WATSON, H. LAMAR WILLIS,
in their capacities as members of the Atlanta
City Council,

Defendants.



CIVIL ACTION FILE

No. 2013-CV- 239021

COMPLAINT

COMENOW Stephen Borders, Don Cole, James Scerenscko, Sandra Griffin, William Clark,
Quinton Mitchell and Caroline Tanksley (hereafter collectively "Named Plaintiffs") and file this
Complaint showing the Court the following:

PARTIES

1.

Stephen Borders is an employee of the City of Atlanta Fire Department, a participant in the
City of Atlanta Fire Fighters Pension Fund, and a concerned citizen interested in having the laws



6.

Quinton Mitchell is a sworn officer of the City of Atlanta Police Department, a participant in the City of Atlanta Police Officers Pension Fund, and a concerned citizen interested in having the laws governing the City of Atlanta properly followed and executed and the duties of its public officials herein named as Defendants enforced.

7.

Caroline Tanksley is a sworn officer of the City of Atlanta Police Department, a participant in the City of Atlanta Police Officers Pension Fund, and a concerned citizen interested in having the laws governing the City of Atlanta properly followed and executed and the duties of its public officials herein named as Defendants enforced.

8.

Defendant City of Atlanta is a municipal corporation of the State of Georgia (hereafter the "City"). The City may be served with process through its Law Department located at Suite 4100, City Hall Tower, 68 Mitchell Street, S.W., Atlanta, Georgia 30303. The City is subject to the jurisdiction of this Court.

9.

Defendant Kasim Reed (hereafter "Reed") is the Mayor of the City. Reed is sued in his capacity as Mayor of the City. Reed may be served with process at City Hall, 55 Trinity Avenue, S.W., Atlanta, Fulton County, Georgia. Reed is subject to the jurisdiction of this Court.

10.

Defendant Ceasar Mitchell is President of the Atlanta City Council (hereafter "Mitchell"). Mitchell is sued in his capacity as President of the City Council. Mitchell may be served with process at City Hall, 55 Trinity Avenue, S.W., Atlanta, Fulton County, Georgia. Mitchell is subject to the jurisdiction of this Court.

16.

The City of Atlanta Police Officers Pension Fund is an employee benefit plan that was established by law to provide retirement and disability benefits to police officers employed by the City.

17.

The pension plans that the City established for its employees, fire fighters and police officers (collectively the "Plans") are defined benefit plans. A defined benefit pension plan is a type of pension plan in which an employer promises a specified monthly benefit on retirement that is predetermined by a formula based on the employee's earnings history, tenure of service and age, rather than depending directly on individual investment returns.

18.

Pursuant to the terms of the statutes and ordinances that established and governed the Plans prior to November 1, 2011, participants in the Plans were required to contribute seven percent (7%) of their annual compensation to the Plans if they did not have a designated beneficiary and were required to contribute eight percent (8%) of their annual compensation to the Plans if they had a designated beneficiary.

19.

The Named Plaintiffs and the members of the classes they seek to represent performed services for the City prior to November 1, 2011, and made contributions to the Plans in the percentages and amounts required by the terms of the statutes and ordinances that governed the Plans.

20.

On June 29, 2011, the Defendants enacted a new ordinance, No. 11-0-0672, that purported

Plaintiffs and the members of the classes they seek to represent to increase the amount of their pension contributions by over one hundred percent (100%) to purchase the same amount of retirement benefits to which they already were entitled under the Plans.

24.

Since November 1, 2011, the Named Plaintiffs and the members of the classes they seek to represent have been forced to contribute and have contributed to the Plans the increased contribution amounts required by Ordinance 11-0-0672.

25.

Since November 1, 2011, the Named Plaintiffs and the members of the classes they seek to represent have been forced to contribute and have contributed five percent (5%) more of their annual compensation to the Plans than they were previously required to contribute to the Plans.

COUNT I

BREACH OF CONTRACT -

UNCONSTITUTIONAL IMPAIRMENT OF CONTRACT

26.

The allegations contained in the preceding paragraphs are incorporated by reference into this Count as if they were set forth fully herein.

27.

Article I, Section I, Paragraph 10, of the Constitution of the State of Georgia provides that “No ... laws impairing the obligation of contract shall be passed” (hereafter “ Impairment Clause”).

28.

It is the law of this state that a statute or ordinance establishing a retirement plan for government employees becomes a part of an employee’s contract of employment if the employee

to the Plans to purchase the same amount of retirements benefits to which they already were entitled prior to the passage of Ordinance 11-0-0672.

33.

The Defendants are liable to the Named Plaintiffs and the members of the classes they seek to represent, and the Named Plaintiffs and the members of the classes they seek to represent are entitled to recover from the Defendants, the increased amounts that the Named Plaintiffs and the members of the classes they seek to represent have been forced to contribute to the Plans as a result of the passage of Ordinance 11-0-0672.

COUNT II

DECLARATORY RELIEF

34.

The allegations contained in the preceding paragraphs are incorporated by reference into this Count as if they were set forth fully herein.

35.

This count is brought pursuant to the Georgia Declaratory Judgments Act, O.C.G.A. § 9-4-2 *et seq.*, to seek relief from uncertainty and insecurity with respect to the rights, status and other legal relations between the parties with respect to an actual controversy that exists between them concerning the amounts that the Named Plaintiffs and the members of the classes they seek to represent are obligated to contribute towards their pensions in the future.

36.

For the reasons set forth above, the portion of Ordinance 11-0-0672 that purports to increase the amounts that the Named Plaintiffs and the members of the classes they seek to represent are required to contribute to the Plans to purchase the same amount of retirements benefits to which they

40.

The Defendants' efforts to enforce the increased contributions levels that Ordinance 11-0-0672 purports to require is unconstitutional, illegal and contrary to equity and good conscience.

41.

The Named Plaintiffs and the members of the classes they seek to represent lack an adequate remedy at law with respect to the Defendants' enforcement of the increased contributions levels that Ordinance 11-0-0672 purports to require.

42.

The Court should enter an order enjoining and restraining the Defendants from collecting or attempting to collect the increased contributions levels that Ordinance 11-0-0672 purports to require.

CLASS ACTION ALLEGATIONS

43.

The Named Plaintiffs bring this action pursuant to O.C.G.A. § 9-11-23 on behalf of three classes of other similarly-situated individuals.

44.

Named Plaintiffs Borders and Cole bring this action on behalf of the following class of individuals:

All participants of the City of Atlanta Fire Fighters Pension Fund who performed services for the City and who made contributions to the fund prior to November 1, 2011.

45.

Named Plaintiffs Scerenscko and Griffin bring this action on behalf of the following class of individuals:

50.

The claims of the Named Plaintiffs are typical of the claims of the members of the proposed classes since the Defendants have enforced and applied the provisions of Ordinance 11-0-0672 equally to the Named Plaintiffs and to the members of the proposed classes.

51.

The Named Plaintiffs and their counsel will fairly and adequately protect the interests of the members of the proposed classes. The Named Plaintiffs do not have any interests that conflict with the interests of the members of the proposed classes with respect to the claims asserted in this litigation, and their attorneys have the experience, expertise and resources necessary to prosecute the claims asserted on behalf of the proposed classes.

52.

The Defendants have acted and refused to act on grounds that apply generally to the proposed classes, thereby making declaratory and corresponding injunctive relief appropriate respecting the proposed classes.

53.

The issues of law and fact common to the claims of the proposed classes predominate over any questions affecting only individual members of the classes, if any.

54.

A class action is superior to other available methods for the fair and efficient adjudication of this controversy in this case, considering: (a) that class members do not have an interest in controlling the prosecution of separate actions, and prosecution of separate actions by individual class members would not be efficient or economically feasible; (b) the absence of any other litigation

g) that the Court award the Named Plaintiffs and the members of the proposed such other and further relief as the Court deems just.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Bell, Jr.", written over a horizontal line.

John C. Bell, Jr.

Georgia Bar No. 048600

Lee W. Brigham

Georgia Bar No. 081698

BELL & BRIGHAM

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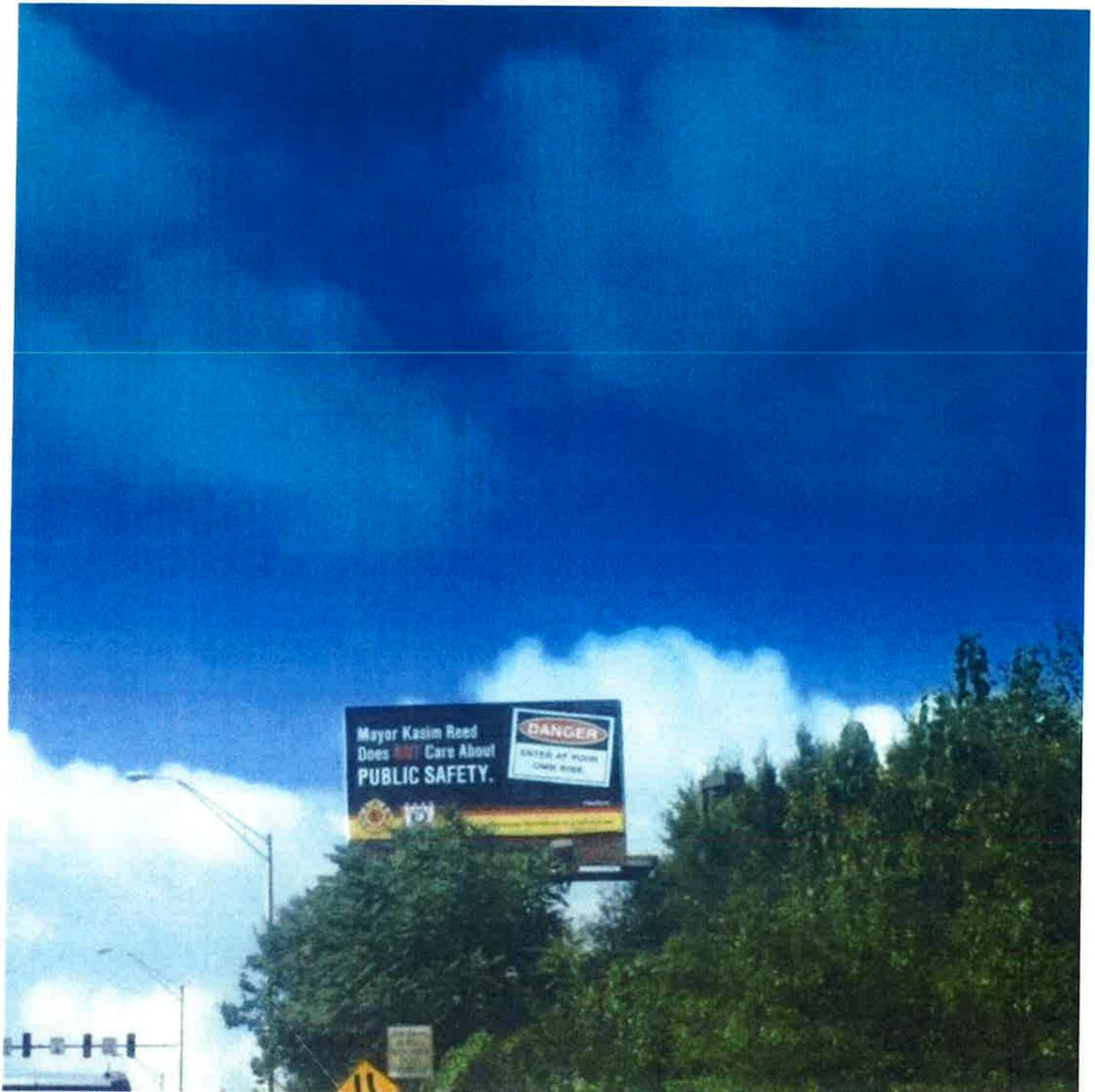
COUNSEL FOR PLAINTIFFS

CREATIVE LOAFING

First Slice 8/11/15: Police and fire unions' billboard blasts mayor on public safety record

Plus, meet me at the Roof. It's on the roof.

THOMAS WHEATLEY — AUG. 11, 2015





Reed says he's considering purchasing his own billboard space to combat the unions' message. | STEPHEN BORDERS

Atlanta's police and fire unions, in the latest move related to an ongoing dispute over public-safety employee compensation, have purchased billboard space to put pressure on Mayor Kasim Reed for a raise. The mayor says raises are out of the question until unions drop their class-action lawsuit against the city.

Gov. Nathan Deal's top education adviser and architect of the proposal that would allow the state to seize control of failing schools might get hired by Atlanta Public Schools to... help some schools escape a state takeover.

The name of Ponce City Market's magical rooftop is... The Roof.

Three Stonecrest Mall security guards involved in a fight with a teenager won't face charges related to the incident.

Who's being left out of discussions involving millions of dollars in taxpayer dollars, such as the new Atlanta Falcons stadium, Fort McPherson, and the new Atlanta United FC soccer complex? The taxpayers.

A protest in Ferguson, Mo., marking the one-year anniversary of Michael Brown's death ended in nearly two dozen arrests.

Meet Alphabet, Google's latest effort to make medicine-eating robots a reality. Or maybe it's just a way to bring some sanity to its corporate structure. Regardless, be vigilant.

