

KELVIN J. COCHRAN vs. CITY OF ATLANTA, ET AL.
Kelvin J. Cochran on 02/10/2017

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

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

- - -

VIDEOTAPED DEPOSITION OF
KELVIN J. COCHRAN

FEBRUARY 10, 2017
8:53 A.M.

ALLIANCE DEFENDING FREEDOM
1000 HURRICANE SHOALS ROAD, N.E.
SUITE D-1100
LAWRENCEVILLE, GEORGIA

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

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1 THE VIDEOGRAPHER: This is the
2 beginning of Media No. 1 in the deposition
3 of Kelvin J. Cochran in the matter of
4 Kelvin J. Cochran versus City of Atlanta,
5 Georgia, and Mayor Kasim Reed in his
6 individual capacity. Case Number
7 1:15-CV-00477-LMM.

8 Today's date is February 10th, 2017,
9 and the time on the monitor is 8:53 a.m.
10 My name is Brandon Brantley, and I'm the
11 videographer. The court reporter is
12 Suzanne Beasley. We are here with Huseby
13 Global Litigation.

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

17 MR. THERIOT: Kevin Theriot for the
18 Plaintiff.

19 MR. CORTMAN: David Cortman for the
20 Plaintiff.

21 MR. CONNELLY: Ken Connelly for the
22 Plaintiff.

23 MR. GEVERTZ: David Gevertz for the
24 Defendants.

25 MS. HINTON: Kathryn Hinton for the

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1 Defendants.

2 MS. JARRELLS: Hannah Jarrells for
3 the Defendants.

4 MS. SHAHAR: Robin Shahar for the
5 City of Atlanta.

6 (The signature of the witness to the
7 deposition was reserved.)

8 KELVIN J. COCHRAN,
9 having been duly sworn, was examined and testified
10 as follows:

11 EXAMINATION

12 BY MR. GEVERTZ:

13 Q. Please state your full name for the
14 record.

15 A. Kelvin James Cochran.

16 Q. Mr. Cochran, have you ever been known by
17 any other last name?

18 A. No.

19 Q. Would you please state your address, sir?

20 A. [REDACTED],
21 [REDACTED].

22 Q. Do you have any plans on moving in the
23 next year?

24 A. No, sir.

25 Q. Have you ever been deposed before?

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1 A. Yes, sir.

2 Q. How many times?

3 A. As I recall, about twice.

4 Q. Were they with respect to something that
5 occurred on the job or something in your personal
6 life?

7 A. Once was as an expert witness, and once
8 was related to job-related matters with the City of
9 Shreveport.

10 Q. So that would have been some time ago, I
11 take it?

12 A. Yes, sir.

13 Q. Okay. Let me go over some ground rules
14 for today's deposition. They're familiar to
15 attorneys, but not so much to people who haven't sat
16 through a deposition recently. They're designed to
17 ensure that you and I communicate with each other,
18 that we do it as efficiently as possible so that we
19 don't waste any time; and most important, so that the
20 transcript that's prepared at the end of this
21 deposition is as readable and clear as possible.

22 The first and most important rule is that
23 if at any point in time you don't understand a
24 question that I ask you, I mumble, I use a word
25 you're not familiar with, your mind is wandering, do

1 not respond to the question. Instead, tell me that
2 you didn't understand, and I'll repeat or rephrase
3 the question until you do. Okay?

4 A. Okay.

5 Q. Now, if you go ahead and respond to my
6 questions, then I and likely anyone who reads this
7 transcript is going to assume that you understood the
8 question and were being responsive. Okay?

9 A. Sure.

10 Q. It's also important that we not speak over
11 one another. I speak slowly. I speak softly. There
12 are going to be times when you're going to be a
13 gentleman and try to finish -- go ahead and answer my
14 question before I'm done because that's what we do in
15 everyday life. But the problem is, it leads to a
16 troubled transcript where it's not entirely clear
17 that you understood what question I was really
18 asking, nor does the Court. So if you'll just let me
19 get out my question, then answer it, it will actually
20 save time. Okay?

21 A. Sure.

22 Q. The same is true with respect to your
23 answers. Most likely when a witness takes a pregnant
24 pause, they're searching their memory, they're
25 searching for the right word, the questioner goes on

1 and asks the next question. If I interrupt you,
2 please tell me, and then I need you to complete your
3 answer. Okay?

4 A. Sure. Yes.

5 Q. Now, by the same token, a lot of the
6 questions I'm going to ask you are going to be yes or
7 no questions. If you'll at least begin your answer
8 with a yes or a no, then you can answer to your
9 heart's extent thereafter, but if you can get me that
10 answer up front, it'll save us a lot of time and also
11 lead to a clearer transcript. Is that fair?

12 A. Sure.

13 Q. Now, you recognize the difference between
14 knowing things based on personal knowledge, things
15 that you personally witness or experience, versus
16 information that you gather based on secondhand or
17 thirdhand information, what you might think of as
18 hearsay, correct?

19 A. Yes.

20 Q. Okay. It's going to be important today if
21 I ask you if this is something that you know based on
22 your personal information that in response to those
23 questions, you help me identify things that you truly
24 believe and may be right about, but you don't know
25 with personal information, as opposed to the things

1 that you personally experienced or witnessed. Okay?

2 A. Sure.

3 Q. This is not a forced march. If at any
4 point in time you need to take a break for personal
5 comfort or other reasons, let me know. Usually I
6 need an answer to a pending question. It's not like
7 in Congress where you get to cover up the microphone
8 and rehearse your answers, but I will almost always
9 get you a break within two to three minutes of the
10 time that you asked for one. Okay?

11 A. Sure.

12 Q. Are you suffering from any impairment or
13 illness or injury that might in any way prevent you
14 from being truthful, accurate, and complete in your
15 testimony?

16 A. No.

17 Q. And are you on any medication,
18 prescription or otherwise, that would interfere with
19 your memory or your ability to tell the truth?

20 A. No.

21 Q. You've not consumed any alcohol in the
22 last 12 hours, have you?

23 A. No.

24 Q. And you're not under any unique stress
25 other than the stress of having to give a deposition

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1 today; is that correct?

2 A. No.

3 Q. Any questions about those ground rules?

4 A. No.

5 MR. GEVERTZ: Will y'all be reading
6 and signing?

7 MR. THERIOT: Yes.

8 BY MR. GEVERTZ:

9 Q. You've never been convicted of a crime,
10 have you?

11 A. No.

12 Q. You haven't even been arrested probably,
13 have you?

14 A. No.

15 Q. You came to work for the first time at the
16 City of Atlanta when?

17 A. January of 2008.

18 Q. And what was the position that you were
19 offered at that time?

20 A. Fire chief.

21 (Exhibit 1 was marked for
22 identification.)

23 BY MR. GEVERTZ:

24 Q. I'm going to show you the first in a
25 series of documents. I'll call them exhibits, and

1 specifically I'll refer to them by the number on the
2 sticker that I attach to them.

3 I'm going to show you Exhibit 1, and all
4 I'm trying to do is confirm that this is the
5 selection letter that you received and signed for
6 from the then mayor or her administration,
7 Shirley Franklin?

8 A. That's correct.

9 Q. As fire chief did you understand that that
10 position was an appointed position?

11 A. Yes.

12 Q. What's your understanding of that phrase?

13 A. It is an appointed position by the mayor
14 of the City of Atlanta.

15 Q. Do you serve at -- did you understand that
16 you served at the mayor's leisure?

17 A. Yes.

18 Q. And so during this first term of your
19 employment, did you understand that Mayor Franklin
20 had the right to terminate your employment?

21 A. Yes.

22 Q. At any time?

23 A. Yes.

24 Q. For any reason?

25 A. Yes.

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1 Q. Similarly, did you understand that you had
2 the right to resign?

3 A. Yes.

4 Q. At any time, for any reason?

5 A. Yes.

6 Q. Now, this appointment, did it require
7 confirmation by the Atlanta City Council, to the best
8 of your knowledge?

9 A. Yes.

10 Q. And you were confirmed, I take it?

11 A. Yes.

12 MR. GEVERTZ: Thank you, sir. You
13 can set this one aside. And at the end
14 we'll end up collecting all of these.

15 (Exhibit 2 was marked for
16 identification.)

17 BY MR. GEVERTZ:

18 Q. In fact, you were subsequently confirmed
19 by the city council; is that correct?

20 A. That's correct.

21 Q. And this is the letter that would have
22 been generated at or around that time; is that
23 accurate?

24 A. I've never seen it.

25 Q. You've not seen this document before?

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1 A. No.

2 (Exhibit 3 was marked for
3 identification.)

4 BY MR. GEVERTZ:

5 Q. I'm going to hand you Exhibit 3. You have
6 seen this document, correct?

7 A. Yes.

8 Q. And that's your signature in the middle of
9 the page; is that right?

10 A. Yes.

11 Q. What was your purpose in completing this
12 document; do you recall?

13 A. I understood it at the time to be just a
14 standard within the City of Atlanta for all
15 employees.

16 Q. For all employees or for employees of a
17 certain rank?

18 A. To my knowledge, for all employees.

19 Q. Okay. And what was your -- did you have
20 any understanding as to why all the employees
21 allegedly were asked to complete this document?

22 A. As I recall, it was that the City would be
23 aware of any outside employment by any of its
24 employees.

25 Q. Do you -- did you find that request to be

1 improper?

2 A. No.

3 Q. Did you find it in any way to be
4 burdensome?

5 A. No.

6 Q. You completed this, and at the time you
7 certified that you were holding no outside job,
8 correct?

9 A. That's correct.

10 Q. And that was the truth, correct?

11 A. That's correct.

12 Q. How did you learn that you were obliged to
13 complete a document such as this?

14 A. I cannot recall in what setting or venue
15 this was presented to me.

16 Q. Briefly remind me, please, of your
17 educational background.

18 A. I have a bachelor's degree in
19 organizational management, a master's degree in
20 industrial and organizational psychology, and I'm
21 currently a student at Creighton University in a
22 doctoral program for interdisciplinary leadership.

23 Q. Is Creighton online classes or in person?

24 A. Yes.

25 Q. Online. Would you consider yourself

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1 someone who has a good command of the English
2 language?

3 A. I do.

4 Q. Would you consider yourself to be a good
5 and careful reader?

6 A. Yes.

7 Q. And I take it then that you would have
8 seen the bold language above your signature, that
9 among other things said that you had to file a
10 written request with your department head before
11 performing outside employment?

12 A. Yes.

13 Q. Who did you understand was your department
14 head if you were the chief of the Atlanta Fire Rescue
15 Department?

16 A. The chief operating officer.

17 Q. And at the time, do you recall who that
18 was?

19 A. Greg -- I can't remember Greg's last name.

20 MR. GEVERTZ: That's all right.

21 Thank you, sir.

22 (Exhibit 4 was marked for
23 identification.)

24 BY MR. GEVERTZ:

25 Q. I'm next going to show you Defendants'

1 Exhibit 4. Was it Greg Giornelli?

2 A. Yes.

3 Q. Do you recognize this first memo at the
4 top of Exhibit 4?

5 A. Yes.

6 Q. This is from you to an ethics officer,
7 Ms. Looney. What's your understanding as to what an
8 ethics officer is in the City of Atlanta?

9 A. The person within the city government who
10 is responsible for administering and monitoring all
11 ethics, rules, policies, and laws for employment, our
12 employees of the City.

13 Q. Before I get into that, I have a quick
14 question about the document I just showed you before,
15 Exhibit 3. Are you with me, sir? I just have a
16 quick question, and you may not need to review this
17 document in order to answer; but as the fire chief,
18 did your subordinates have to file a written request
19 with you in order to inform them -- in order to
20 advise that they were seeking outside employment?

21 A. They completed a form similar to this on
22 an annual basis, as I recall.

23 Q. So if I understand you correctly, your
24 subordinates would fill out a sheet similar to
25 Exhibit 3 on an annual basis regardless of whether

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1 they were seeking a new job or not?

2 A. That is correct.

3 Q. And did you ever have occasion where you
4 had to chase after requests that people turn them in
5 because they hadn't turned them in in a timely
6 fashion?

7 A. From time to time.

8 Q. Did you find anything inappropriate about
9 asking your subordinates to complete and submit a
10 document like Exhibit 3 to you?

11 A. No.

12 Q. So we're back to Exhibit 4. Let me give
13 you some context for this document. At this point
14 you had been hired, and my understanding is that you
15 had already committed to certain speeches, and you
16 wanted to ensure that you disclosed those speeches
17 and received permission to honor the commitments that
18 you had made; is that accurate?

19 A. That's correct.

20 Q. Okay. And consequently, you then sought
21 and received permission from the COO, correct?

22 A. That's correct.

23 Q. And then you also submitted this written
24 request to attend these three training symposiums or
25 speeches, correct?

1 A. That's correct.

2 Q. So if we turn to Exhibit -- excuse me, the
3 third page of this exhibit then, there's a reference
4 to tentative approval via e-mail. Did you in fact
5 receive approval one way or the other in order to
6 attend and speak at these conferences?

7 A. I believe I did. I couldn't recall how I
8 received it.

9 Q. Do you recall anybody asking, anyone
10 within the City of Atlanta asking to review a copy of
11 your speech or a PowerPoint or any of the comments
12 that you intended to make before approving you to
13 attend these commitments?

14 A. No.

15 Q. Did anyone orally ask you what you'd be
16 talking about at any of these commitments?

17 A. As I recall, yes. That would have
18 been -- that was explained to Greg Giornelli and the
19 ethics officer, Ms. Looney.

20 Q. And what did you tell them, if you recall?

21 A. Just that the nature of the training had
22 to do with leadership, organizational management of
23 fire department organizations.

24 Q. Did you provide or did they request any
25 more detail than that?

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1 A. Not that I can recall.

2 Q. So this was basically an exchange of the
3 topic area that you'd be talking on?

4 A. That's correct.

5 Q. And I think we discussed this already.
6 Both the COO as well as the ethics officer approved
7 your request?

8 A. That's correct.

9 Q. And the code provision in the middle of
10 this third page 2-820(d), are you familiar with that
11 code at all?

12 A. No, sir.

13 Q. Finally, have you ever seen the minutes
14 that make up the last two pages of this exhibit
15 before?

16 A. No, sir.

17 Q. And specifically I'd ask you to look at
18 the last page, a request for outside employment. My
19 understanding is that these are the minutes of the
20 meeting at which Ms. Looney and the ethics -- the
21 board of ethics took up your request. Did you attend
22 that meeting?

23 A. I don't recall attending the meeting.

24 Q. Okay. And, again, you don't recall ever
25 having reviewed these minutes?

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1 A. No.

2 MR. GEVERTZ: Thank you, sir.

3 (Exhibit 5 was marked for
4 identification.)

5 BY MR. GEVERTZ:

6 Q. In conjunction with your return to the
7 City of Atlanta, it's my understanding that you
8 prepared a rēsumē to detail your professional and
9 educational accomplishments. Do you recall doing
10 that?

11 A. Yes, sir.

12 Q. And can you confirm for me that this
13 Exhibit 5 is a copy of the rēsumē that you submitted
14 at the time?

15 A. Just based on the heading, this would have
16 been the rēsumē I submitted under Mayor Reed's
17 administration.

18 Q. I see. So I've got the timing wrong, but
19 let's take that thread then. This would have been a
20 rēsumē that you created, but in the process of
21 returning back to the City of Atlanta sometime around
22 2010?

23 A. That's correct.

24 Q. Were you looking for new employment at the
25 time?

1 A. At the time of returning under
2 Mayor Reed's administration?

3 Q. Yes, sir.

4 A. No.

5 Q. Were you happy and successful in your
6 position as the U.S. Fire Administrator?

7 A. Yes.

8 Q. And so what is it that caused you to leave
9 that position and come to the City?

10 A. Well, Mayor Reed -- as I recall the
11 conversation, I was having a discussion with
12 Mr. Jerry Solomon, who was at the time I believe a
13 deputy in the Department of Human Resources. We were
14 talking about, in the selection of a permanent fire
15 chief under the new mayor, what would be the profile
16 that they should seek in a new candidate and what
17 should some of the expectations be.

18 And we spent a good amount of time
19 discussing the profile and the expectations, and his
20 indication was, you know, this is a perfect profile.
21 You fit the profile. Would you be interested in
22 coming back? And I said, well, I'd be open for a
23 discussion, and it started that way.

24 And then sometime after that, I heard from
25 Luz Borrero, who is a deputy chief operating officer,

1 who followed up to see would I be interested in
2 having a conversation about the possibilities of
3 coming back.

4 Shortly after that, the mayor was in
5 Washington, D.C. on some other business and asked if
6 I would meet with him. And I met with him
7 face to face, and so he made an appeal that he would
8 have no one -- prefer to have no one to come back to
9 serve as his fire chief but me.

10 He talked about observing my leadership
11 behavior under Mayor Shirley Franklin, and
12 particularly pointed to the challenges we had during
13 the economic downturn and how I dealt with those
14 challenging issues; and said that he would restore
15 things that were lost and would be honored to have me
16 back.

17 And so it was that conversation that
18 really made it attractive for me to leave Washington,
19 D.C. and go back to the City of Atlanta.

20 Q. So how long did you spend as the U.S. Fire
21 Administrator?

22 A. About ten months.

23 Q. And again, just for the sake of absolute
24 clarity, you were successful in that position and
25 left it voluntarily?

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1 A. Yes, sir.

2 Q. Thank you.

3 The information that you put in your
4 rĳ;½sumĳ;½ would otherwise have been truthful and
5 correct, to the best of your knowledge, correct?

6 A. That's correct.

7 Q. And I take it that you would have been the
8 sole contributor to your rĳ;½sumĳ;½?

9 A. That's correct.

10 Q. One quick question about the last page of
11 your rĳ;½sumĳ;½, if you would. You listed in here your
12 community -- sorry. Ready?

13 A. Yes.

14 Q. You listed in here your community
15 involvement, and you listed the Billy Graham
16 Association both as an executive chairman for a
17 festival and on the board for a subsequent festival.
18 What is the Billy Graham Association?

19 A. The Billy Graham Evangelistic Association
20 is just what it says in its name, an evangelistic
21 association. Billy Graham is the founder of the
22 association.

23 Q. And Mr. Graham, for anyone who might be
24 unfamiliar, or Reverend Graham, with him, could you
25 share briefly what your understanding is of his

1 position within the evangelical community?

2 A. He is one of the most renowned evangelical
3 leaders really in the Body of Christ. That's all.

4 Q. Is it your understanding and anticipation
5 that the Billy Graham Association is a well-known
6 association?

7 A. Yes.

8 Q. And obviously you prominently disclosed
9 your relationship with that association on your
10 résumé, correct?

11 A. Yes.

12 Q. At any point in time with the mayor,
13 either before he became mayor or subsequent to his
14 election, did you ever have occasion to talk with him
15 about personal matters of any sort, meaning
16 non-fire-department-related issues?

17 A. What would be the timeframe again?

18 Q. Over the course of your relationship with
19 the mayor, did y'all ever get to know one another
20 outside of the strict bounds of professional
21 relations and reporting relationships?

22 A. There were times when we would have
23 casual, personal conversations. Not very many, but
24 there were times.

25 Q. Did the mayor ever discuss religion with

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1 you or religious faith?

2 A. You know, one on one, not that I can
3 recall.

4 Q. Well, if we expand beyond one on one, in
5 off-the-record conversations, did you become aware at
6 any point in time of his religious identity?

7 A. Yes. There have been several occasions
8 where the mayor and I were in the same worship
9 service.

10 One occasion, I was in a worship service,
11 and Mayor Reed actually brought the sermon message
12 during the worship service. The mayor hosted
13 quarterly, I believe, meetings with faith-based
14 leaders of the City of Atlanta, and during his
15 comments he would often refer to his faith.

16 And most of those contexts and worship
17 services, they were in Christian churches. And, you
18 know, he would be, as I would be, an active
19 participant in every aspect of the worship service.
20 And so it is in those settings that I came to know
21 and hear Mayor Reed himself express his confession to
22 faith and Christianity.

23 Q. Were these services in churches?

24 A. Yes.

25 Q. Private places of worship?

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1 A. Yes.

2 Q. And were you present as a member of the
3 congregation or as a representative of the City, if
4 you can make that distinction?

5 A. In some cases I was there because the
6 mayor was there. I mean, I supported Mayor Reed.
7 Anytime I had a chance to be visible somewhere where
8 the mayor was just to support him and so that he can
9 visibly see members of his team that were there in
10 support of him, I thought that was significant. It
11 was not a requirement of the mayor, so it was
12 voluntary on my part. But those that involved
13 churches, it was also the opportunity for me to
14 worship, and so that was another part of it.

15 I do recall, as I speak, the first year
16 upon my return, at the beginning of the first year --
17 I came back in June of 2010. In January of 2010, I
18 have a practice, a spiritual discipline of beginning
19 the year with fasting.

20 And that particular time of the year, I
21 had talked to Peter Aman, the COO; George Turner, the
22 police chief; Patrick Labat, the chief of
23 corrections; and Mayor Reed as to how would they feel
24 about fasting for -- starting off the year fasting
25 for our leadership over the City of Atlanta, and all

1 of us participated in a ten-day fast. Now, that's a
2 very personal commitment that all of us did at the
3 beginning I believe of 2011.

4 Q. And it was a religious commitment?

5 A. Yes.

6 Q. Or at least a spiritual commitment?

7 A. Spiritual, yes.

8 Q. Let me ask -- let me follow up on that by
9 asking this related question. In addition to that
10 conversation that you just told me about, did you
11 ever have occasion to share your faith with
12 Mayor Reed?

13 A. You know, I can't recall a specific
14 instance where we actually talked about, you know,
15 how we came into our faith or any details about our
16 faith. In the culture of the events as I described,
17 you know, Christians have a way of, you know, making
18 certain connections and drawing certain conclusions.
19 If we show up together in church in worship services,
20 if the mayor is preaching a sermon, his sermon is
21 aligned with the scriptures. You know, and seeing
22 that over a period of time, you know, there's just
23 assumptions you draw where it's just not necessary
24 that when we're together we talk about, you know, our
25 faith.

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1 Q. It was implicit and understood?

2 A. Yes, sir.

3 Q. And on a related note, I base this both on
4 your résumé as well as what I've read about you,
5 would it be fair to say that you're not someone who
6 hides or in any way camouflages his faith?

7 A. Yes. From the standpoint of the whole
8 principle of living out your faith, letting your
9 light shine means that the best sermon you'll ever
10 preach is the way you live your life every day. And
11 it is from that perspective that I have lived out my
12 faith in my life to the extent to where the
13 personality and character that I exude publicly is to
14 the best of my ability to reflect the personality and
15 character of Christ.

16 In the workplace if anybody becomes
17 curious enough to know why it is that I do what I do
18 or say what I say or act like I act or respond like I
19 respond, then my answer is my relationship with
20 Christ.

21 Q. Thank you, sir.

22 So you began your second round of
23 employment with the City, I believe, in July 19th of
24 2010. Does that sound about right?

25 A. Yes.

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1 (Exhibit 6 was marked for
2 identification.)

3 BY MR. GEVERTZ:

4 Q. Let me show you a copy of -- you're
5 familiar with the term "TAD" --

6 A. Yes, sir.

7 Q. -- turn-around document? It's the
8 equivalent of a personnel change form or internal HR
9 document with the City?

10 A. Yes, sir.

11 Q. I just want to walk through this document
12 with you. Am I correct in understanding that that's
13 your signature on the bottom left-hand of this page?

14 A. Yes, sir.

15 Q. And that was your annual salary at the
16 bottom center of the page as of the time that you
17 were hired?

18 A. Yes, sir.

19 Q. Or rehired, I should say.

20 Under the employee category, if you will,
21 there are two boxes that can be checked, classified
22 and unclassified. Do you understand the distinction
23 between those two within the City?

24 A. Yes, sir.

25 Q. What is your understanding as to what an

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1 unclassified employee is?

2 A. It's really analogous to an exempt status
3 employee.

4 Q. Exempt from what?

5 A. Well, an employee that serves in an
6 appointed capacity, salary capacity.

7 Q. And a classified employee would be what by
8 contrast?

9 A. An hourly non-exempt employee.

10 Q. Could you be classified and still be paid
11 a salary, to your knowledge?

12 A. Yes.

13 Q. So forgive me, but I'm struggling. If an
14 unclassified can be paid only by salary, and a
15 classified can be paid by salary or hourly; am I
16 hearing you correctly?

17 A. According to my understanding, yes.

18 Q. Okay. So other than the fact that an
19 unclassified in your understanding is appointed by
20 the mayor, is there any other distinction between the
21 two categories of which you're aware?

22 A. Not that I'm aware, no.

23 Q. To your knowledge, were any of the people
24 who reported to you within the fire department
25 unclassified employees?

1 A. Yes.

2 Q. Can you give me some names or job titles?

3 A. I believe that from the rank of battalion
4 chief and above were unclassified.

5 Q. So let's take a battalion chief. By the
6 way, what's immediately below a battalion chief?

7 A. A captain.

8 Q. So I'm just going to draw on the
9 distinction between the two for a moment. If a
10 captain was terminated from his or her employment, do
11 you understand whether or not they had any grievance
12 or administrative rights to appeal that decision?

13 A. Yes.

14 Q. What's your understanding of what rights
15 that person would have?

16 A. Well, there are -- there's a due process
17 within the civil service laws and ordinances that
18 governs that.

19 Q. So there's civil service policies and
20 procedures that would apply to someone in this
21 hypothetical, a captain who is being terminated, if
22 they wanted to appeal or grieve that decision?

23 A. Yes.

24 Q. By contrast, if we took a battalion chief
25 and he or she was going to be terminated, would that

1 individual have the right to invoke those civil
2 service procedures, to your knowledge?

3 A. To my knowledge, I think they would. I
4 can't recall a time under my leadership where we
5 actually had that to happen, but I believe that they
6 were.

7 Q. What do you base that understanding on?

8 A. I just understand that the same process
9 that's available for captains and below would be
10 available for them.

11 Q. What's above a battalion chief?

12 A. An assistant chief.

13 Q. Did you ever have an occasion to
14 discipline or fire an assistant chief? Monetarily
15 discipline.

16 A. Yes.

17 Q. I'm not talking about verbal counseling.

18 A. Assistant chief, yes.

19 Q. If you were to monetarily discipline --
20 again, I'm trying to figure out the difference in
21 your mind between unclassified and classified. If
22 you were to monetarily discipline a captain, do you
23 know whether or not he or she would have the
24 opportunity to avail themselves of the civil service
25 grievance process?

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1 A. A captain, yes.

2 Q. Now, how about an assistant chief in that
3 occasion? Were there rights or remedies that the
4 assistant chief could follow through the civil
5 service process to appeal that decision?

6 A. Yeah, I think there are. You know, again,
7 I'm to the best of my recollection trying to recall
8 it, and to be quite honest, I'm not absolutely sure
9 about whether the same rights and privileges afforded
10 to captains and below would be afforded to battalion
11 chiefs, assistant chiefs, or deputy chiefs.

12 Q. So let me see if I can fairly characterize
13 your understanding. At a captain or below, there are
14 civil service remedies that set out somewhere.
15 You're generally familiar with them?

16 A. Yes.

17 Q. Above that, there may or may not be
18 certain rights or remedies, but you're unclear as to
19 what they are and where they might be ensconced?

20 A. That's correct.

21 Q. Did you as the chief understand that you
22 had any rights or remedies to grieve a decision to
23 monetarily penalize you?

24 A. Please restate the question.

25 Q. Sure. You're the chief. If the COO or

1 the mayor said, I don't like what you did and you are
2 suspended from work for a week, did you understand
3 that you had any sort of grievance right or
4 administrative appeal right to that decision?

5 A. No, not if it was -- not if it was handed
6 down from the mayor.

7 Q. Same question about a termination. If the
8 mayor were to terminate you, did you understand that
9 you had any sort of grievance right or administrative
10 appeal right if the mayor made that decision?

11 A. No.

12 Q. Thank you. I'm done with this document.

13 By the way, let me reiterate, I'm a camel.
14 I go all day, so don't wait on me if you need a
15 break.

16 A. I'm good.

17 (Exhibit 7 was marked for
18 identification.)

19 MR. GEVERTZ:

20 Q. Okay. Exhibit 7, I'm simply going to ask
21 if you can confirm that this was a letter
22 congratulating you on your selection, and informing
23 you that you still needed city council authorization?

24 A. Yes.

25 Q. And that's your signature at the bottom, I

1 take it, correct?

2 A. Yes.

3 Q. Did you ever -- did you live in the same
4 neighborhood roughly as the mayor?

5 A. Yes.

6 Q. Do you still?

7 A. Yes.

8 Q. Have you ever been over to his house or he
9 at yours?

10 A. No.

11 MR. GEVERTZ: Thank you.

12 (Exhibit 8 was marked for
13 identification.)

14 BY MR. GEVERTZ:

15 Q. Next I'm handing you Exhibit 8.

16 Just to clarify an answer that you gave a
17 moment ago, it's your understanding that you did not
18 have a right to administratively challenge the
19 mayor's decision to terminate you, correct?

20 A. Yes.

21 Q. Do you recognize this document that I've
22 placed before you, Exhibit 8?

23 A. Yes.

24 Q. It appears to be a job description?

25 A. Yes, sir.

1 Q. And would it have applied to you
2 throughout your last tenure as chief of the Atlanta
3 Fire Rescue Department?

4 A. Yes.

5 Q. I'm going to paraphrase. You're welcome
6 to look at the document. I don't know if you need
7 to.

8 Did you understand yourself to be the most
9 visible spokesperson for the Atlanta Fire Rescue
10 Department in the City of Atlanta?

11 A. Yes.

12 Q. Did you understand that part of your job
13 as the chief of the Atlanta Fire Department included
14 your people skills with respect to being able to lead
15 and motivate the firefighters who worked for you?

16 A. Yes.

17 Q. Did you also understand that your job
18 duties as a fire chief extended into the community by
19 allowing you to create a good rapport with
20 stakeholders within the community?

21 A. Yes.

22 Q. Can you tell me for a moment as a
23 layperson why it was important for you to have a good
24 relationship with the community in order to fight
25 fires and prevent fires?

1 A. You know, a well-informed, well-educated
2 public is a great ally to a fire and rescue
3 department. It was always my leadership philosophy
4 that the fire department should represent the
5 personality and character and culture of its
6 community. And to establish a unified -- within the
7 fire department itself, to be able to pull that off
8 to reflect the personality and character of the
9 community, and to build a community as an ally to the
10 fire department, the members had to reflect the
11 community, and the members had to codify the vision,
12 mission, and core values of the department that
13 aligned with this community.

14 And so, you know, that is really the
15 approach that I took to unifying all the men and
16 women of the department behind a common vision, a
17 common mission, a common set of established core
18 values that the diverse groups of the organization
19 actually develop themselves; and then each member of
20 the organization living that out every day when they
21 come to work amongst one another and within the --
22 and with the stakeholders in the community.

23 Q. So let me ask you a couple of questions
24 about what you said. First you said that it was your
25 leadership style. My question is would you go so far

1 as to agree with me that that wasn't merely your
2 choice of leadership style, that was an essential
3 function of a good, capable fire chief, the style
4 that you just described?

5 A. Right, that's a style, a philosophy, and
6 it's really the -- really the call that I have in the
7 profession. So, you know, certainly it should apply
8 to any well-meaning fire chief with the right motives
9 for service, but it was actually who I am. It was a
10 part of who I am as a -- as a person. And it was
11 just a natural translation from the person of Kelvin
12 Cochran to the professional fire chief Kelvin
13 Cochran.

14 Q. Okay. And I hear what you're saying here.
15 Here's my more specific point, which I think we're in
16 agreement on, and that's this. This leadership style
17 and the principles that you just spoke about, I know
18 that they were yours and come naturally to you, but
19 were they also necessary to be an effective fire
20 chief within the City of Atlanta?

21 A. Yes.

22 Q. Second, the leadership style that you just
23 described included some component, if I heard you
24 correctly, of diversity within your fire department?

25 A. That's correct.

1 Q. And by diversity, you mean racial
2 diversity?

3 A. Diversity. We have several people groups,
4 as I refer to them as in the City of Atlanta, in the
5 fire department, race, gender, sexual preference,
6 faith, non-faith. There are many people from
7 different backgrounds and different makeups,
8 different people groups that comprise the Atlanta
9 Fire Rescue Department.

10 Q. And by sexual preference or sexual
11 orientation, we're talking about people who are
12 straight and people who are gay?

13 A. Yes.

14 Q. Another thing that I heard you say is that
15 it was important to being a successful fire chief in
16 your opinion to have -- and these are my words,
17 cohesion within the fire department?

18 A. Yes.

19 Q. Tell me why you understand that is
20 important for the fire department.

21 A. Because the core of our mission is to
22 protect the lives and property of the citizens we
23 serve. There's a direct correlation between the way
24 we treat each other and the way we treat the public.
25 And so people who do what we do for a living have to

1 love people, and they have to love all categories of
2 people to do what we do for the public because we
3 don't have the -- we don't screen callers who call
4 911 in those particular areas, and we may at any time
5 may have to pay the ultimate sacrifice to lay down
6 our life for a person that we've never met before.

7 So it's essential that we all share --
8 even though we come from different backgrounds, there
9 are certain core values that we must all share to be
10 a unified, cohesive fire department.

11 Q. Is that philosophy that you just espoused,
12 is that -- I've seen it referred to as there can be
13 no "ism" within the fire department. Is that the
14 same thing?

15 A. Yes. To clarify that, one of the first,
16 initial administrative projects I took upon was to
17 identify a representative group that made up all the
18 people groups of the Atlanta Fire Rescue Department
19 to establish a strategic planning team that would
20 shape the future of the fire department under my
21 administration.

22 And that diverse group of people of about
23 30 to 36 people represented all people groups, just
24 ranks, race, sexual orientation, and others, but --
25 you know, gender, every aspect was represented. And

1 together through a process, a long process of several
2 meetings, we developed a vision for the department
3 that we developed for ourselves, a mission statement
4 for the department that that group actually
5 developed, and a set of core values, one of which was
6 ism-free.

7 The reason we settled on ism-free is
8 because that group of people -- we had several isms
9 that were plastered on flip charts around the room.
10 We took 84, as I recall, specific items and reduced
11 it down to about six or seven: Predictable,
12 excellence, accountable, competent, honesty,
13 integrity, and ism-free.

14 Ism-free came from the fact that there was
15 favoritism on the wall, nepotism on the wall, racism,
16 sexism, territorialism, cronyism, and everybody was
17 passionate about their ism being on the list. Well,
18 we couldn't list all of them on the list, and so we
19 just summarized it into saying we just want to be
20 ism-free.

21 Q. This you said was reduced to writing, this
22 philosophy or core value system; what was it called?

23 A. It was called the Atlanta Fire Rescue
24 Doctrine.

25 Q. One other thing about what you told me

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1 that undergirded your philosophy towards AFRD
2 leadership, and that was striking an alliance -- and
3 these are my words -- striking an alliance with the
4 community that you served. Was that a fair
5 characterization?

6 A. Yes.

7 Q. And you had mentioned from the
8 firefighters' perspective that they need to
9 demonstrate love. At any point in time, they may be
10 asked to put themselves in harm's way or even
11 potentially be injured or killed in the line of duty.
12 From the community's perspective, can you share with
13 me your view as to why it was important to have an
14 alliance with the fire department?

15 A. Well, the community needed to know that
16 they had an organization of men and woman who cared
17 about them and who embraced their lives, their
18 property as valuable, and were committed to
19 protecting their lives and their property.

20 Q. Why? I'm digging deeper.

21 A. Because at any moment we can invade their
22 personal space. It could not just be a structure
23 fire. It could be a person having a heart attack.
24 It could be delivering a baby. It could be a
25 homeless person who's overdosed. There are an array

1 of life circumstances that impact the citizens of
2 Atlanta that we have to have compassionate men and
3 women who can empathize, who can relate, who can
4 demonstrate compassion and love in the most trying
5 circumstances of people's lives. Whether they lived
6 in Bankhead or Buckhead, our compassion had to be
7 consistent across all people groups.

8 Q. Would you agree with this premise, that if
9 the fire department was not successful in creating an
10 alliance with stakeholders in the citizenry that that
11 could make a firefighter's job tougher?

12 A. Yes.

13 Q. That it could cause a member of the
14 community to delay or fail to seek assistance when it
15 was necessary?

16 A. Yes.

17 Q. And that it could ultimately tear away at
18 the fabric of the cohesive body of firefighters that
19 you were trying to mold?

20 A. Yes.

21 Q. Now, this leadership style that you
22 described, did you have any sense as to whether or
23 not it was consistent with the mayor's leadership
24 style? Let me be more specific. Did you have any
25 sense that the view that the mayor had with respect

1 to diversity and inclusion, building an alliance with
2 the community, and having a cohesive body within the
3 fire department, that he shared that same philosophy
4 with you; do you know?

5 A. Yes.

6 Q. Why do you think that? Why do you think
7 that the two of you share the same outlook and
8 philosophy as it pertained to the fire department?

9 A. You know, I can't point to any specifics.
10 I just -- I just know that we were aligned, you know,
11 in those areas. I just know that we were.

12 Q. So could that have been implicitly
13 reflected in budget requests and approvals and policy
14 outlines and approvals of them and things of that
15 nature?

16 A. Well, one thing that I could draw -- I
17 don't know what the details were, but I know one of
18 the things that really resonated with me as a part of
19 the mayor's team was that he had about five
20 priorities, and at the top of that priority list was
21 public safety. And the mayor often used the words, A
22 city with a soul. And all those words, that
23 terminology aligns with the things that I just shared
24 in the overall philosophy.

25 Q. Without necessarily asking you to recall

1 it verbatim, was that alignment of your philosophy of
2 leadership and the mayor's philosophy of leadership
3 discussed in your meeting in Washington, D.C. before
4 you came back?

5 A. It could have been. I can't recall any
6 specifics.

7 (Exhibit 9 was marked for
8 identification.)

9 BY MR. GEVERTZ:

10 Q. I'm next going to show you Defendants'
11 Exhibit 9. This is obviously, as you can see at the
12 top, an overview for fiscal year 2011. Are you
13 familiar with this sort of document or what this
14 document --

15 A. Yes.

16 Q. Would it be fair to say that this
17 generally outlines the different -- the different
18 tentacles that the Atlanta Fire Rescue Department had
19 in the community, organizationally and otherwise?

20 A. Yes.

21 Q. And so there was the -- as I understand
22 it, the fire department was divided up into five
23 major operating units, the first of which was the
24 office of the fire chief, your office?

25 A. Yes.

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1 Q. And that was responsible for setting
2 policy and effective and consistent procedure?

3 A. Yes.

4 Q. And then the second organizational unit
5 was the office of support services; is that right?

6 A. Yes.

7 Q. And that would help respond to homeland
8 security issues and training issues; is that
9 accurate?

10 A. Yes.

11 Q. And then the third major area was the
12 office of field operations. And this was, as I
13 understand it, an entire community service
14 outreach --

15 A. Yes.

16 Q. -- in the fire department. And it would
17 deal with helping the fire suppression activities and
18 providing emergency medical services and technical
19 rescues, correct?

20 A. Yes.

21 Q. And then there was a separate airport
22 division that obviously would deal with all these
23 things, but specific to the Atlanta airport?

24 A. That is correct.

25 Q. Did I miss any of the major components of

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1 the department during the time you ran it?

2 A. No, sir.

3 Q. And I know that this document is specific
4 to fiscal year 2011, but is the organizational
5 structure I just described, was that consistent
6 throughout your second term as the Atlanta fire
7 chief?

8 A. No, sir.

9 Q. What changed?

10 A. The office of support services was divided
11 into -- or restored to two separate divisions of
12 labor. We had the office of support services and the
13 office of technical services.

14 Q. And so what got pulled out from OSS and
15 became its own unit?

16 A. For the most part, technical services
17 handled code enforcement, resource management, and
18 administrative services, as I can recall. The
19 balance of those remained into support services.

20 Q. Okay.

21 A. The office of assessment and planning was
22 shifted back to support services as well.

23 Q. Would it be fair to say this, that the
24 responsibilities that I described all remained with
25 the fire department, but organizationally it got

1 reshuffled?

2 A. Yes, sir.

3 Q. Did the Atlanta Fire Rescue Department
4 during your second tenure from 2010 forward, did it
5 shed any responsibilities and give them up?

6 A. No.

7 Q. Did they take on any new responsibilities
8 that we have not discussed?

9 A. Not that I can recall.

10 Q. Thank you.

11 MR. THERIOT: Dave, we've been going
12 about an hour. Can we take a break in a
13 few minutes?

14 MR. GEVERTZ: We can do it now.

15 MR. THERIOT: Okay.

16 THE VIDEOGRAPHER: The time is now
17 9:50 a.m. We're off the record.

18 (A recess was taken.)

19 THE VIDEOGRAPHER: The time is now
20 9:59 a.m. We're back on the record.

21 BY MR. GEVERTZ:

22 Q. How you feeling, Mr. Cochran?

23 A. Good.

24 Q. Able to continue?

25 A. Yes, sir.

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1 Q. I'll ask that after every break.

2 A. Sure.

3 (Exhibit 10 was marked for
4 identification.)

5 BY MR. GEVERTZ:

6 Q. Okay. The next document I'm going to show
7 you is Exhibit 10, and I specifically want to draw
8 your attention -- this is a part of the Atlanta's
9 ordinances, and it's part of this litigation. I'm
10 going to ask you -- you're free to review this to
11 your heart's content, but I'm only going to ask you
12 about a part of page 19, and specifically subsection
13 D, which is towards the middle of the page. With me?

14 A. Yes, sir.

15 Q. Have you had occasion to review this
16 ordinance or this portion of the ordinance before?

17 A. Yes, sir.

18 Q. A couple of questions to ask you. As the
19 Atlanta fire chief, were you a commissioner?

20 A. Yes.

21 Q. And you were also a department head,
22 correct?

23 A. Well, yes.

24 Q. Were you a bureau director?

25 A. Well, the terms, as I understand it,

1 commissioner and department head was used
2 interchangeably within the City of Atlanta.

3 Q. Okay. What about bureau director? Did
4 you understand you were --

5 A. That would have been a lower level.

6 Q. A lower level than you were?

7 A. Yes.

8 Q. Having reviewed this portion of this
9 ordinance before, did you understand that this
10 applied to you?

11 A. Yes.

12 Q. Did you understand this ordinance to
13 prevent you from engaging in private employment for
14 money unless you met certain requirements?

15 A. Yes, to my understanding; and this is the
16 clause that actually provides for speaking
17 engagements. And there was also a requirement that
18 at the end of the year, the ethics department would
19 send out this notice for all employees who had -- I
20 forget what it was called -- that if you had received
21 any compensation, that you just cite the agencies,
22 not the dollar amount.

23 Q. Okay.

24 A. And I complied with that every year.

25 Q. Yes, sir. So in short, since it sounds as

1 if you're familiar with this, let me ask you if this
2 was your understanding, and tell me yes or no. That
3 you were not allowed to engage in private employment
4 for money, but if you got prior written approval from
5 the board of ethics, you could. However, this didn't
6 apply to specific speaking engagements or
7 participation in conferences or professional panels
8 so long as you financially disclosed any money that
9 you received from them?

10 A. That's correct.

11 Q. Did I misstate any of that, to the best of
12 your understanding?

13 A. To the best of my understanding, no.

14 Q. How did this ordinance and its application
15 to you -- strike that.

16 How did you first come to understand that
17 this ordinance applied to you?

18 A. It would have been under Mayor Shirley
19 Franklin, and in further conversations with
20 Ms. Looney and Greg Giornelli. I recall actually
21 discussing with them that this is, you know, ongoing
22 that I get these requests for conferences. And my
23 understanding of their response is as long as it is
24 related to speaking engagement and training --
25 training, then it's permissible.

1 Q. Did you understand this ordinance, just
2 Section D, to in any way prevent you from making
3 certain comments or speaking on certain topics?

4 A. No.

5 Q. Did you understand this section in any way
6 to prevent you from speaking to certain groups?

7 A. No.

8 Q. Did you understood this section in any way
9 to encourage you to speak on certain topics or make
10 certain comments?

11 A. No.

12 Q. In short, did you understand this section
13 in any way to apply to the things that you wrote or
14 came out of your mouth?

15 A. No.

16 (Exhibit 11 was marked for
17 identification.)

18 BY MR. GEVERTZ:

19 Q. Let me set this section aside. The next
20 document I'd like to show you is a big one, but I
21 promise not to take you through all of it. It's
22 Exhibit 11.

23 This states that it is the second edition
24 of the Atlanta Fire Rescue Disciplinary Procedure
25 Manual, and it has your name towards the bottom.

1 Were you responsible in any way for its content?

2 A. Yes.

3 Q. What was your role in putting this
4 together or publishing it or authorizing it?

5 A. Well, to be responsible for the process
6 whereby it was actually revised according to, you
7 know, the guidance that's set forth in it.

8 Q. So did that require you to review its
9 contents?

10 A. Yes.

11 Q. And to approve of those contents?

12 A. Yes.

13 Q. Separate question. Did you understand
14 this disciplinary procedure manual to apply to you as
15 the chief --

16 A. Yes.

17 Q. -- as well as your subordinates within the
18 department?

19 A. Yes.

20 Q. Turn with me, if you would, please, to
21 page 54 of this document. This is getting at the
22 classified/unclassified distinction that you and I
23 discussed previously, and I'd like to run a couple of
24 its provisions by you.

25 At the very first sentence at the top of

1 this page, it talks about how a classified employee,
2 assuming that they have completed their probationary
3 period, could appeal nonadverse disciplinary actions,
4 meaning oral counseling or written counseling. Was
5 that your understanding as well?

6 A. Yes.

7 Q. Further on in that section, it says that
8 unclassified employees do not have the right to file
9 grievances against nonadverse disciplinary actions.
10 In other words, if you were unclassified, you
11 couldn't contest verbal or written counseling. Was
12 that your understanding as well?

13 A. Yes.

14 Q. Now, I'm on the Section 9.2. A classified
15 employee, again, assuming that they had completed
16 probation, could appeal an adverse disciplinary
17 action, meaning something more serious, suspension,
18 termination, things of that nature. Is it your
19 understanding that that was the procedure in place
20 for classified employees within the fire department?

21 A. Yes.

22 Q. Unclassified employees did not have the
23 right to appeal adverse actions to the Atlanta Civil
24 Service Board. Instead, officers above the rank of
25 captain were considered to hold discretionary

1 positions. Did you understand that provision to mean
2 that if you were at captain or above, you didn't have
3 any appeal rights with respect to adverse
4 disciplinary actions?

5 A. According to as it is written, it would
6 have begun at the battalion chief level. It says
7 above the rank of captain.

8 Q. Above the rank of captain. I apologize.
9 So let me rephrase the question.

10 Was it your understanding and your
11 practice within the fire department that the
12 battalion chief level and above, you did not have a
13 right to appeal adverse decisions?

14 A. Yes.

15 Q. So if I string all that together, would
16 you agree with me that within the fire department, at
17 least during your tenure, that unclassified employees
18 did not have any appellat rights either with respect
19 to nonadverse disciplinary actions or adverse
20 disciplinary actions?

21 A. That's correct.

22 Q. Instead, they were discretionary, as you
23 previously defined them?

24 A. Yes.

25 Q. Serving at the will or leisure of the

1 mayor?

2 A. Yes.

3 Q. Thank you.

4 Would you please turn to page 82. And
5 again, at the very bottom, Rule 1.03, which concerns
6 conduct and continues on to the next page. These
7 provisions about how no employee in their official or
8 in their private capacity could engage in this sort
9 of prohibited behavior, that applied to you as well,
10 correct?

11 A. That's correct.

12 Q. Including impairing the operations or
13 efficiency of the department?

14 A. Yes.

15 Q. Or destroying public trust and/or respect,
16 correct?

17 A. Yes.

18 Q. And in 1.04, if you turn the page, you
19 likewise understood that these courtesy requirements
20 applied to you as well, A through C, correct?

21 A. Yes.

22 Q. Thank you, sir.

23 Would you next turn to page 91. And I'm
24 looking at 2.25, and I'm looking specifically at
25 letter H. Let me give you a moment to review it. Do

1 you know why this section exists in the fire
2 department procedure manual?

3 A. My understanding of it is that we just
4 need to be informed of any outside employment that
5 could potentially impact their employment with the
6 fire department.

7 Q. Well, let me be clear. You needed to be
8 informed about any outside employment by your
9 subordinates regardless of whether they thought it
10 would impact their fire department job, true?

11 A. Yes.

12 Q. Okay. And did your subordinates in fact
13 have to report to you, outside jobs when they were
14 thinking about taking them on?

15 A. They had to fill out the form that we
16 talked about earlier.

17 Q. And then was it up to you to determine
18 whether or not that individual could accept that
19 employment?

20 A. Yes.

21 Q. Did you use any specific standards to
22 determine what might conflict with their fire
23 department job and what wouldn't?

24 A. Not that I recall.

25 Q. Did you ever deny a request for outside

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1 employment from any of your subordinates while you
2 were at the City of Atlanta?

3 A. Not that I remember.

4 Q. Can you approximate for me, roughly, how
5 many times one of your subordinates brought to your
6 attention an outside employment opportunity for you
7 to consider?

8 A. Most of them were reoccurring. I hardly
9 can remember, if any, any new employment. I am sure
10 that may have happened, but I recall mostly
11 reoccurring, where someone had already been approved
12 and they were just submitting it for the next year
13 for reapproval.

14 Q. And what sorts of outside employment do
15 you recall those concerns?

16 A. Just a vast array of different types.

17 Q. Did you understand that these requirements
18 would apply to someone if they were undertaking a job
19 but they weren't being paid for it?

20 A. No.

21 Q. So if I worked for you and I had a
22 volunteer position, even though it was time
23 consuming, did I have to clear that through you?

24 A. No.

25 Q. Did you think that having this requirement

1 within the fire department was a good idea?

2 A. Yes.

3 Q. Why?

4 A. Well, it helps us to really assess whether
5 their employment actually is in conflict with laws,
6 codes, and ordinances that may govern that sort of
7 behavior outside of work, or if it conflicts with
8 their work schedules.

9 Q. Let me take it a step further. I just
10 asked you if you thought this was a good idea. Did
11 you think that this was a necessary requirement?

12 A. Yes.

13 Q. For the same reasons you just described?

14 A. Yes.

15 Q. Would you turn to page 97, please. At the
16 bottom of this page, Rule 4.08 concerns electronic
17 communications, and I'll paraphrase. This basically
18 says that if the Atlanta Fire Rescue Department
19 provides you with e-mail or Internet access or a
20 phone, that it's to be used for city business only;
21 it wasn't to be used for personal gain or to advocate
22 for non-city-related businesses. Did you approve of
23 this requirement?

24 A. Yes.

25 Q. Did you think it was appropriate?

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1 A. Yes.

2 Q. And you understood that you were also
3 subject to this obligation as well, correct?

4 A. Yes.

5 Q. Thank you.

6 Would you turn to page 99, please.

7 There's a section -- I'm sorry. There's a
8 Section 5.01 in the middle of the page. And it says
9 that if you're going to write something out -- other
10 than a personal correspondence outside of the fire
11 department, and it draws on your experience or it
12 identifies you as an employee of the fire department,
13 that that first had to be submitted to the fire chief
14 for preapproval; and that the fire chief, meaning
15 you, would then determine whether or not the
16 reference to the department would be correct or
17 whether it might be inappropriate for some reason.

18 A. Yes.

19 Q. You approved this inclusion in Chapter 5.
20 Why did you do so?

21 A. Yes, because it was -- it's appropriate.

22 Q. Well, dig a little deeper for me, please.
23 Why did you feel as the fire chief that it was
24 appropriate for you to know about what other people
25 were writing if it invoked the fire department or

1 their fire department experiences?

2 A. Just to know that it was done in the
3 proper context of their role with the City of
4 Atlanta.

5 Q. What would you be looking for to determine
6 whether or not it was within the proper context?
7 Give me some examples, real or fictitious.

8 A. Well, in -- and I will use my own
9 situation as an example. You know, when authors
10 write books that are not related to their work or
11 their jobs, oftentimes in the about-the-author
12 section, they give a personal bio of what they do in
13 their life that would be something that would be
14 submitted. And if that was the context of it, then,
15 you know, I would authorize that.

16 Q. But why were you necessary in that? I
17 mean, why can't your firefighters simply write about
18 their experiences or identify themselves as Atlanta
19 firefighters without you being in the mix? Why did
20 you feel that you needed to be?

21 A. Well, just to make sure that it wasn't in
22 conflict with other standards or laws or that was
23 established within the context of the City.

24 Q. Can you give me an example, even if you
25 have to make one up, as to how something that one of

1 your subordinates would write might be in conflict
2 with the fire department or the laws or the
3 ordinances or the culture?

4 A. Well, we had -- I'll give you examples
5 that were common. There were certified firefighters
6 that wrote articles for publications and magazines.
7 And those -- in the context of writing articles in a
8 fire service magazine about fire department topics,
9 you know, those were authorized. You know, if a
10 firefighter is writing a book about fishing or
11 hunting because he's an avid fisher or hunter, you
12 know, that would be something that this would say,
13 well, he would have to submit for my review; and, you
14 know, it would be something I thought I would have
15 the authority to authorize.

16 Q. I understand. But here's the specific
17 question I'm asking you. Can you give me a situation
18 in which you believe a subordinate would write
19 something that you would veto or edit because it was
20 inconsistent with the firefighter culture or the
21 rules or the regulations that govern the department?

22 A. Yeah. I mean, specifically anything
23 that's written that conflicts with rules,
24 regulations, and policies would be something that
25 would not be permitted.

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1 Q. Can you give me an example?

2 A. I struggle to come up with one right now.

3 Q. Let me ask you then a couple of
4 hypotheticals and see what you would think about
5 them. Let's say that I am a captain within your
6 organization, and I talk about how a certain
7 neighborhood within the city is just an atrocious
8 place to live and work and I seek at all costs to
9 avoid it, and I suggest that people do business and
10 otherwise avoid that part of town. And I bring it to
11 you, and I say, I'm looking to get this published in
12 the Atlanta Journal-Constitution, and in it I'd like
13 to explain that I'm a captain within the Atlanta Fire
14 Department.

15 MR. THERIOT: Object as to form.

16 BY MR. GEVERTZ:

17 Q. Under Rule 5.01, do you believe that you
18 would have a right to review that before it went out?

19 A. In the context that you explained it I
20 would not feel that I would have the authority to
21 prevent it.

22 Q. But my question was do you believe that
23 you would have the right to review it?

24 A. To review it based upon this, yes.

25 Q. Do you believe that if that article got

1 published that there was a reasonable possibility
2 that there would be community comment on it?

3 A. Yes.

4 Q. Do you believe that that article, and
5 specifically the author's reference to the fact that
6 he or she was a firefighter, might reflect negatively
7 on the fire department?

8 A. Well, possibly, yes.

9 Q. Could you envision a situation in which an
10 article like that if it were published could create a
11 lot of headaches for you personally as the fire
12 chief?

13 A. It could, yes.

14 Q. Could you envision that if there were
15 enough publicity and there was enough outrage that it
16 could create a headache for the mayor?

17 A. Quite possibly, yes.

18 Q. And that would be a headache because there
19 are members of the community who are looking for
20 firefighter support and services who might feel as if
21 they had somehow been stigmatized?

22 A. Is that a question?

23 Q. Yes, sir.

24 A. Yes.

25 Q. Is that why you think that something like

1 that could happen?

2 A. It can very well happen.

3 (Ms. Broyles joins the proceedings.)

4 BY MR. GEVERTZ:

5 Q. Thank you. Set that aside.

6 Are you familiar with the City of Atlanta
7 employee ethics pledge?

8 MR. THERIOT: Can I just interrupt
9 for a second?

10 MR. GEVERTZ: Of course.

11 MR. THERIOT: I'm not sure who's
12 coming in. You want to introduce her?

13 MS. BROYLES: Vernadette Broyles. I
14 am an attorney working on the case as well.

15 MR. THERIOT: Okay.

16 BY MR. GEVERTZ:

17 Q. Are you familiar with the City of Atlanta
18 employee ethics pledge?

19 A. It sounds familiar.

20 (Exhibit 12 was marked for
21 identification.)

22 BY MR. GEVERTZ:

23 Q. Here's Exhibit 12. Is this your
24 signature?

25 A. Yes.

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1 Q. Do you recall having reviewed and signed
2 this around the time that you started work in 2010?

3 A. Yes.

4 Q. And in looking at the first part, topic
5 one, do you see with me the second sentence, "When
6 uncertain about the right thing to do, I will seek
7 guidance from my supervisor, the ethics office, or
8 the board of ethics."?

9 A. Yes.

10 Q. Remind me. I apologize. Who did you
11 understand your supervisor to be as the chief of the
12 Atlanta Fire Rescue Department?

13 A. Mike Geisler.

14 Q. The person who was the COO, correct?

15 A. Yes.

16 Q. And we've discussed the ethics --

17 A. It shifted three times during my tenure
18 with Mayor Reed, but the COO, yeah.

19 Q. And then number seven, were you familiar
20 with this requirement as part of the ethics pledge?

21 A. Yes.

22 Q. And did you understand based on the second
23 sentence of this Section 7 that you are required to
24 seek permission from your department head for any
25 extra job --

1 A. Yes.

2 Q. -- that you had? Okay. So this second
3 sentence doesn't make a distinction as between paid
4 or unpaid, correct?

5 A. That's correct.

6 Q. Okay. And I take it that as a good and
7 careful reader that you reviewed this document before
8 you signed it, correct?

9 A. Yes.

10 MR. GEVERTZ: Thank you, sir.

11 (Exhibit 13 was marked for
12 identification.)

13 BY MR. GEVERTZ:

14 Q. We talked before about how as the fire
15 chief, that Section 5.01 obliged your subordinates to
16 seek your permission before they sought outside
17 employment. I'd like to share with you Exhibit 13
18 and ask if you recall Bill May as a firefighter
19 within your department. Do you recall Bill May as
20 being a firefighter within your department?

21 A. Yes.

22 Q. Did he hold a specific rank?

23 A. I believe he retired as a captain.

24 Q. Is that what you recall his position would
25 have been in October of 2014?

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1 A. Yes.

2 Q. He submitted to you, at least according to
3 this e-mail, a book or a draft of a book called Every
4 Third Day." Do you recall that?

5 A. Yes.

6 Q. Did you read the manuscript or the
7 published work?

8 A. No. I didn't get a chance to.

9 Q. You were just too busy?

10 A. Yes.

11 Q. You weren't being disrespectful of him?

12 A. No.

13 Q. Just a lot of demands on your job, I take
14 it?

15 A. Right.

16 Q. Not everyone who hands you something to
17 read are you able to honor their request, correct?

18 A. Yes.

19 Q. And you would imagine that if that's true
20 for somebody as busy as yourself that it would be
21 equally true for someone like the mayor, right?

22 A. Yes.

23 Q. So Mr. -- or Captain May writes that prior
24 to, quote/unquote, pulling the trigger, he wanted to
25 make sure that there wouldn't be any conflicts

1 regarding the content of the book and the fire rescue
2 department or the City. Do you have any idea what
3 the book was about?

4 A. In my recollection of his verbal overview
5 of it, he's just talking about the life of a
6 firefighter, how that every third day, you know, they
7 are off from the fire station. Their whole life is
8 scheduled around every third day.

9 Q. You understood that you had the power to
10 approve or ask that certain modifications be made to
11 his book?

12 A. Yes.

13 Q. Do you believe that you exercised that
14 power appropriately in this circumstance?

15 A. Yes.

16 Q. Did you ask him for anything other than a
17 generic verbal overview of what the topic of the book
18 was?

19 A. I can't remember the depth and scope of
20 our conversation, but, you know, it was a
21 conversation about the content, the actual subject
22 matter of the book.

23 Q. Okay. Did you ever make any overture like
24 the one Billy May made to you? Did you ever make any
25 such overture to the mayor before publishing your

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1 book?

2 A. No, not to the mayor.

3 Q. Did you ever make it to a member of the
4 board of ethics?

5 A. No. I made it to the director of the
6 ethics department.

7 Q. And who was that?

8 A. Nina Hickson.

9 Q. Did you do so in writing?

10 A. No.

11 Q. Is that the only person who you sought any
12 sort of preapproval or preclearance from?

13 A. Yes.

14 Q. How many times did you interact with
15 Ms. Hickson about your book?

16 A. About the book itself, twice.

17 Q. Okay. And I'm -- you answered that in a
18 very careful way, so I'm not trying to limit you. I
19 don't want to know if you talked about the Super
20 Bowl, but did you have any conversations with
21 Ms. Hickson about anything having to do with
22 publication of your book?

23 A. Yes.

24 Q. And was it on more than two occasions?

25 A. It was on two occasions.

1 Q. So those are the only two?

2 A. Yes.

3 Q. Thank you, sir. Set that aside.

4 And neither of those occasions was in
5 writing, to the best of your memory?

6 A. No.

7 Q. You provided financial disclosures on an
8 annual basis to the City of Atlanta, correct?

9 A. Yes.

10 (Exhibit 14 was marked for
11 identification.)

12 BY MR. GEVERTZ:

13 Q. I'll show you Defendants' Exhibit 14.

14 This is a compilation of your submissions between, I
15 believe, 2008 and 2014. I'd like to ask you to
16 turn -- there's a Bates stamp. Do you see those
17 numbers in the bottom right? I'm looking for 1803,
18 please. This is your financial disclosure statement
19 for the year 2014; is that correct?

20 A. Yes.

21 Q. And you can see your electronic signature
22 and the date under which it was affixed on the very
23 last page of this compilation, if you like. The one
24 after that.

25 A. Yes.

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1 Q. Okay. So if you go back to 1803, this
2 part asks for your sources of income, and it divides
3 it up into non-city employment income as well as
4 other business income. Do you see that?

5 A. Yes.

6 Q. So the other business income asks about a
7 threshold of more than \$5,000 in annual income,
8 correct?

9 A. Yes.

10 Q. And is that where you would list the
11 various speaking and other engagements in which you
12 participated as the fire chief?

13 A. Yes.

14 Q. And you were doing this in compliance with
15 your understanding of the ordinance that we just
16 discussed previously, correct?

17 A. Yes.

18 Q. Now, the top part is the non-city
19 employment income. And it asks if you have been
20 self-employed, among other things, anywhere other
21 than the City of Atlanta, and it does not have an
22 income threshold, correct?

23 A. That's correct.

24 Q. And you answered no, correct?

25 A. Yes.

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1 Q. Had you been engaged in writing your book
2 Who Told You You Were Naked? between January 1 of
3 2013 and the time that you signed this, March 21st of
4 2014?

5 A. Yes, I was engaged in writing the book.

6 Q. Were you engaged in the marketing of that
7 book?

8 A. Other than being on Amazon or Barnes &
9 Noble.

10 Q. So it was written, it was published, and
11 it was posted for sale by those two outlets?

12 A. Yes.

13 Q. Had you made any personal efforts to
14 promote your book during that period?

15 A. No.

16 Q. So just to be clear, no speaking
17 engagements where you plugged your book?

18 A. No.

19 Q. Or setting up a booth at a conference to
20 try to sell your book during that timeframe?

21 A. Not that I can -- no.

22 Q. Tell me, given that you had engaged in
23 writing and in publishing and in posting your book
24 for sale on Barnes & Noble and Amazon, why you
25 answered the question "no," that you had no -- that

1 you had not been self-employed during that timeframe?

2 A. I didn't see my book as employment.

3 Q. What do you understand employment to refer
4 to?

5 A. To actually have a business where the
6 intent is to generate income or to work for an
7 employer for the purpose of generating income.

8 Q. So if we were not to focus on working for
9 an employer but focus on self-employment, was it your
10 purpose in posting the book on Amazon or through
11 Barnes & Noble to derive income?

12 A. No, it really was not my motive. I knew
13 that the book had to be posted at a price, but the
14 motive was to distribute the book to Christian men.
15 It was a book written for Christian men, and I just
16 on advice of my publisher saw that those two avenues,
17 Amazon, Barnes & Noble, were mechanisms of
18 distributing the book to Christian men.

19 Q. Okay. Did you sell or offer to sell
20 through Amazon or Barnes & Noble, the book at cost?

21 A. No. I can't remember the details. I know
22 that it was higher than the actual cost of printing
23 the book.

24 Q. So there was some margin --

25 A. Right.

1 Q. -- in it for you as the author, correct?

2 A. Yes.

3 Q. So forgive me for pressing, but if
4 self-employment meant in your mind under engaging in
5 activity for the purpose of making a profit, explain
6 to me again, please, why you didn't believe that
7 writing and publishing and marketing this book
8 constituted self-employment.

9 A. I just did not see it as such.

10 Q. If you had it to do all over again, would
11 you still check the box "no," or would you perhaps
12 come to a different answer?

13 A. Based on my understanding and
14 interpretation of that particular section, I would
15 probably still check "no."

16 Q. I want to engage in one more hypothetical
17 with you. Let's say that you had kept your fire
18 chief job.

19 A. Uh-huh.

20 Q. And you had to fill out one of these in
21 the year 2015. And your book continued to sell at
22 roughly the same pace as it did in 2014 on Amazon and
23 on Barnes & Noble. Under that set of circumstances,
24 do you believe it would be appropriate to answer the
25 question non-city employment income as a no?

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1 MR. THERIOT: Object as to form.

2 You may answer.

3 THE WITNESS: I would list it as
4 income.

5 BY MR. GEVERTZ:

6 Q. Why?

7 A. Because I would have looked at that, you
8 know, what had been amassed over the year from it,
9 and I would have submitted it as such.

10 Q. So are you drawing a distinction as to how
11 much money the book makes before you believe it would
12 be appropriate?

13 A. No. What I'm trying to make clear is I
14 never saw writing a book and posting it on Amazon and
15 Barnes & Noble as self-employment or employment,
16 largely because that was not my motive for authoring
17 the book in the first place, so I never saw it as
18 such.

19 Q. Thank you.

20 You're familiar with the City of Atlanta
21 employee handbook, correct?

22 A. Yes.

23 MR. GEVERTZ: I'll show you another
24 copy of it, which is Defendants'
25 Exhibit 15.

1 (Exhibit 15 was marked for
2 identification.)

3 BY MR. GEVERTZ:

4 Q. Did you understand that this applied to
5 you?

6 A. Yes.

7 Q. Were you familiar with it?

8 A. Yes.

9 Q. At the top of the second page, you're
10 there, in big letters in bold in a box there is a
11 phrase used, "at-will employment." Do you see that?

12 A. Yes.

13 Q. Do you have an understanding of what that
14 phrase means?

15 A. Yes.

16 Q. What's your understanding of at-will
17 employment?

18 A. Well, you serve at the will of your
19 employer and, you know, at their discretion.

20 Q. And that you can be fired for any reason
21 that doesn't break the law?

22 A. Yes.

23 Q. And you can quit for any reason, period?

24 A. Yes.

25 Q. Did you understand yourself to be an

1 at-will employee --

2 A. Yes.

3 Q. -- during the time you worked as the fire
4 chief for the City of Atlanta?

5 A. Yes.

6 Q. To belabor the point, would you turn to
7 page 25. There's a section towards the bottom
8 entitled Dismissal, and the last sentence in so many
9 words says that unclassified employees can be fired
10 for any reason so long as it doesn't break the law.
11 Did you understand that that was a term of your
12 employment while you were the fire chief of the City
13 of Atlanta?

14 A. Yes.

15 Q. You had told me before that you and I
16 believe it was somewhere around 30 something members
17 of the fire department created the AFRD doctrine?

18 A. Yes, sir.

19 (Exhibit 16 was marked for
20 identification.)

21 BY MR. GEVERTZ:

22 Q. And is that Exhibit 16?

23 A. Yes.

24 Q. So you would have been an active
25 participant in this document's creation and

1 publication, correct?

2 A. Yes.

3 Q. And consequently, you would have signed
4 off on the content of this document, correct?

5 A. Yes.

6 Q. And did you also understand that this
7 document, the doctrine, applied to you as well as
8 your subordinates?

9 A. Yes.

10 Q. If we look at page three, letter F, this
11 is the ism-free part that we previously discussed,
12 and it references a climate devoid of racism, sexism,
13 favoritism, nepotism, and territorialism. Would you
14 also include in that category any sort of preference
15 or harm based on religious identity?

16 A. Yes.

17 Q. Based on sexual orientation?

18 A. Yes.

19 Q. Based on marital status?

20 A. Yes.

21 Q. And were these -- these philosophy -- this
22 philosophy, I guess, as captured in these seven
23 points, again, I think you told me that you found
24 these to be critical to the creation and functioning
25 of a well-running fire department, correct?

1 A. Yes.

2 Q. In here -- and if you want to, you can
3 refer to page five. I don't know if you need to --
4 you talk at the very bottom about how the fire
5 department "merchandise human services and
6 resources." What does that phrase mean?

7 A. We're just in the people business. We use
8 people to serve people.

9 Q. So almost like a retail establishment in
10 some ways. Would that be a fair analogy?

11 A. Well, I can't say it any clearer. The
12 intent of it is we use a diverse group of people to
13 serve a diverse group of people.

14 Q. Why in your mind was it important to use a
15 diverse group of people to serve a diverse group of
16 people?

17 A. Because, I mean, that's what the nature of
18 our business, you know, to create that sense of
19 community. It takes a department that is comprised
20 of the demographics of its community to make -- to
21 provide the best level of service.

22 (Exhibit 17 was marked for
23 identification.)

24 BY MR. GEVERTZ:

25 Q. Thank you, sir.

1 Next I'm going to show you Exhibit 17.

2 This is e-mail correspondence exchanged between
3 yourself and Mr. Pat Labat. Labat?

4 A. Yes, Labat.

5 Q. Labat. And you attach two different
6 articles that you had authored in the past, correct?

7 A. Yes.

8 Q. Are these articles that you would refer to
9 as reflecting the philosophy that we've been
10 discussing today that makes for a good and
11 well-functioning fire department?

12 A. Yes.

13 Q. And what was your purpose in sharing it
14 with Chief Labat?

15 A. Well, he was interested on -- I was
16 actually -- at this period of time, as I recall, Pat
17 Labat was a officer in the Department of Corrections,
18 and the City of Atlanta had a mentoring program that
19 the HR commissioner assigned Patrick Labat to me to
20 mentor him.

21 Q. So you were I guess essentially assigned
22 as his mentor --

23 A. Yes.

24 Q. -- within the City of Atlanta?

25 A. Yes.

1 Q. And you thought it insightful to provide
2 him with --

3 A. Yes.

4 Q. -- these articles you had previously
5 written?

6 A. Yes.

7 MR. GEVERTZ: Thank you, sir.

8 (Exhibit 18 was marked for
9 identification.)

10 BY MR. GEVERTZ:

11 Q. Next I'm going to show you Exhibit 18.
12 Here I'm showing you two different performance
13 evaluation forms, one in December of 2011, and the
14 second in January of 2014. That's your signature on
15 the bottom of the first page, correct?

16 A. Yes.

17 Q. And can you confirm that you received the
18 one for January of '14?

19 A. Yes.

20 Q. Who was responsible for evaluating your
21 performance?

22 A. On the first one, Peter Aman, the COO at
23 the time, and Duriya Farooqui the second COO.

24 Q. Did you receive the evaluations for 2012
25 and 2013? I ask because we've not been able to

1 locate them.

2 A. I cannot recall. I don't think I did.

3 Q. I can't help but notice that your overall
4 rating was an outstanding in 2011 but only an
5 effective in 2014. Do you have any insight as to why
6 your performance was adjudged to have dropped by two
7 levels?

8 A. Yes, I recall specifically. The COO
9 indicated that it was because we had -- we were in
10 deferred status with our accreditation.

11 Q. And the COO meaning Duriya?

12 A. Duriya Farooqui.

13 Q. Did she mention any other reason that you
14 received an effective as opposed to something higher?

15 A. She mentioned that was the sole reason.

16 Q. Thank you.

17 Which entity was responsible for the
18 accreditation or reaccreditation of your department?

19 A. The department -- we had a unit within the
20 department called the office of assessment and
21 planning.

22 (Exhibit 19 was marked for
23 identification.)

24 BY MR. GEVERTZ:

25 Q. And so what body, as I hand you

1 Exhibit 19, was responsible for determining whether
2 or not you met accreditation standards?

3 A. The Center For Public Safety Excellence.

4 Q. Can you tell me a little bit in a thimble
5 of what that organization is?

6 A. It's an organization that has established
7 certain performance criteria for validating
8 efficiencies of fire and rescue departments.

9 Q. Independent body?

10 A. Yes.

11 Q. Is it run out of Washington, D.C.? Is it
12 part of the federal government?

13 A. No. They're independent from the
14 government. They're a non-governmental entity.

15 Q. And so they go -- correct me if I'm
16 wrong -- from fire department to fire department and
17 determine whether they meet certain basic standards?

18 A. Fire departments voluntarily submit for
19 what's called a self-assessment after having gone
20 through a period of what they believe implementing
21 procedures, processes, systems, and practices that
22 would meet the Center For Public Safety Excellence
23 criteria for accreditation.

24 After having done what they believe would
25 meet that criteria through a self-assessment, they

1 put in a request for accreditation. There are
2 certain evidences that the Center For Public Safety
3 Excellence looks for ahead of time to determine if a
4 peer -- a peer assessment, which is the next phase,
5 is even warranted. That's for the initial
6 accreditation or for reaccreditation.

7 If a department does not submit certain
8 evidence that demonstrates the possibility of
9 accreditation or reaccreditation, they will deny a
10 peer assessment. They'll give you some
11 recommendations and feedback and give you an
12 opportunity to make another shot.

13 Once they see enough to believe that a
14 site visit from peers could warrant an accreditation,
15 then the site visit is scheduled. And they go
16 through certain criteria looking for reports,
17 documents, data analysis, do fire station visits to
18 actually do certain observations to determine if
19 their criteria has been met.

20 If their criteria has been met and it's
21 your first time applying for accreditation, then you
22 are accredited. If it is a reaccreditation site
23 assessment -- again, they don't come unless they see
24 that there's evidence that there's a possibility that
25 you can get reaccredited. If the site visit yields

1 that you didn't meet certain -- that you did meet
2 criteria, then you are reaccredited. If the site
3 visit reveals that it didn't meet certain criteria,
4 then you're placed in deferment.

5 Deferment is an opportunity for them to
6 specifically point out areas that need your attention
7 for, to say it plainly, and to provide a period for
8 overcoming discrepancies so that you would not lose
9 accreditation. So a deferment is not a loss of
10 accreditation. It is, we've identified some areas or
11 discrepancies that you have a chance to address.

12 Once you engage in that period of
13 addressing those discrepancies and they see that
14 you've got some evidence that warrants a second
15 visit, they'll come back and evaluate that. If you
16 met the criteria, you are reaccredited. If you did
17 not on that second site visit, you would lose
18 accreditation.

19 Q. What would be the consequences of that?

20 A. It just -- you don't have proof that you
21 are an efficient fire department anymore. There's
22 just -- there are certain systems and practices that
23 were once proven, you don't have the evidence of that
24 anymore.

25 As I -- when I came into the City of

1 Atlanta under Mayor Shirley Franklin, it was the
2 first time that the department was going through
3 reaccreditation. They were in deferred status.
4 Because it was Mayor Reed's -- Mayor Shirley
5 Franklin's highest priority that I put together a
6 team and work with the staff that was in place, and
7 we overcame deferment. They never lost
8 accreditation. We overcame the discrepancies in the
9 deferment period, and we were reaccredited.

10 So, and the second time was under my
11 watch, I was there. And as prior stated, we had
12 a -- well, I didn't state this part prior, but we
13 instituted a two-year preparation for the
14 reaccreditation process. Prior to the peer
15 assessment team coming in they actually wanted to see
16 if we had enough evidence that would warrant a site
17 visit.

18 We made that criteria. They came in.
19 Once the peer assessment process was done, they
20 disclosed to us that there were discrepancies that
21 were not evidenced. There was a lack of evidence
22 that led to discrepancies, and we were placed on
23 deferment status.

24 Q. So let me see if I can back all up. Was
25 accreditation undertaken by the CFAI, the Commission

1 on Fire Accreditation International?

2 A. Yes.

3 Q. And that's a non-governmental body that I
4 guess is the equivalent of the Good Housekeeping Seal
5 of Approval for a fire department?

6 A. Yes.

7 Q. Does a fire department have to be
8 accredited?

9 A. No.

10 Q. But if they are accredited, it's seen, I
11 think you said, as an indication that you have a
12 robust, efficient, well-working fire department?

13 A. That's correct.

14 Q. And so previously the City -- the City was
15 already accredited, correct?

16 A. Yes.

17 Q. They were simply going up, as the title of
18 Exhibit 19 suggests, for reaccreditation, correct?

19 A. Yes.

20 Q. And for reaccreditation to occur, as you
21 said, the first thing that they have to do is
22 effectively be convinced that it's worth their time
23 to do a site visit, right?

24 A. Uh-huh.

25 Q. And if I understand correctly from the

1 contents of this document, they had previously
2 informed the City of Atlanta Fire Rescue Department
3 that it was not worth their while, and I guess gave
4 you roughly a two-year period to make it worth their
5 while; is that correct?

6 A. No, sir.

7 Q. They had not previously informed you?

8 A. Yes, prior to the site visit --

9 Q. Yes, sir.

10 A. -- at the point that we thought we were
11 ready, the evidence we sent them, they said, hey,
12 you're not ready, and it was a matter of about four
13 months. They set it four months.

14 Q. Four months?

15 A. I think it was from like May to September.

16 Q. Okay. I stand corrected.

17 A. Right.

18 Q. So before -- previously you asked them to
19 do a site visit. This would have been I guess
20 sometime in 2012?

21 A. Yes.

22 Q. And they said, you're not quite there yet,
23 and so you understood --

24 A. Correction. That would have still been in
25 2013.

1 Q. 2013. And they would have come back and
2 told you, you're not quite ready for a peer
3 assessment or a site visit, and the fire department
4 under your supervision took an additional four months
5 to get your house in order and convince the CFAI that
6 you were ready --

7 A. Yes.

8 Q. -- for a peer review? Okay. And so that
9 peer review, at least according to the title page of
10 this document, occurred in December of 2013?

11 A. Yes.

12 Q. And the results of that peer review were
13 published, it looks like in February of 2014?

14 A. Yes.

15 Q. Okay. And those results effectively found
16 that you ought to be continued to be deferred,
17 correct?

18 A. Yes, to be deferred.

19 Q. Yes, sir. And if I look at page three of
20 this document, and I quote, "That the data that was
21 provided by the Atlanta Fire Rescue Department was
22 incomplete or inaccurate and could not be used for
23 the validation of the agency's established emergency
24 services baselines or in the meeting of fire and
25 emergency services best practices." And they went on

1 to list ten core competencies that they concluded the
2 department had not met.

3 A. Yes.

4 Q. Okay. So this is the accreditation that
5 Ms. Farooqui was referring to in her evaluation of
6 you in late January of 2014?

7 A. Yes.

8 Q. Quick question. How would you all have
9 known the results in time to evaluate you in late
10 January if the report was published in late February?

11 A. Well, we had the verbal close-out. Before
12 they left town, they told us what the report was
13 going to reflect. I did not delay. I reported that
14 to the chief operating officer and to the mayor
15 before the report actually came.

16 Q. I understand. And so -- and I won't ask
17 you to go through this document with me, but I do
18 look at the bottom of page seven. And there the CFAI
19 writes that the department data included -- that the
20 department data that was provided to them in
21 advance of a site visit -- this is at the bottom --
22 included corrupt or unreliable data, and that even as
23 of the time that they were writing it two months
24 later, they weren't sure how long the data that had
25 been provided had been used by the fire department or

1 externally. Is that -- is that your understanding of
2 their criticism?

3 A. No. And to put into the proper context,
4 the predominant reason why we were in deferred status
5 was because the technology that we were relying upon
6 from the initial accreditation to the first
7 reaccreditation was the same technology we were using
8 for this second reaccreditation.

9 Our technology was grossly outdated. We
10 were working vehemently with the Department of
11 Information Technology. Because of the economic
12 downturn of 2008, 2009, the City could not afford the
13 systems that were necessary for us to
14 institutionalize these data collection and analytics
15 processes. So we were relying on the in-house talent
16 of the Department of Information Technology to build
17 systems for us to make sure that our data was
18 accurate, credible, concise.

19 The CAD system of the 911 center was not
20 married to the computer-aided systems within the fire
21 stations or the computers on the fire trucks, and it
22 was a very -- it took a lot of manual processes that
23 were being performed by firefighters, who were not
24 trained in those kind of skills. And so it was -- it
25 was those complexities that actually caused, you

1 know, us to be in this status with -- with the data.

2 Q. And did you understand that that was the
3 situation before you asked to be reaccredited?

4 A. Oh, absolutely.

5 Q. Then understanding the technological and
6 the training shortfalls, why did you press to have a
7 peer assessment done when you did?

8 A. Because we felt even in spite of all those
9 challenges, that we were going to have enough
10 evidence based upon our interaction with them that
11 once they came, they would see and affirm that we had
12 enough evidence to be reaccredited.

13 Q. Okay. So that assumption proved to be
14 incorrect?

15 A. That's correct.

16 (Exhibit 20 was marked for
17 identification.)

18 BY MR. GEVERTZ:

19 Q. Let me show you Exhibit 20. Did you in
20 turn put together this PowerPoint to explain what had
21 happened and what was needed to get recertified?

22 A. That's correct.

23 Q. And who was your intended audience for
24 this Exhibit 20?

25 A. The mayor and the COO.

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1 Q. And very briefly, what you ended up
2 seeking from the City as a result of the
3 reaccreditation report was over a million dollars in
4 expenditure for hardware, software, and training of
5 personnel?

6 A. Well, staffing and training.

7 Q. Staffing and training. Am I correct in
8 the figure?

9 A. Yes. Well, I haven't looked at it in a
10 while, so if you'll pardon me.

11 Q. Yes, sir.

12 A. Permit me. Yes.

13 Q. Now, I don't think it's much of a leap to
14 suggest that this report put you in a tough position;
15 is that fair to say?

16 A. Yes.

17 Q. Okay. It didn't reflect well on the
18 department?

19 A. Well, when I say tough position, it really
20 put us in a very positive position.

21 Q. I'm sorry. When you said yes, it was a
22 tough position, you really meant to say --

23 A. It was challenging, but I think it was a
24 good thing that we found out exactly what we had been
25 trying to build a business case for for years. The

1 discrepancies proved that we didn't have the
2 technology that we needed. It proved that we didn't
3 have the staffing that we needed, and that budget
4 cuts from the prior administration had impacted our
5 ability to sustain the level of excellence that we
6 had prior demonstrated.

7 I thought it was -- I thought it was a
8 good thing. Not knowing is a bad thing. Deferment
9 doesn't mean that you lose your accreditation. It
10 means --

11 Q. I understand.

12 A. -- here are the things that you need to
13 overcome to sustain it. And so for us to find out
14 exactly what we needed to be reaccredited was a good
15 thing. The window to overcome those challenges was a
16 challenge, but we did it in record time.

17 Q. Right. But before you go on with how you
18 fixed things, let me make sure I follow. Being
19 denied reaccreditation by this organization in this
20 public a fashion, and then receiving an evaluation
21 marked down two levels and pitching to the mayor that
22 you needed a million dollars in order to get
23 reaccredited was a good thing? Did I hear you
24 correctly?

25 A. Well, specifically as it relates to

1 accreditation, it was good that we found out exactly
2 what we needed to be reaccredited.

3 Q. Well, I understand that, but let me ask
4 this question. You play a highly publicized football
5 game, maybe a playoff, maybe the Super Bowl, and you
6 lose in spectacular fashion, 61 to nothing. Is that
7 a good thing because you now know where the team
8 needs to build and grow and who it needs to recruit,
9 or is that a bad thing?

10 MR. THERIOT: Object as to form.

11 THE WITNESS: Well, I think there's a
12 better scenario. To have a runaway lead in
13 the fourth quarter and lose the Super Bowl
14 in the last few minutes --

15 MR. THERIOT: I knew that --

16 THE WITNESS: -- that's a bad thing.

17 MR. THERIOT: That's what I thought
18 you were going to add.

19 THE WITNESS: That's a better
20 scenario.

21 To your point, yeah, that is a bad
22 thing, but it's in a different context.
23 Certainly the deferment as the COO saw it
24 and the mayor saw it was, in their
25 estimation, an impact on my overall

1 performance rating.

2 I expressed to the COO that there are
3 other factors that I would hopefully and
4 prayerfully wish that they would consider.
5 That our fire deaths had been on a
6 historical trending down, our resuscitation
7 of people who had been dead when we arrived
8 on the scene that we brought back to life
9 should have been considered.

10 Our returning from a Class 3
11 department to a Class 2 department, which
12 happened in that year, should have been
13 considered; and a host of other major
14 performance factors that were not
15 considered. However, that Ms. Farooqui
16 made it clear to me that this factor alone
17 was what was considered, and I accepted
18 responsibility for that.

19 MR. GEVERTZ: Let's change tapes.
20 Thank you.

21 THE VIDEOGRAPHER: This concludes
22 disk one in the video deposition of Kelvin
23 Cochran. We're off the record at
24 11:09 a.m.

25 (Off-the-record discussion.)

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1 THE VIDEOGRAPHER: This begins disk
2 two in the video deposition of Kelvin
3 Cochran. We're back on the record at
4 11:11 a.m.

5 BY MR. GEVERTZ:

6 Q. Mr. Cochran, how you doing?

7 A. Good.

8 Q. Able to continue?

9 A. Yes.

10 Q. Can we at least -- strike that.

11 Is it your understanding that the mayor
12 and the COO were caught by surprise by the
13 reaccreditation results?

14 A. Yes.

15 Q. And can we agree that catching the mayor
16 and the COO by surprise with bad news is not usually
17 a good thing?

18 A. It happens all the time in public safety.

19 Q. Can we agree that it's not usually a good
20 thing?

21 A. Yes.

22 MR. GEVERTZ: Thank you, sir.

23 (Exhibit 21 was marked for
24 identification.)

25

1 BY MR. GEVERTZ:

2 Q. I'm going to show you Defendants'
3 Exhibit 21. Now, this is an e-mail from a Dean
4 Yarbrough to a number of folks, subject line "Q-Time
5 breakfast group," and you're among the addressees.
6 Are you familiar with Mr. Yarbrough?

7 A. Yes.

8 Q. And is this a group of gentlemen with whom
9 you're familiar?

10 A. Yes.

11 Q. Are they in fact all men?

12 A. Yes.

13 Q. And how do you all know each other?

14 A. We were having a Friday morning men's
15 Bible study at Q-Time restaurant.

16 Q. Where is that?

17 A. It's on Ralph David Abernathy just prior
18 to -- it's right in the West End.

19 Q. Mr. Yarbrough says, "Finally I have also
20 attached the current study material, Who Told You
21 That You Were Naked?, and there's an attachment to
22 that. Had you created this document that was being
23 circulated by Mr. Yarbrough?

24 A. Yes.

25 Q. When did you create it?

1 A. It had to be early 2012. It was with the
2 origin of where the idea to even publish a book came
3 from at this stage. Right prior to this, I had
4 finished doing a word study on the question that God
5 asked Adam in the Garden of Eden, "Who told you that
6 you were naked," because I was curious was God asking
7 Adam more than who told you you don't have on
8 clothes. And so that curiosity led me to do a word
9 study on that word "naked" on that question.

10 Then consequently when I found out what
11 naked meant in that context, I researched the
12 opposite of naked, which was clothed. When I found
13 out what clothed actually meant in that context, I
14 came to the conclusion that, hey, this has to do with
15 Adam and the condemnation that he felt, and God was
16 asking him who told you you were condemned, and came
17 to the conclusion that many men don't understand that
18 question and don't understand that in Christ, we've
19 been clothed. Clothed means redeemed and restored.

20 And so just having that information, I
21 said, man, I've got to present this to the guys at
22 the Bible study to see if they would be interested in
23 walking through what I've discovered.

24 It was nowhere near 162 pages. It was a
25 few pages. I can't remember exactly. And they

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1 agreed, and I believe what this e-mail reflects is
2 the point that we introduced this study to that
3 group.

4 Q. Okay. Thank you.

5 Now, you mentioned previously a
6 conversation with Nina Hickson. Do you recall the
7 first -- when the first time was that you spoke with
8 her?

9 A. It would have had to be sometime in 2012,
10 as I recall.

11 Q. Do you recall with any greater specificity
12 what month or season?

13 A. Fall-ish maybe, end of summer, fall.

14 (Exhibit 22 was marked for
15 identification.)

16 BY MR. GEVERTZ:

17 Q. Okay. I'm going to show you Defendants'
18 Exhibit 22, and represent to you that these are
19 Ms. Hickson's notes, and that she will testify that
20 this was a telephone conversation that she had with
21 you on October 31 of 2012.

22 Do you have any reason to disagree with
23 the proposition that your first conversation with
24 Ms. Hickson as it pertains to the book happened by
25 phone on October 31st?

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1 A. I would say that that would be pretty
2 close to when we talked.

3 Q. Now, what she writes, "Advise regarding
4 non-city-related book he is authoring. Will check
5 back with me in about six months."

6 Do you recall any of the content of your
7 conversation with Ms. Hickson on October 31st of
8 2012?

9 A. Yes.

10 Q. What can you tell me?

11 A. I can tell you that I called her. I
12 initiated the call, and I asked Ms. Hickson was it
13 appropriate and allowable for a currently sitting
14 city official to write a faith-based book that has
15 nothing to do with my job or city government. She
16 asked me what the book was about. I explained to her
17 pretty much, as I just explained to you the e-mail of
18 how the research that I did and what the book was
19 about.

20 Q. Well, I'm going to ask you if you can give
21 me with as much verbatim detail of what you told her
22 as possible.

23 A. I just know that I told her the theme of
24 the book, that it was regarding this whole issue of
25 what God asked Adam in the Garden of Eden, that there

1 are too many Christian men who still feel that they
2 are condemned and deprived, which is what that word
3 "naked" -- I probably went into explaining to her
4 what I discovered about what that word "naked" meant,
5 condemned and deprived, and what I discovered that
6 "clothed" meant, redeemed and restored, and that
7 there are many Christian men who are saved, clothed
8 men, who are still acting like naked men, and that we
9 can't be the husbands and fathers and leaders we've
10 been called to be. And that was pretty much the
11 theme of the book, overcoming condemnation.

12 When I finished the explanation, she said,
13 "I would like to get a copy of that book when you are
14 finished." I do remember that.

15 The reference to six months later, I don't
16 recall, but what I do recall is when I was finishing
17 the book was the second time that we talked about the
18 book. I explained to her that I was almost done --

19 Q. Well, we'll get to that. I've got
20 another -- I've got another note to talk to you
21 about.

22 Have you now given me your best and
23 fullest recollection of everything that you and
24 Ms. Hickson said during that first conversation about
25 your book?

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1 A. Yes.

2 Q. And when I'm looking at what she said, it
3 sounds as if she asked you what the book was about
4 and asked to see a copy of the book when you were
5 done.

6 A. She wanted her personal copy --

7 Q. Yes.

8 A. -- not to see a copy.

9 Q. Okay. She wanted a copy of your book?

10 A. Yes.

11 Q. And she asked you what the book was about.
12 Did she ask or say anything else during that
13 conversation?

14 A. Yes. She did specifically point out that
15 as long as it doesn't have to do with subject matter
16 pertaining to my job as fire chief or my role in city
17 government, based on the description that I gave her,
18 that it was permissible.

19 Q. Do you have any notes of your conversation
20 with Ms. Hickson?

21 A. No, sir.

22 Q. Ms. Hickson did not ask you anything else?

23 A. Not that I can recall.

24 Q. And certainly she did not say anything to
25 the effect that you could not write a book about

1 religion?

2 A. No.

3 Q. Quite the opposite, it sounds. Based on
4 your description of it, she said that it sounded as
5 if it was fine.

6 A. Yes.

7 Q. Consequently, you did not understand that
8 you were denied permission to proceed with your book
9 by Ms. Hickson, correct?

10 A. No. My understanding of our conversation
11 was I was given the permission to go forward.

12 Q. It was green lighted?

13 A. Yes.

14 Q. Did anyone within city management,
15 including the ethics board, at any point in time
16 inform you that you were not allowed to write a book
17 such as the one you described?

18 A. No.

19 Q. Did anyone involved with the City,
20 including the ethics board, at any point in time tell
21 you that you needed to use certain words or not use
22 certain words in expressing the theme of your book?

23 A. No, sir.

24 Q. Did anyone at any time during the course
25 of your writing this book who was involved with the

1 City of Atlanta management or the ethics board ever
2 inform you that they were troubled by the content or
3 the general theme of your book?

4 A. You know, over a year after it was
5 published, you know, when all this came about was the
6 first indication that I had heard that someone was
7 concerned about what I had wrote in the book.

8 Q. But prior to its publication, did you
9 receive any such message, explicitly or implicitly?

10 A. No, sir.

11 Q. Why did you call Ms. Hickson?

12 A. Because I just felt that she was the
13 appropriate person to talk to about, you know,
14 whether or not this was permissible. She was or
15 is -- well, was at the time, what I had deemed to be
16 the City's subject matter expert on ethics.

17 To put it in this way, it's common
18 practice for commissioners and department heads to
19 call whoever is the subject matter on an issue. If
20 I'm having a law issue, I'll call Cathy, and we talk
21 about it. We don't do e-mails. I don't document it.
22 Whatever she tells me, I take it and go with it
23 because she's the City attorney.

24 If I'm having a budget issue, I call the
25 CFO, Jim Beard at the time. Whatever counsel he

1 gives me, I believe he's basing it on policies,
2 procedures, rules, ordinances, and I go with what he
3 says. I don't write it down and document it.
4 Likewise, on HR issues and personnel issues I'm not
5 familiar with, I'll call Yvonne Yancy. She was the
6 commissioner at the time. So this was in the same
7 practice as those with Ms. Hickson.

8 Q. Is it consistent with the things that you
9 did in the HR realm, the financial realm, and the
10 legal realm?

11 A. Yes, sir.

12 Q. Did you feel that it was inappropriate or
13 burdensome for you to have to reach out to
14 Ms. Hickson to explain what you were contemplating?

15 A. No.

16 Q. Were you in any way -- did you in any way
17 chafe or feel offended by the prospect that you had
18 to consult with her before proceeding?

19 A. No.

20 Q. Thank you.

21 You've mentioned I think once or twice,
22 and certainly I've read it in your book, that you had
23 a target audience in mind with this writing?

24 A. Yes, sir.

25 Q. And can you in your own words describe who

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1 that audience was?

2 A. Christian men.

3 Q. And by Christian, was it further
4 subdivided into a certain denomination or people who
5 were born again or anything of that nature?

6 A. No, sir. Just anyone who identified as
7 Christian.

8 Q. And why men?

9 A. Because again, it all started from this
10 curiosity as to God asking that question specifically
11 to Adam in the Garden of Eden. It specifically says
12 that God asked -- said to the man. That's what the
13 scripture says. And then ultimately when Adam
14 explained why he was hiding, God asked Adam the
15 question, "Who told you you were naked," and so
16 that's the reason why the target was Christian men.

17 (Exhibit 23 was marked for
18 identification.)

19 BY MR. GEVERTZ:

20 Q. I'm handing you Defendants' Exhibit 24.

21 MR. THERIOT: It should be 23.

22 MR. GEVERTZ: I'm sure it should.

23 Let's make it that.

24 BY MR. GEVERTZ:

25 Q. I'm handing you Defendants' Exhibit 23.

1 Am I correct in understanding that as of January 2013
2 you had concluded that you wished to turn this
3 exercise into a book? And here's why I ask. If you
4 look in the second paragraph about four lines down,
5 the sentence is "Ultimately, it is my desire to
6 expand the content in certain areas and publish it as
7 a book."

8 A. Yes.

9 Q. So fair to say that as of January 15th of
10 2013, you had a goal of publishing some version of
11 this document in the form of a book, correct?

12 A. Yes.

13 Q. Now, you also mention something called
14 "The Quest for Authentic Manhood." What is that?

15 A. That is a small group of men's Bible study
16 that I was a facilitating for the group of men in my
17 church. One of the lessons in "The Quest for
18 Authentic Manhood" actually involved God's purpose
19 for man, and it's where this question, "Who told you
20 that you were naked," actually came from.

21 Q. So "The Quest for Authentic Manhood" is a
22 study group, it's not a writing of some sort?

23 A. No, it's a document. It is a -- it's a
24 prepared set of CDs and booklets that's used
25 specifically for men's Bible study.

1 Q. You're not the author --

2 A. No.

3 Q. -- or publisher of that?

4 A. No.

5 Q. But that served as the core --

6 A. Right.

7 Q. -- basis for your study group?

8 A. That's correct.

9 MR. GEVERTZ: Thank you.

10 (Exhibit 24 was marked for
11 identification.)

12 BY MR. GEVERTZ:

13 Q. Now I'll show you Defendants' Exhibit 24.

14 Do you recall interacting with someone by
15 the name of Nicole Lester?

16 A. That sounds familiar. I'm just -- I'm
17 drawing a blank on it --

18 Q. You don't recall who that is?

19 A. -- but, yeah.

20 Q. How about someone by the name of Bernard?
21 Do you recall who he is?

22 A. Bernard?

23 Q. I'm sorry, it's Bernard Haynes.

24 A. Oh, yes. Yes, yes. These are both
25 members of Elizabeth Baptist Church. They were at

1 the time.

2 Q. Let me start at the back because like many
3 printouts of e-mails, you've got to start from the
4 bottom.

5 A. Uh-huh.

6 Q. On March 28th you write to Nicole Lester.
7 You introduce yourself as a brother from -- I'm
8 sorry, EBC is?

9 A. Elizabeth Baptist Church.

10 Q. Elizabeth Baptist Church. And also you
11 introduce yourself as the fire chief for the City of
12 Atlanta Fire Rescue Department.

13 Let me stop there. What was the relevance
14 of your job title to this introduction to Ms. Lester?

15 A. Just so that she can make a reference as
16 to putting the face with a name.

17 Q. Understood. And you said that you've been
18 working on two books for some time. Now, what are
19 the two books?

20 A. They were Who Told You You Were Naked? and
21 Sex and Righteous Men.

22 Q. Did you ever publish Sex and Righteous
23 Men?

24 A. No, sir.

25 Q. How far along did you get, or are you?

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1 A. It's several pages. I can't say exactly
2 how many.

3 Q. Would you call it a manuscript at this
4 stage?

5 A. It would probably qualify as such.

6 Q. When did you start working on it?

7 A. Probably prior to Who Told You You Were
8 Naked.

9 Q. So prior to sometime in 2013?

10 A. No. Years ago, probably.

11 Q. You state that this is targeted towards
12 Christian men, and you provide her with your office
13 number as well as your cell number. Why provide her
14 with your office number as opposed to your home
15 number?

16 A. Well, because I spend most of my time at
17 the office and not a whole lot of time at home.

18 Q. Now, you sent that e-mail to her on March
19 28th, and then it looks like roughly six days later
20 you send an e-mail to Bernard Haynes, and you attach
21 or at least forward the prior e-mail. And you write,
22 "I'm now a little anxious wondering if the titles of
23 the books I'm writing may have scared her away, or
24 worse, offended her. Without knowing the context of
25 the titles, I" -- and I think you meant to include

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1 the word "am" -- "concerned the topics and my
2 intentions could be misunderstood."

3 I take it you were being sincere when you
4 wrote that?

5 A. Yes.

6 Q. What about the topics and titles of those
7 two books led you to be concerned that Ms. Lester may
8 have been offended?

9 A. Because she's a women that doesn't know
10 me, and without knowing me and knowing what books are
11 about, I mean, when you see the question "who told
12 you you were naked," you know, I don't know if she is
13 not connecting that with the question God asked Adam
14 in the Bible, which was a concern. And being a woman
15 who doesn't really know me and know what these books
16 are about, and a woman who doesn't know this guy sees
17 Sex and Righteous Men just -- I just was sensitive as
18 to whether, you know, how could she possibly perceive
19 that, you know, based upon those words and those
20 subjects --

21 Q. Did you think --

22 A. -- and those titles.

23 Q. I'm sorry.

24 Did you think that the title Who Told You
25 You Were Naked? could be misconstrued by a woman who

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1 didn't know you?

2 A. By a woman who didn't know me and a woman
3 who didn't know that God asked Adam that question.

4 Q. Did you ever contemplate changing the
5 title of the book?

6 A. No.

7 Q. Did you perceive that risk, that someone
8 who didn't know you and someone who didn't know the
9 context of that question, might be offended? Did you
10 continue to carry that concern along with you as you
11 went into publication and distribution of the book?

12 A. No, sir.

13 Q. When did you shed that concern?

14 A. Well, I only had it in the context of this
15 lady that I'd never met, who didn't know me, actually
16 receiving a communication from me through e-mail,
17 which you don't -- you don't get to use voice
18 inflection. There's a lot of communications that's
19 missed out. And just out of concern that, you know,
20 how would she take it without knowing what the books
21 are all about.

22 But after that and my communications with
23 Bernard -- and Bernard had already written a book.
24 That's one of the reasons why I recall reaching out
25 to Bernard. And then with 3G Publishing, it never

1 was an issue.

2 Q. So your initial concern at some point you
3 discarded as not being something that you thought
4 would prove an obstacle to your book's distribution?

5 A. That's correct, because again, the target
6 audience was Christian men, and that question came
7 straight from the Holy Scripture.

8 Q. Consequently, you had assumed that your
9 audience would know where that book's title
10 originated?

11 A. Yes, sir.

12 Q. By the way, is this phone number, your
13 cell phone number, was that your personal cell phone
14 number or your work cell phone number?

15 A. It was my work cell phone number.

16 Q. But did you have a personal cell phone as
17 well?

18 A. No, I did not.

19 MR. GEVERTZ: Thank you.

20 (Exhibit 25 was marked for
21 identification.)

22 BY MR. GEVERTZ:

23 Q. This is Exhibit 25.

24 Are you familiar with someone named Myrna
25 Gale?

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1 A. Yes.

2 Q. Is she affiliated with 3G Publishers?

3 A. Yes.

4 Q. Is she the owner?

5 A. Yes.

6 Q. She provided you with a contract in May of
7 2013. Did you sign this contract?

8 A. Yes.

9 Q. Okay. Was it -- here's why I ask. I want
10 to make sure that your answer's correct.

11 In the third -- in the second -- the third
12 page of the document, the second page of the
13 contract, it also talks about her serving or someone
14 serving as a ghost writer.

15 A. Yes.

16 Q. Did you invoke the use of a ghost writer?

17 A. In the context -- in the context of what
18 is stipulated in A and B for proofing, which --

19 Q. I see.

20 A. Yeah, for proofing and editing, not for
21 content purposes.

22 Q. So you signed this document. Do you
23 recall when you signed it, if you had received it?

24 A. I don't recall. I know it was not long
25 after I received it.

1 Q. So this is a contract that you've signed
2 with a publisher, and it provides certain royalties.
3 It looks like 15 percent per retail sale of the book
4 at the bottom of page two. Is that your recollection
5 of --

6 A. Yes.

7 Q. -- what your percentage was?

8 A. Yes.

9 Q. So I just want to come back again to a
10 question I previously asked you on the ethics
11 disclosure form.

12 At this point in 2014 when you signed that
13 ethics disclosure form, you had written a book, it
14 had been published, and it had been sold, and
15 further, you have entered into a contract with a
16 publishing organization. Why then did you not
17 disclose all of this activity as self-employment?

18 MR. THERIOT: Objection. Asked and
19 answered, but you can answer.

20 THE WITNESS: Again, I just did not
21 see this book, authoring this book as
22 employment. I just didn't see it that way
23 because my motive was -- for writing this
24 book was to get it in the hands of
25 Christian men who struggle with the issue

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1 of condemnation and just did not see it as
2 self-employment.

3 BY MR. GEVERTZ:

4 Q. Thank you.

5 Do you recall when your second
6 conversation with Ms. Hickson occurred?

7 A. It was approximately one year later.
8 (Exhibit 26 was marked for
9 identification.)

10 BY MR. GEVERTZ:

11 Q. Sometime in 2013?

12 A. Yes, sir.

13 MR. THERIOT: Can we -- is it okay
14 with you if we take a break now because I
15 know you can still go, but I can't, before
16 we get into that topic, or do --

17 MR. GEVERTZ: Sure.

18 MR. THERIOT: -- you want to ask that
19 series of questions before we do it?

20 MR. GEVERTZ: I'm not concerned.

21 MR. THERIOT: Okay. All right.
22 That'd be great.

23 THE VIDEOGRAPHER: The time is now
24 11:38 a.m. We're off the record.

25 (A recess was taken.)

1 THE VIDEOGRAPHER: The time is

2 11:48 a.m. We're back on the record.

3 BY MR. GEVERTZ:

4 Q. Mr. Cochran, how you feeling?

5 A. Good.

6 Q. Able to continue with your testimony?

7 A. Yes.

8 Q. We were talking about your second
9 conversation with Ms. Hickson. I'm going to show you
10 Defendants' Exhibit 26. I take it you don't have any
11 notes about this conversation either?

12 A. No, sir.

13 Q. Do you have any reason to dispute that
14 this conversation, the second conversation with her,
15 occurred on July 9th, 2013, as reflected in this
16 document?

17 A. This is a second conversation that --

18 Q. Yes, sir.

19 A. -- I had with Ms. Hickson, but not about
20 the book itself.

21 Q. I'm sorry. You think this is a
22 conversation with Ms. Hickson, but it didn't have
23 anything to do with the book?

24 A. That's correct. This conversation --
25 around about this time I called Ms. Hickson. I was

1 considering going into a leadership -- a product
2 sales business called Life Leadership. And this call
3 was when I asked Ms. Hickson, and she wrote down I
4 guess her assessment of that organization, leadership
5 association.

6 I asked her because Life Leadership was a
7 leadership organization that had books and tapes and
8 different materials that help with leadership
9 development. It's sort of like an Avon business, but
10 leadership materials, you know, as opposed to
11 cosmetics. And I said, is it permissible that as a
12 commissioner or department head employee that I can
13 have such a business. And she said, yeah, it's
14 permissible, but you've got to get permission from
15 the ethics board, and I would also advise that you
16 would actually inform the mayor, you know, and that.
17 You know, I said, hey, it's not something I'm really
18 all that passionate about and ultimately ended up not
19 doing. That's what this is about.

20 Q. I guess that leads me to the next
21 question, which is how many times during the course
22 of your fire chief career did you seek personal
23 ethics advice from Ms. Hickson or someone affiliated
24 with the Georgia -- excuse me, with the City of
25 Atlanta Board of Ethics for you?

1 A. The only conversations that I've had with
2 Ms. Hickson regarding me or possibly at all, sir, is
3 the initial conversation that I had with her about
4 permission to write the book. This was the second
5 conversation I had with her. And then a year after I
6 had that initial conversation about the book, asking
7 her if it was permissible for me to put my current
8 position in the about-the-author section.

9 Q. There's a reference in the second line to
10 a book. I think it says "mentioning in book."
11 During this second conversation with Ms. Hickson, the
12 one on July 9th, was there a book tied up in your
13 discussion with her, as best you recall?

14 MR. THERIOT: Object to the
15 characterization of "mentioning in book."

16 THE WITNESS: I don't know what that
17 is. I don't know if she asked me how my
18 book was going, if that's what that means,
19 but then I don't recall us even talking
20 about the book, and certainly not the
21 nature of my call to her was about the
22 book.

23 BY MR. GEVERTZ:

24 Q. Well, even if it wasn't about the Who Told
25 You You Were Naked? book, do you recall any book,

1 including one with respect to leadership, coming up
2 in this conversation in July?

3 A. It's very likely that I told her that Life
4 Leadership, the business I was considering going
5 into, it was part of their -- the business was
6 actually selling books on leadership.

7 Q. And so I'm sorry, I tuned out for a
8 moment, but I think your answer to my prior
9 conversation was that you recall three and only three
10 conversations with Ms. Hickson seeking ethics advice
11 as it pertained to you personally, correct?

12 A. Yes.

13 Q. The two conversations about your book and
14 this one conversation reflected on July 9th?

15 A. To the very best of my recollection.

16 Q. Did you have any conversations in any
17 other aspect of your personal life seeking ethics
18 guidance from anyone employed by the City of Atlanta,
19 including someone affiliated on their ethics board?

20 A. Not that I can recall.

21 Q. Thank you.

22 I want to ask you a couple more questions
23 about your philosophy of leadership. These come from
24 the articles that you attached and sent to
25 Chief Labat, if you'd like to look at them for

1 reference, but I think because they're about your
2 philosophy, you'll be able to answer them off the --

3 A. Sure.

4 Q. -- top of your head. Would you like for
5 me to wait?

6 A. No. You can go ahead.

7 Q. Do you believe that within the fire
8 department the ability to interact with people of
9 diverse backgrounds, including race and gender, is
10 necessary for the department to succeed?

11 A. Yes, sir.

12 Q. Do you believe in the importance of first
13 impressions as a member of the fire department?

14 A. Yes, sir.

15 Q. And that for every fire department it is
16 critical to make a positive first impression?

17 A. Yes.

18 Q. Why?

19 A. Because sometimes it's the only impression
20 they'll ever have, no matter what you do after that
21 point.

22 Q. Would you agree with the proposition that
23 it can be difficult, if not impossible, to overcome a
24 negative first impression with the community as a
25 member of the fire department?

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1 A. Yes, I do.

2 Q. And that, consequently, the fire
3 department, whether it's in the City of Atlanta or
4 anywhere else, needs to create a positive and lasting
5 image and work hard to maintain it?

6 A. Absolutely, yes.

7 Q. Would you agree with the assertion that
8 the City of Atlanta's Fire Department's reputation
9 for delivering compassionate services is vital to its
10 image?

11 A. Absolutely. And under my leadership,
12 that's exactly what we conveyed.

13 Q. And that all citizens in your care should
14 be treated with the utmost level of dignity and
15 respect by the fire department?

16 A. Yes, sir, and we lived that out every day.

17 Q. Did you also believe there to be a clear
18 connection between the way that the fire department
19 treated one another, the people within it, and the
20 way that they treated the public?

21 A. Yes, sir.

22 Q. Did you believe that as fire chief that it
23 was incumbent on you to create an atmosphere where
24 racism, sexism, isms were eliminated?

25 A. Yes, sir.

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1 Q. Was it also your belief that a lack of
2 camaraderie within the fire department could even
3 contribute to increased potential for injuries and
4 line-of-duty deaths?

5 A. Yes, I do.

6 Q. Why?

7 A. Because it just leads to behaviors that
8 make firefighters vulnerable for that.

9 Q. Did you speak about your book at a
10 Buckhead Rotary meeting in 2013; do you recall?

11 A. Not that I can recall.

12 MR. GEVERTZ: Let me see if this
13 e-mail jogs your memory.

14 (Exhibit 27 was marked for
15 identification.)

16 BY MR. GEVERTZ:

17 Q. I'm showing you Defendants' Exhibit 27.
18 Here you were apparently to make some remarks, give a
19 speech to the Buckhead Rotary in July of 2013, and
20 Mr. Rangel, who I gather would be introducing you,
21 was looking for some sort of catchy introduction. Do
22 you recall this --

23 A. Yes.

24 Q. -- communication?

25 A. Yes.

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1 Q. And the number one thing -- excuse me, the
2 number two thing you mentioned about yourself was
3 that you were the author of the soon to be published
4 Who Told You That You Were Naked? overcoming
5 condemnation book, correct?

6 A. Yes.

7 Q. Were you introduced as the chief of the
8 Atlanta Fire Department at the Buckhead Rotary?

9 A. Yeah. That's information that he already
10 had, and he was looking for additional information
11 that he thought would be more personable.

12 Q. And were you also then introduced as the
13 author of this book?

14 A. I can't recall if he actually used this
15 information or not.

16 Q. Did you appear in uniform?

17 A. More than likely, I did.

18 Q. Do you recall what you spoke on?

19 A. I can't recall.

20 Q. Did you speak about your book or your --

21 A. No.

22 Q. -- soon-to-be-published book?

23 A. No.

24 Q. Thank you.

25 Did you work with an assistant at the fire

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1 department?

2 A. Yes.

3 Q. Secretary, if you will?

4 A. Executive assistant.

5 Q. Executive assistant. What was his or her
6 name?

7 A. Her name was Arkla Napper.

8 Q. She's a City of Atlanta employee?

9 A. Yes.

10 Q. What are her job duties?

11 A. She takes care of the executive-level
12 clerical administrative duties, you know, a
13 confidential secretary. There are certain personal
14 things that she does as it relates to, you know,
15 scheduling doctors' appointments, you know, anything
16 of that nature from time to time. Managing my
17 calendar, making sure that things in both my
18 professional and personal life are really aligned in
19 the calendar so that, you know, I can be as efficient
20 in both in carrying out my duties as the fire chief
21 of Atlanta.

22 Q. Are there certain things that you would
23 not ask her to do in your personal life because it's
24 not appropriate for a City of Atlanta employee to be
25 doing that on City of Atlanta money?

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1 A. Yes.

2 Q. What sorts of things would you not expect
3 her to do? Would you -- would you ask her to drop
4 off your dry cleaning?

5 A. No.

6 Q. Or have your car washed? Personal
7 errands?

8 A. Yeah. No.

9 Q. That would be inappropriate?

10 A. Yes.

11 Q. But because she knew your business
12 schedule and your personal schedule had to mesh with
13 your business schedule, she would be in charge of
14 scheduling aspects of your personal life?

15 A. In some cases.

16 Q. Is that where you drew the line in her
17 involvement in your personal affairs versus her
18 involvement in your business activities?

19 A. Well, as a general rule. You know, Arkla
20 Napper also happened to be a member of Elizabeth
21 Baptist Church, so we knew each other from our church
22 affiliation. That was not -- I did not know that
23 when she was hired, but came into that knowledge
24 after she was hired. And so on matters of faith, you
25 know, we talked about issues at our church, and so we

1 had that personal connection as members of Elizabeth
2 Baptist Church.

3 Q. Were you responsible for hiring her?

4 A. Yes, I was.

5 Q. Did the fact that you two went to the same
6 church come up at all during --

7 A. No, sir.

8 Q. -- her interview or hiring process?

9 A. No, sir.

10 (Exhibit 28 was marked for
11 identification.)

12 BY MR. GEVERTZ:

13 Q. I'm going to show you Defendants'
14 Exhibit 28, and I'm only going to refer you to the
15 top page.

16 A. Okay.

17 Q. It appears as if there was an attachment
18 to one or more of these e-mails, which was a draft at
19 the time of your book Who Told You That You Were
20 Naked?, correct?

21 A. Yes.

22 Q. You e-mail -- and I'm again on the first
23 page at the bottom -- on Tuesday at 1:30 in the
24 afternoon to Myrna Gale, the publisher, attached is a
25 revised version of the book Who Told You That You

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1 Were Naked? This was sent from your work e-mail
2 address, correct?

3 A. Yes.

4 Q. During work hours on a work day, correct?

5 A. Yes.

6 Q. And then above that, at 3:43 on a
7 Thursday, your assistant Ms. Napper, N-a-p-p-e-r,
8 forwarded that same document along to your publisher,
9 as you were apparently out of the office, correct?

10 A. Yes.

11 Q. Did she do that on her own, or did you
12 direct Ms. Napper to forward that along to the
13 publisher?

14 A. More than likely, I requested her to do
15 it.

16 Q. The restriction on Internet usage to
17 business-related affairs I think you previously
18 testified you understood applied to you, correct?

19 A. That's correct, but, you know, there's a
20 couple of things that must be pointed out in the
21 context of what you established earlier.
22 Commissioners and department heads, especially in my
23 capacity as the fire chief of the City of Atlanta, we
24 don't have normal workdays. We don't work
25 8:00-to-5:00 days.

1 I'm essentially, as a chief of a fire
2 department in a metropolitan city at work all the
3 time. So it's common for commissioners, department
4 heads, to take personal time whenever they can during
5 their workday. There's not a scheduled, as some
6 organizations have, mid-morning break, a lunch break,
7 a mid-afternoon break, and then you get off. That
8 pattern does not work for a commissioner or head of a
9 department, especially in the fire chief's office,
10 and so that's common themes throughout commissioners,
11 public safety chiefs. And at no time did my work
12 interfere with my duties and responsibilities as the
13 fire chief of the City of Atlanta.

14 Q. Yes, sir. Now, Ms. Napper was not the
15 fire chief, correct?

16 A. That's correct.

17 Q. She was clearly on the clock and at work
18 working for the City of Atlanta at 3:43 in the
19 afternoon on a Thursday?

20 A. That's correct.

21 Q. Further, there was nothing that prevented
22 you in city code or ordinances or guidelines from
23 using your own personal computer to convey personal
24 items, was there?

25 A. No.

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1 Q. Did Ms. Napper, to your knowledge, join
2 the Elizabeth Baptist Church before she was hired?

3 A. Yes.

4 Q. Your book, do you recall when it was
5 finally ready to be printed?

6 A. Not the final version. I would say it
7 would have to be some point at the latter part of
8 2013.

9 Q. If I were to suggest November, would that
10 sound about right?

11 A. That sounds about right.

12 (Exhibit 29 was marked for
13 identification.)

14 BY MR. GEVERTZ:

15 Q. I'm showing you Defendants' Exhibit 29.
16 March 9th of 2013 was a Monday. At 3:33 in the
17 afternoon of that day, you sent your publisher from
18 your e-mail address, it looks like at the City, the
19 final galley of your comments?

20 A. Yes.

21 MR. THERIOT: Objection. I think you
22 said March 9th.

23 MR. GEVERTZ: I apologize. Let me
24 try that again.

25 MR. THERIOT: Not really an

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1 objection.

2 MR. GEVERTZ: Too much information in
3 one question.

4 BY MR. GEVERTZ:

5 Q. December 9th of 2013, was a Monday. At
6 3:33 on a Monday afternoon in December, you provided
7 your publisher from your City of Atlanta account the
8 final galley of your manuscript for your book with
9 edits, correct?

10 A. Yes.

11 Q. But it is your testimony that this did not
12 in any way interfere with the performance of your
13 duties as the fire chief, correct?

14 A. That's correct.

15 Q. Thank you.

16 Do you recall when you first began
17 distributing copies of your book to people within the
18 fire department?

19 A. It would have been soon after receiving an
20 initial order of books.

21 Q. And who within the fire department --
22 strike that.

23 Ideally you could do this in order, but I
24 won't test your memory to that extent. Who within
25 the fire department do you recall distributing a copy

1 of your book to?

2 A. There are essentially three categories as
3 I like to keep it organized in my head of
4 distribution. There were some Christian men. First
5 of all, all of them were Christian men who had -- who
6 I had established a prior conversation or
7 relationship with as Christians. The first group was
8 a group of Christian men that we were so close in our
9 understanding and connection with one another
10 interpersonally, they knew I was writing a copy of
11 the book, and before it was finished, they said, when
12 you finish, I want a copy of it.

13 The second group was a group of men, who
14 when they found out that I wrote a book, requested a
15 copy. There was about three, as I can recall, who
16 because we had a prior connection and established a
17 relationship or an understanding of our
18 like-mindedness in our faith, I actually gave them a
19 copy.

20 Q. I'm sorry. So there are three categories?

21 A. Yes.

22 Q. Category one was men who you were close to
23 and knew their Christian affiliation, thoughts,
24 philosophy was in sync with yours?

25 A. Right, who knew I was writing a book, who

1 requested a copy.

2 Q. Okay. And they requested it. And the
3 second group was people once they heard about the
4 book, requested a copy, and you distributed it to
5 them?

6 A. Yes.

7 Q. Help me with the third category again?

8 A. There were, and I think it was
9 approximately three men, who we knew each other as
10 Christians, but they neither knew I wrote a book and
11 requested a copy, or knew I was writing a book and
12 asked for a copy, but just in the context of our
13 relationship that we had prior established as
14 Christians, you know, I gave them a copy of the book
15 as a gift.

16 Q. So who was in the first group?

17 A. As best as I can recall, Joe Baker,
18 Randall Slaughter.

19 Q. I'm sorry, last name is?

20 A. Slaughter.

21 Q. Yes, sir.

22 A. Wilman Meadows, Bernard Coxton. I'm
23 really struggling with the names.

24 In the second category, I think it would
25 be Chad Jones. I can't -- I know it was at least

1 three in that group.

2 And then in that last group, the three
3 that I recall were Stephen Hill, Chris Wessels, and
4 William Collier.

5 I just recalled another name in that
6 middle group. Michael Simmons was another name in
7 that middle group.

8 Q. Approximately how many total people within
9 the fire department do you recall giving a copy of
10 your book to?

11 A. I'd say nine to 12.

12 Q. And your department had how many people
13 working?

14 A. Eleven hundred.

15 Q. Chaplain Miller, was he among the people
16 you --

17 A. Yes.

18 Q. Would he be in the first, second, or third
19 group?

20 A. That middle group.

21 Q. In each case I think you described the
22 categories of groups as consisting of Christian men?

23 A. Yes.

24 Q. Why did you not offer your book to
25 non-Christians?

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1 A. Because the motive and the intent behind
2 the book in the first place was Christian men. A
3 Christian man wrote a book for Christian men. And so
4 these are men, Christian men, who I established a
5 connection with as Christians, and that's the context
6 of giving them a book as a gift.

7 Q. So they were not -- would it be fair to
8 say that non-Christians were not part of your target
9 audience?

10 A. No, they were not.

11 Q. Similar question. Why did you only give
12 it to men and not women?

13 A. Because it was again, a book written for
14 Christian men.

15 Q. Were you concerned that your book, if
16 given by you to a non-Christian, might offend them?

17 A. It never crossed my mind to even give a
18 book to a person that I had not already established
19 some relationship with as a Christian man. It just
20 never crossed my mind.

21 Q. It didn't cross your mind because that
22 wasn't your target audience or because you thought
23 that would be a bad thing?

24 A. It was they were not the target audience,
25 and I would not give the book to a person that I had

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1 already -- that I had not already established a
2 relationship with as Christians at work.

3 Q. Why not?

4 A. It just never crossed my mind. I mean, it
5 was never my intention -- it just never crossed my
6 mind. I didn't have any intent.

7 Q. Well, let me ask you the question this
8 way.

9 A. Sure.

10 Q. Did you have any concern that if you gave
11 this book to someone you did not have a relationship
12 with and brotherhood with that it might offend them?

13 A. Let me put it this way. Because I wrote
14 the book, a Christian man wrote the book for
15 Christian men, it never crossed my mind to give the
16 book to anyone who was not a man at work, who was not
17 a man, who was not all -- that I already established
18 a relation -- it just never crossed my mind. I never
19 vetted it or evaluated the pros and cons. As I
20 understand your question may be getting at, it just
21 never was a part of my thought process.

22 Q. Okay. And that is exactly what my
23 question was getting at. So to phrase it a different
24 way just to make sure I understand, were you at all
25 concerned that you might receive a reception from a

1 non-Christian or non-man similar to the one that you
2 were concerned that you had received from Leslie?

3 A. No, sir.

4 Q. Did you create a website to or engage in
5 any sort of social media marketing to distribute or
6 sell your book?

7 A. No.

8 Q. Had you contemplated that at some point?

9 A. Yes.

10 Q. Why did you not follow through with that?

11 A. I just never considered it a priority.

12 Just it was just never a priority for me to do that.

13 (Exhibit 30 was marked for
14 identification.)

15 BY MR. GEVERTZ:

16 Q. Next I'm going to show you Exhibit 30. On
17 this occasion on June 6th from your work e-mail, you
18 send a message to Ms. Gale, Myrna Gale, and you ask
19 to order 100 copies of the book. Why did you do that
20 at that time?

21 A. At this time, up to this point, however --
22 the books that I was ordering from Ms. Gale were
23 books that I was just giving away to men in the
24 community and my church. At one point, I went home
25 to Shreveport, Louisiana. As a matter of fact,

1 during this time of year, this is the reason this 100
2 copies was ordered, because I was going to
3 Shreveport, Louisiana, and I was -- the church
4 members at my church in Shreveport wanted copies of
5 my book.

6 Q. So you were visiting Shreveport, and the
7 purpose was to make available your book to the
8 members of the congregation of the church?

9 A. Yes.

10 Q. Thank you.

11 At this point, had you had your
12 conversation, your second conversation with
13 Ms. Hickson?

14 A. Long, long after this. I mean, the second
15 conversation with Ms. Hickson was right before the
16 first iteration of the book was published.

17 Q. So that would have been?

18 A. Approximately one year after the first
19 call about the book.

20 Q. October of '14? Of '13? Excuse me.

21 A. Yeah. So whatever the time that -- that
22 initial conversation was around October.

23 Q. October of '12?

24 A. So it would have been -- so right at the
25 point -- because that second conversation about the

1 book was about the -- about-the-author section.

2 Q. Uh-huh.

3 A. So I received her green light to state my
4 current title in the about-the-author section before
5 the final galley was actually done and the first book
6 was published.

7 Q. Was this a telephone conversation?

8 A. Yes.

9 Q. And I take it there are no notes of this
10 conversation that you possess?

11 A. That's correct.

12 Q. Can you give me your best and fullest
13 recollection of everything you and she said during
14 this call?

15 A. Well, it was pretty much to the point. I
16 informed her that the book was practically done, and
17 I was in the process of writing the about-the-author
18 section. And I asked her is it appropriate and
19 permissible for me to actually just simply state that
20 I'm the current fire chief of the City of Atlanta,
21 and she said it was.

22 Q. Anything else?

23 A. No, sir.

24 Q. So this sounds like a conversation that
25 maybe lasted a minute or two with pleasantries?

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1 A. Not very long at all.

2 Q. Did you tell her which book you were
3 talking about?

4 A. No, because the only book I've never
5 mentioned to her was Who Told You You Were Naked?

6 Q. Well, I thought that we had entertained at
7 least the possibility that you had discussed a book
8 with respect to leadership in your conversation with
9 her.

10 A. No, sir. If you recall, that's the
11 conversation on the note you had, she had the
12 leadership book, and that was in the context of
13 explaining to her what the Life Leadership business
14 was all about. The best of my recollection, the only
15 way she could have put that note down was I mentioned
16 to her that part of that business was selling books
17 on leadership, and I -- that's just -- I don't
18 understand why she put that note down, but I know we
19 didn't discuss the book that I was writing at that
20 time.

21 Q. No, I get that. I guess here's my
22 question to you in so many words. You didn't tell
23 her which specific book you were talking about in
24 this third conversation, correct?

25 A. Yes.

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1 Q. Thank you.

2 Now, the cost of the book --

3 MR. THERIOT: Just object as to form
4 as to that last question.

5 (Exhibit 31 was marked for
6 identification.)

7 BY MR. GEVERTZ:

8 Q. Here's Exhibit 31. The cost of the book
9 was \$4.00, excluding shipping and handling; is that
10 correct?

11 A. No, that's -- yes. Yes, it is.

12 Q. So when you ordered the hundred books,
13 this was the invoice for them, correct?

14 A. It looks like it, yes.

15 Q. When you brought the books to Shreveport,
16 did you sell them?

17 A. Yes.

18 Q. How much did you sell them for?

19 A. Ten dollars.

20 Q. And under the terms of your agreement,
21 were you -- how much of that \$10.00 were you able to
22 keep?

23 A. The \$6.00.

24 Q. So all the profit?

25 A. Yes.

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1 Q. And did you sell out in Shreveport?

2 A. I don't remember. I probably did.

3 MR. GEVERTZ: Thank you.

4 (Exhibit 32 was marked for
5 identification.)

6 BY MR. GEVERTZ:

7 Q. This is Exhibit 32, and these are two
8 e-mails that occur on the same day. The first is
9 from Ms. Gale to you on a Monday afternoon at 2:10,
10 and she provided you with the updated galley. What's
11 a galley?

12 A. It's the complete document.

13 Q. And she was asking you I guess to review
14 it and ensure that it was in order so that she could
15 proceed with preordering your books?

16 A. Yes.

17 Q. And an hour and 37 minutes later, you
18 e-mail her back on that Monday from your work
19 computer telling her that everything looks fine,
20 right?

21 A. Yes.

22 Q. Meaning please proceed, right?

23 A. Yes.

24 Q. I take it then that you reviewed the
25 galley, and it met with your approval in that

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1 intervening hour and 37 minutes, correct?

2 A. Yes.

3 Q. But this did not interfere with your
4 ability to perform your job duties?

5 A. No, sir.

6 Q. Did you discuss your book or its
7 principles on the radio in July of 2014?

8 A. Not that I can recall.

9 Q. Okay. Specifically with a Pastor Hollins
10 on a show entitled Have Faith in God?

11 A. Yes. Yes.

12 Q. Where is that broadcast out of?

13 A. That's in Shreveport. That was -- that
14 would have been on my trip to Shreveport.

15 Q. AM frequency? FM frequency?

16 A. AM.

17 Q. Is that an hour long show?

18 A. About 30 minutes as I recall.

19 Q. Were you the sole guest for that
20 30 minutes?

21 A. Yes.

22 Q. And did you talk about your book?

23 A. Yes.

24 Q. Was it in interview format where he asked
25 you questions and you responded?

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1 A. Yes. It's a Christian radio show, and it
2 was talking about the theme of the book, Christian
3 men overcoming the stronghold of condemnation.

4 Q. To your knowledge, does that radio station
5 target a specific denomination within the Christian
6 church?

7 A. No, just for the Christian community at
8 large.

9 Q. To men in particular as opposed to women?

10 A. The entire community of faith.

11 Q. To be clear, there was no point in time
12 where you ever discussed the publication or
13 authorship of your book with the mayor, was there?

14 A. No. My only conversation with the mayor
15 about the book was after the State of the City
16 address in 2014 where the previous week or so I left
17 a copy for him with Ms. Lilly Cunningham and asked
18 her to give him a copy of it.

19 Q. And Ms. Cunningham is his executive
20 assistant?

21 A. Yes. After the State of the City, I went
22 to the mayor and congratulated him on the outstanding
23 speech and asked him had he received a copy of the
24 book, and he affirmed, yes, I did receive it. And he
25 said Who Told You You Were Naked? He actually said

1 the name of it, and he said, I'm going to read it on
2 my flight. I'm going out of town. I'm going to read
3 it on my next flight.

4 Q. Was that the sole extent and full extent
5 of your conversation with the mayor about your
6 book --

7 A. Yes.

8 Q. -- in the entire time that the two of you
9 worked together?

10 A. Yes.

11 Q. In your radio interview, were you
12 introduced or did you introduce yourself as being
13 affiliated with the Atlanta Fire Rescue Department?

14 A. I'm sure that Minister Holland as the host
15 probably gave, you know, the historical background of
16 who I was as the guest.

17 Q. In September of 2014, did you negotiate to
18 attend a men's health day seminar and screening?

19 A. Yes.

20 Q. And was that to be held in Shreveport?

21 A. Yes.

22 Q. And did you also negotiate to have a booth
23 to sell your book?

24 A. Yes.

25 Q. And I gather your primary contact was with

1 Yolanda Duckworth?

2 A. Yes.

3 Q. So by early September of 2014, you had now
4 been on the radio and negotiated, I guess, or were in
5 the process of negotiating this booth?

6 A. Yes.

7 Q. The seminar, can you explain what the
8 men's health day seminar and screening is?

9 A. Well, it's really to -- it's just what it
10 is. I mean, it says exactly what it is. It's a day
11 to focus on men's health issues.

12 Q. Physical health?

13 A. Yeah, physical health and, you know,
14 health screening for the men who were at the
15 gathering and -- but also spiritual health. You
16 know, the atmosphere in that environment and the
17 culture within the city of Shreveport lends itself to
18 that kind of a engagement, you know. It of course is
19 my hometown. I grew up there. So, you know, I
20 always share in these settings about the spiritual
21 side of manhood in this particular context.

22 Q. Where was it held?

23 A. It was held at a city of Shreveport park,
24 public park.

25 Q. Is it a large gathering? I'm looking for

1 a rough approximation.

2 A. It was approximately 150 men.

3 Q. Were you able to sell your book there?

4 A. Yes.

5 Q. Do you recall roughly how many?

6 A. Approximately 100.

7 Q. Thank you.

8 MR. GEVERTZ: Let's go ahead and take
9 our 12:30 break.

10 THE VIDEOGRAPHER: This concludes
11 disk two. We're off the record at
12 12:30 p.m.

13 (A lunch recess was taken.)

14 THE VIDEOGRAPHER: This begins disk
15 three in the video deposition of Kelvin
16 Cochran. We're back on the record at
17 1:07 p.m.

18 BY MR. GEVERTZ:

19 Q. Mr. Cochran, how are you?

20 A. Good, thank you.

21 Q. Feeling all right?

22 A. Yes.

23 Q. Able to continue?

24 A. Yes.

25 Q. If at any point that changes, please let

1 me know.

2 A. Thank you.

3 Q. Before the break we were talking about
4 your radio interview with Pastor Hollins. It's my
5 understanding that he ordered approximately 50 books
6 from you in or around August of 2014; is that about
7 right?

8 A. That sounds about right.

9 Q. Did you also have conversations with
10 Michael Randolph, the CEO of Randolph & Randolph
11 Management Consulting, about selling your books at an
12 event in Tallahassee, Florida?

13 A. Yes.

14 Q. What was that event; do you recall?

15 A. It was a men's day at his church, men's
16 day event at the church.

17 Q. Similar to the men's day health screening
18 event?

19 A. No. The health screening was a
20 community-wide event that was a partnership between
21 the hospital and the City of Shreveport. This men's
22 day event was at a church, at Michael Randolph's
23 church.

24 Q. And obviously there was a male theme to
25 it, but --

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1 A. Yes.

2 Q. -- what else can you tell me about it?

3 A. Men's day is a worship service where men
4 are in charge. Their men -- men do the choir. It's
5 an all-male choir. And the theme or topic, you know,
6 if I'm a guest preacher, which is my role, is to
7 preach on something that actually ministers to the
8 spiritual needs of men.

9 Q. So were you appearing as a minister on
10 that occasion?

11 A. Yes.

12 Q. What was the topic of your sermon?

13 A. Who told you that you were naked.

14 Q. So the philosophies and things that you
15 wrote about in that book?

16 A. Yes.

17 Q. As well as the word identification that
18 led you to draft that book?

19 A. The word identification?

20 Q. I think you -- I'm sorry. What was the
21 phraseology you used, the word search?

22 A. Yes.

23 Q. In the prefatory remarks, did you
24 introduce yourself, or did anyone introduce you as
25 being affiliated with the Atlanta Fire Rescue

1 Department?

2 A. Yes, when my bio was given. It's usually
3 a common practice when you're a guest speaker or
4 preacher at a church that someone reads your bio, and
5 a part of that bio is that I was at the time serving
6 as the chief of Atlanta.

7 Q. Now, you did not seek clearance from
8 anyone at the City of Atlanta, including its board of
9 ethics, to give this sermon, did you?

10 A. No.

11 Q. It was not your understanding that you
12 were required to do so?

13 A. That's correct.

14 Q. Did the existence of this ordinance that
15 required you to report outside jobs in any way
16 interfere with your ability to preach at any location
17 that you wanted to?

18 A. No.

19 Q. Did it affect in any way any of the
20 sermons that you prepared or delivered?

21 A. No.

22 Q. Did it in any way interfere with your
23 ability to worship?

24 A. No.

25 Q. Or to choose the company with whom you

1 worshipped?

2 A. No. But that line of questioning is
3 exactly the reason why, with the permission of
4 Nina Hickson in the context of faith-based subject
5 matter, that I felt that was more than adequate.

6 Q. Are you aware of anyone who has ever had a
7 request to engage in or continue outside employment
8 have that request denied by the City of Atlanta or
9 its ethics board?

10 A. Under my leadership, I can never -- I
11 can't remember a time where a request for an extra
12 employment was denied.

13 Q. Okay. And I don't just mean requests that
14 were routed to you by virtue of you being the fire
15 chief. Are you aware of or did you ever hear of any
16 City of Atlanta employee whose request to be able to
17 engage in outside employment to the board of ethics
18 was ever denied or in any way restricted?

19 A. I don't know of any.

20 Q. Coming back to my prior question, though,
21 did you find that your ability to think or speak or
22 worship as you saw fit was in any way impinged upon
23 by the ordinance that we've been discussing today?

24 A. The ordinance, as I understand it, and
25 Ms. Hickson 's guidance and really the -- under the

1 experience that I've had over the years, but it's --
2 especially in the City of Atlanta, gave me the full
3 confidence that I can live out my Christian faith and
4 have my job at the same time without adverse
5 consequences.

6 Q. We had discussed the topic Sex and the
7 Righteous Man, and I believe you said that you had
8 something put together that would constitute a
9 manuscript --

10 A. Yes.

11 Q. -- correct?

12 (Exhibit 33 was marked for
13 identification.)

14 BY MR. GEVERTZ:

15 Q. I'm going to show you Defendants'
16 Exhibit 33. Do you recognize this attachment,
17 especially as it begins at page 2823 --

18 A. Yes.

19 Q. -- as a draft of that manuscript?

20 A. Yes.

21 Q. And do you know just by skimming it
22 whether or not it's undergone substantial change
23 since this time?

24 A. No. This is it. It's been in this
25 particular state for probably eight years or so.

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1 Q. I'd like to ask you a couple of things
2 about it. And you're free to look at it, but because
3 I'm asking you about your beliefs, you may not need
4 to, but you let me know if you need a specific page
5 reference.

6 MR. THERIOT: Just a general
7 objection to the relevance of this, but you
8 may answer.

9 BY MR. GEVERTZ:

10 Q. Is it -- is it your belief that a man who
11 is financially in debt, bankrupt, or on the verge of
12 bankrupt, is not in a state to get married?

13 A. My belief --

14 Q. Yes, sir.

15 A. -- is that if a man is not financially
16 capable of providing for a family, he should strongly
17 consider not getting married.

18 Q. Okay, but that's slightly different than
19 the question I asked you, which is do you believe he
20 should not be married -- getting married?

21 A. I -- and let me just say that as I believe
22 it, which is what you're asking --

23 Q. Yes, sir.

24 A. -- I believe that a man who does not have
25 the financial capacity to take care of a family

1 should delay being married until such time that he's
2 capable of doing so.

3 Q. Is it your belief that marriage may only
4 exist between a man and a woman?

5 A. Yes.

6 Q. Is it your belief that sexual activity
7 between unmarried individuals is inappropriate?

8 A. Yes.

9 Q. And not only inappropriate, but prohibited
10 by God?

11 A. Yes.

12 Q. You write -- and it may be helpful to
13 review this page, 2832, and this is the bottom
14 paragraph -- that "wicked men are men who have not
15 accepted Jesus Christ as Lord and Savior, and that
16 includes men of faiths other than Christianity."

17 Do you believe that?

18 A. Yes.

19 Q. 2835, just a couple of pages later, you
20 list a number of characteristics of wicked men. And
21 you include on number nine an adult who has a lust
22 for boys or girls, underage minors, correct?

23 A. Yes.

24 Q. Men who desire other men, correct?

25 A. Yes.

1 Q. People who are addicted to pornography,
2 among other things, correct?

3 A. Yes.

4 Q. People who engage in incest?

5 A. Yes.

6 Q. People who engage in bestiality?

7 A. Yes.

8 Q. And perverts, correct?

9 A. Yes.

10 Q. Do you see the behaviors that I've just
11 listed for you as being similar in nature?

12 A. They are only similar in that they all
13 deal with issues of sexuality that there are
14 scripture that says goes against God's will for
15 sexuality.

16 Q. Okay, but you organize them together
17 because they have to do with sexual behavior,
18 correct?

19 A. Well, these definitions, they all come
20 from one source, the Dake's Annotated Study Bible,
21 and they are directly taken from the Dake's Annotated
22 Study Bible.

23 Q. Do you believe that engaging in homosexual
24 activity is as reprehensible as engaging in
25 pedophilia?

1 A. I don't value or gauge or measure. I just
2 know according to the Scripture that they are against
3 God's intent for sexuality.

4 Q. And there's no gradation?

5 A. Right.

6 Q. You're either in keeping with God's
7 playbook or you're not, true?

8 A. To clarify, there are behaviors regarding
9 sexuality that the Bible states as acceptable to God,
10 and there are behaviors related to sexuality that the
11 Bible says are not acceptable to God.

12 Q. So following up on that, there are no
13 gradations among the unacceptable behaviors, correct?

14 A. That's correct.

15 Q. You have a chapter in this manuscript
16 about silly women.

17 A. Uh-huh.

18 Q. I'm looking at page 2837.

19 MR. THERIOT: I'm going to object
20 based on relevance.

21 BY MR. GEVERTZ:

22 Q. And among other things, you write that
23 "silly women are single women who long for
24 companionship."

25 A. To put this in the context of the whole

1 chapter, in the book, I believe it's first, second
2 Timothy 3:1-7 and 13, that phrase "silly women" comes
3 directly from this version of the Bible. It's not
4 something that I made up.

5 These descriptions that follow are
6 descriptions that collectively, not one of these
7 traits or the other, will comprise what the Scripture
8 was talking about as the collective makeup of these
9 traits and behaviors that really fit the context of
10 what the Scripture was saying.

11 Q. Sir, are you saying that you need to have
12 all seven of these characteristics in order to
13 qualify as a silly woman?

14 A. My understanding of that scripture passage
15 is that it takes more than one of these in the
16 pattern or lifestyle of a woman for her to fit what
17 the Bible was referring to in that context as silly
18 women.

19 Q. And just to clarify, if you need more than
20 one, can it be fewer than seven?

21 A. I have no idea on the gauge of that. I'm
22 just talking about the general principle of it.

23 Q. Yes, sir.

24 A. There are other translations that use
25 other words. This is just -- for example, vulnerable

1 women. You know, it's another translation that is
2 rather than silly, it uses "vulnerable women." That
3 makes them vulnerable to these kinds of men. This
4 again, keeping this in the proper context, these
5 traits from second Timothy 3:1-7 and 13 are strictly
6 taken from that Scripture passage. The definitions
7 are straight from the Dake's Annotated Study Bible,
8 and it says these silly women or vulnerable women can
9 be taken captive by this type of a man, and that's
10 the context of it.

11 Q. There's also a reference to strange
12 women --

13 A. Yes.

14 Q. -- at 2854. And you write it in italics
15 and in bold at the bottom of that page, "Strange
16 women under the Old Covenant," which I guess means
17 the Old Testament --

18 A. Yes.

19 Q. -- "are women who are not Jewish or of the
20 nation of Israel," correct?

21 A. Yes.

22 Q. And that strange women under the New
23 Testament or New Covenant are women who are outside
24 of the Body of Christ or women who are -- who accept
25 Him as -- who accept Jesus as a Savior but have

1 rejected Him as the Lord.

2 A. Yes.

3 Q. And that is your outlook as well, correct?

4 A. Yes.

5 Q. And strange women include, at the bottom
6 of that page, women who are brash, loud, and
7 undisciplined?

8 A. Yes.

9 Q. Women who are not Christian?

10 A. Yes.

11 Q. Would it include women who are Christian
12 but not saved, meaning born into the faith but not a
13 follower?

14 A. In my understanding of Christianity, that
15 doesn't make -- you can't be born into a family of
16 Christians and be a Christian. You have to be old
17 enough to accept Christ for yourself to become a
18 Christian.

19 But again, in this context, sir, it's not
20 one or the other. This is a collective list of
21 behaviors and ways that if they are the part of a
22 lifestyle of a woman, it's just -- it rests upon, my
23 understanding of the Scripture, it would constitute a
24 strange woman.

25 Q. Well, I have to push back just for a

1 moment on that because here you specifically write
2 "Some of the modern day definitions and descriptions
3 of strange women include." That at least to me
4 suggests that you don't have to have all of these
5 characteristics in order to be a strange woman. Am I
6 misreading that?

7 A. Not all of them, but not just one of them
8 would also constitute a strange woman.

9 Q. So some grouping of them?

10 A. Yes.

11 Q. And sexual immorality, which is at the
12 bottom of 2855, that would be an unmarried woman
13 engaging in sexual relations?

14 A. Several contexts. That's one of them.

15 Q. That would be one of them?

16 A. Yes.

17 Q. So an unmarried woman who's having sex and
18 is also brash and loud, would that be a strange woman
19 if you met those two criteria?

20 A. Yes. Yes.

21 Q. The last page -- excuse me, it is not.
22 2864, you have a portion that's entitled "Sins that
23 Defile the Body." And this particular section is
24 about being effeminate, men who have women-like
25 traits to an inappropriate degree. What does that

1 mean?

2 A. It means exactly what it says. Again, my
3 source for these definitions is the Dake's Annotated
4 Study Bible, and that's the definition that it has
5 for effeminate.

6 Q. So someone who -- a man who lacks strength
7 or aggressiveness?

8 A. According to the Dake's Annotated Study
9 Bible, that is the definition.

10 Q. Well, but I'm not trying to turn this into
11 a Bible study. I'm asking you about your beliefs.

12 A. Right.

13 Q. Is this consistent with your beliefs?

14 A. I believe, yes.

15 Q. So with respect to your beliefs, someone
16 who is over -- a man who is over-emotional or
17 over-delicate, that would be an effeminate man who is
18 defiling his body?

19 A. Not -- these -- under that heading, it
20 takes several of these. It's --

21 Q. Okay.

22 A. -- not that one trait. It is not my
23 belief that if a man is singularly over-emotional or
24 delicate that he is effeminate or that he is defiling
25 his body. That trait in and of itself alone would

1 not constitute that.

2 Q. You need several -- you need to meet
3 several of these descriptions within the effeminate
4 category?

5 A. And these other ones that are itemized
6 here as well.

7 Q. Okay. So you need more than one of the
8 bold sins --

9 A. Yes.

10 Q. -- to be defiling your body?

11 A. Yes.

12 MR. GEVERTZ: I understand. Thank
13 you.

14 (Exhibit 34 was marked for
15 identification.)

16 BY MR. GEVERTZ:

17 Q. So I'd like to talk with you about
18 Who Told You That You Were Naked?, and I've broken up
19 the book into sections. Once again, you're free to
20 look at them. I suspect you already know a lot of
21 the answers to my questions anyway.

22 Let's begin with Exhibit 34. First, this
23 is an accurate copy of the book as it is -- at least
24 the portion of the book that I've shown you, as it
25 has been published and disseminated, correct?

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1 A. Well, I haven't looked at it. Yes.

2 Q. And you identify yourself at the beginning
3 in the about-the-author section as at the time
4 currently serving as the fire chief of the City of
5 Atlanta Fire Rescue Department in Georgia, correct?

6 A. Yes.

7 Q. And I understand from your testimony that
8 you did so based on what you contend was
9 Nina Hickson's approval to reference your office in
10 that fashion?

11 A. Yes.

12 Q. Did you at any point take the additional
13 step to seek approval from the ethics board?

14 A. No. I was not advised that I needed to do
15 as such.

16 Q. Is there any other reason that you didn't
17 seek written permission from the ethics board other
18 than the fact that nobody told you to do so?

19 A. No. Again, I considered Nina Hickson the
20 City's subject matter expert on matters of this
21 nature, as I gave previous examples of other people
22 in other areas. I used her as a consultant in the
23 same way that I do the HR, law, or finance. And I
24 took her word that she, as the expert, had considered
25 all factors in rendering her decision.

1 Q. Do you know whether or not Ms. Hickson
2 served on the board of ethics?

3 A. No. I just knew her as the director of
4 the board of ethics, of the ethics department.

5 Q. Of the ethics department?

6 A. Yes.

7 Q. Thank you. You can set that part aside,
8 if you like.

9 I want to see if through my questions and
10 your answers I can succinctly but efficiently set out
11 the general principle, as I understand it, of your
12 book.

13 A. Yes.

14 Q. Please correct me if I'm wrong.

15 There are two diametrically opposed
16 circumstances that a man may find himself in with
17 respect to his relationship with God. He may be
18 naked, or he may be clothed; is that correct?

19 A. Yes.

20 Q. If you are naked, you have rejected God,
21 correct?

22 A. Not necessarily. You may not have entered
23 into a relationship with God at all just based on not
24 having knowledge of God; or it could be an open
25 rejection of God; or it could be accepting Christ as

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1 Savior, you're not interested in Him being actively
2 and intimately involved in your life as Lord.

3 Q. Would it be fair to say that if you are
4 naked that you do not have a working relationship
5 with God?

6 A. Yes.

7 Q. Now, by contrast, being clothed is being
8 Godly?

9 A. The essence of being clothed is accepting
10 Jesus Christ as Savior and Lord. There is a
11 Scripture in -- well, first of all, God's solution to
12 Adam's nakedness in the garden was he took an
13 innocent lamb and killed it and shed its blood. And
14 the description says "he clothed them with coats of
15 skin." Based on my research, that meant he redeemed
16 and restored them in a relationship with him. That
17 lamb would be the precursor to Christ, the Lamb of
18 God, who would come and take away the sins of the
19 world. In the Book of Galatians, Chapter 3, Verse
20 27, it says, "Those who have been baptized in Christ
21 have been clothed with Christ."

22 Q. So coming back again to the dichotomy, if
23 nakedness means that you do not have a solid,
24 functional relationship with God, being clothed is in
25 a functioning relationship with God?

1 A. Yes, and Jesus Christ is both your Savior
2 and your Lord.

3 Q. Would you go so far as to say that being
4 clothed is being Godly --

5 A. It is --

6 Q. -- acting in a Godly fashion?

7 A. It is a devotion of your life to try your
8 best to live a Godly life.

9 Q. To become clothed, must you be born again?

10 A. Yes.

11 Q. Consequently, if you are not born again,
12 you are not living a Godly life?

13 A. According to my understanding of the
14 scripture, yes.

15 Q. Further, if you are naked, you are
16 spiritually dead?

17 A. You can very well be spiritually dead
18 from my understanding of Scripture as a person who's
19 never accepted Christ as Savior. It's possible for a
20 person to not be spiritually dead and have Christ as
21 Savior but not allow him to be the Lord of his life.

22 Q. Would you agree with me that the naked are
23 spiritually dead?

24 A. Yes. Some of them are.

25 Q. You talk about how the naked condition was

1 evident when Jesus was on earth in the religious
2 leaders and the Scribes and the Pharisees at the
3 time.

4 A. Yes.

5 Q. And in your book you explain that those
6 religious leaders were convinced that they were
7 righteous based on a certain code and the fact that
8 they delineated ancestrally from Abraham?

9 A. Yes.

10 Q. But because those leaders rejected
11 Christ's teachings, they were in fact naked?

12 A. Yes.

13 Q. Are Jews naked?

14 A. I don't know that that's accurate for all
15 Jews, no. I know there are some Jews who are
16 Christians, and in the context of the Scripture as I
17 understand it, they are not naked.

18 Q. The Jews who are Christians are not naked?

19 A. Yes.

20 Q. Would Jews who do not accept Jesus Christ
21 and his teachings be naked?

22 A. Yes. The way I understand the Scripture,
23 yes.

24 Q. In your book, you write that we are either
25 righteous or we are sinners, correct?

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1 A. Yes.

2 Q. Okay. So naked means that you're a
3 sinner, and clothed means you're righteous?

4 A. Yes.

5 Q. You're one or the other? And further, and
6 I think we -- I think I understand this part, if
7 you're naked, you're naked. There are no gradations
8 of being naked?

9 A. That's correct.

10 Q. And you write, "Similarly, if you are
11 clothed, you are clothed." There are no gradations
12 of clothed?

13 A. That's correct. Because according to our
14 faith, accepting Christ as our Savior and Lord, we
15 become the righteousness of God in him, that even
16 though we have issues in our carnal nature, that the
17 blood of Christ covers our sins, and in him we are
18 righteous.

19 Q. In your book you have a chapter devoted to
20 the distinction between the clothed and the naked.
21 You're still introducing the readers to these
22 concepts and that they're different from one another.

23 A. Yes.

24 Q. And some of the adjectives you use to
25 describe naked are "sinner," correct?

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1 A. Yes.

2 Q. Naked -- the naked are wicked?

3 A. Yes.

4 Q. And un-Godly, and evildoers, correct?

5 A. Yes.

6 Q. And then you quote from the different
7 Proverbs and talk about how the naked shall perish.

8 A. Uh-huh.

9 Q. Correct?

10 A. Yes.

11 Q. Sorry. I just need you to articulate.

12 A. Sure.

13 Q. That the naked will not inherit the earth,
14 correct?

15 A. Yes.

16 Q. And that in fact, when the naked perish or
17 die, there is celebration?

18 A. The whole purpose behind -- to put it in
19 the proper context, what you just prefaced before
20 getting to Proverbs, in my research based upon the
21 definitions I discovered of naked and clothed, all of
22 those words can be used synonymously with either
23 naked or clothed, that we don't have to try to figure
24 that out.

25 If you see any one of those words that

1 fall under clothed, it's talking righteous, good man,
2 just, all those words. It's talking about one type
3 of man, a clothed man. If you look at the words that
4 fall under the heading of naked, wicked, evildoer,
5 scorner, it's talking about one type of man, the
6 naked man. And so I use those Psalms to replace
7 words that fall under those categories to see how
8 that translates into the Scripture.

9 Q. And you find it translates?

10 A. Yes.

11 Q. And so, for example, in your book you
12 write that the naked, "When the naked perish, they
13 are shouting," which I think means that there's joy
14 and celebration?

15 A. Yes. And the word synonymous to that in
16 Scripture is when the wicked, so rather than use
17 wicked, naked.

18 Q. The naked are deceitful, correct?

19 A. Yes.

20 Q. The naked are mischievous?

21 A. Yes.

22 Q. A naked man is loathsome?

23 A. Yes.

24 Q. Thank you.

25 In the book you reference your role in

1 history as a professional firefighter in more than
2 just the acknowledgment section, correct?

3 A. In more than just the about-the-author
4 section.

5 Q. Yes, sir.

6 A. Yes, in one other place.

7 (Exhibit 35 was marked for
8 identification.)

9 BY MR. GEVERTZ:

10 Q. And specifically I'll go ahead and make
11 this an exhibit, 35. If you look on the second page,
12 or page 57 of this document, it appears there as well
13 in the very bottom.

14 A. Yes.

15 Q. But I think it appears a third time too on
16 page 76, which is at the end.

17 A. Yes. Yes, you're right.

18 Q. Okay. Now, in this part you are applying
19 your status as a clothed man and a believer in Jesus
20 to your position within the fire service, correct?

21 A. Yes.

22 Q. And you explain that God gave you this
23 gift of career in the fire service and allowing you
24 to hold the rank and position within the fire
25 department that you hold, correct?

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1 A. Yes.

2 Q. And then you go on and say, "My job
3 description as a fire chief of the Atlanta Fire
4 Rescue Department is." And the very first bullet
5 point you write "to cultivate its culture for the
6 glory of God," meaning that the first part of your
7 job description as a fire chief of the City of
8 Atlanta is to cultivate the culture of the department
9 for the glory of God; is that correct?

10 A. That's correct. And this is the context
11 that -- first of all, this is not subject matter. In
12 the context of this chapter, I'm comparing why God
13 created Adam and what Adam's job description was in
14 the Garden of Eden. I use not just my fire -- my
15 Atlanta Fire Rescue, I use the fire service.

16 I even allude to my role as the United
17 States Fire Administration. God gave me my fire
18 service land. Eden was a land. I was using land as
19 a comparison. And in the land that God gives me, he
20 says I'm created for His purpose. And I have my
21 career as a calling I feel on my life, and I should
22 cultivate its culture to glorify God. Which means
23 that its vision, the vision that we have for the
24 department, derived participatively and through
25 inclusion, glorifies God.

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1 Having a mission that aligns with
2 protecting life and property that a diverse group of
3 people put together glorifies God. Embracing
4 tolerance glorifies God. Having fair and just
5 disciplinary practices glorify God.

6 Another way I would encourage or consider
7 that, as a public official whenever we are in public
8 settings like the state or the city address and we
9 say the Pledge of Allegiance, we say One Nation Under
10 God, that glorifies God. When we took our oath of
11 public office, we make our vows to uphold the
12 Constitution of the United States, the State of
13 Georgia, the City of Atlanta's laws and ordinances,
14 we end those vows by saying "so help me God." That
15 glorifies God.

16 So it's in that context that I felt that
17 this analogy was appropriate to what God created Adam
18 for in the Garden of Eden.

19 Q. So understanding everything you've told
20 me, am I correct in understanding that this first
21 bullet point means that you believe that your primary
22 role as chief is to shape the fire department's
23 culture in a way that glorifies God?

24 A. Yes, to glorify God as fire chief. And it
25 really aligns with my collective role as a believer

1 in Christ, period, that as a husband, as a father, as
2 a fire chief, as a preacher, as a deacon. In all of
3 the stations that I hold, roles that I hold in life,
4 it's the Christian core to glorify God in all that he
5 gives you to do.

6 Q. Does glorifying God mean living up to his
7 expectations?

8 A. Yes.

9 Q. Does it mean being clothed?

10 A. Yes, being clothed, that's a part of it.

11 Q. Does it mean helping to bring those who
12 you encounter into a state of being clothed?

13 A. Yes, in -- yes, in certain contexts, it
14 does.

15 Q. I'm through with this page. Thank you.

16 In the book there's a section entitled,
17 "You need to talk to my husband." And in it you
18 begin by asking the hypothetical question what would
19 have happened if rather than responding to the
20 serpent to the Garden of Eden, Eve had said instead,
21 you need to talk to my husband. You with me so far?

22 A. Yes.

23 Q. I haven't misinterpreted it so far?

24 A. No.

25 Q. And you go on to postulate -- to

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1 hypothesize that if that had happened, then there
2 would not have been a fall from grace; is that
3 correct?

4 A. Yes.

5 Q. And am I correct in understanding that the
6 reason that you don't believe that Adam and Eve would
7 have been kicked out of the Garden of Eden is because
8 Adam would have felt empowered and emboldened enough
9 by Eve referring the conversation to him to serve as
10 his protector -- as her protector?

11 A. The intent behind that was to demonstrate
12 that the decision that was made was going to impact
13 their entire family. At the time, it was just the
14 two of them, but that the power of collaboration
15 between Adam and Eve would have put them in a
16 position to making a better choice.

17 The whole spirit behind, you need to talk
18 to my husband is, in the role of the family, when
19 there's a husband and a wife and children, if God
20 blesses them to have children, on decisions that
21 impact the entire household, there should be
22 collaboration between a husband and a wife, but
23 according to the structure of God and the family, the
24 husband has a final say.

25 In the book of Ephesians it talks about

1 roles of husbands and wives, fathers and mothers.
2 That section starts off by saying submitting
3 yourselves to one another. Later on it talks about
4 the husband's role of laying down his life for his
5 family. So it clearly has a role for the husband
6 that is different from the wife, different from the
7 children.

8 But the whole point of that context was if
9 Adam and Eve were to collaborate over what was taking
10 place, it would have put them in a position to making
11 a better decision that quite possibly would not have
12 led to the outcome.

13 Strangely enough, and you can't tell it
14 from that writing, but that whole couple of
15 paragraphs was my attempt at humor, which I guess I
16 failed miserably at that. But even in the context of
17 that, it's Biblically structured for husbands and
18 wives to work as partners in the family
19 collaboratively, and that's the whole point behind
20 that.

21 Q. But there's nothing in here about
22 collaboration.

23 A. No, but I'm explaining to you as the
24 author what the intent of it was.

25 Q. Okay. So I want to respect that, but I

1 want to set that aside for a moment.

2 A. Yes, sir.

3 Q. I want to talk instead about me not having
4 the opportunity to talk with you reading this book
5 for the first, or in this case the fifth time.

6 In this section of your book, would you
7 agree with me that a reasonable interpretation could
8 be that had Eve called over Adam and deferred to him
9 that he would have made the decision that would have
10 saved them and their offspring?

11 A. No, I don't agree with you on that.

12 Q. That would be an unreasonable
13 interpretation?

14 A. That's correct, because that was not my
15 intent behind it. Because that perspective is not
16 supported by the Scripture, which is only one passage
17 that I cited in the book of Ephesians, that supports
18 what you just posed. The intent behind that is the
19 decision that was made was going to impact their
20 entire family, at that time just her and him, and
21 because God, when He spoke that command, He spoke it
22 to both of them, not just one of them. See, She
23 articulated what God said very well. And because she
24 knew the consequences of it and because they were a
25 family, she should have shared with him what was

1 taking place before a final decision was made.

2 That's the intent behind that.

3 Q. Even if you disagree with my
4 interpretation as being reasonable, can we agree that
5 the concept of collaboration of Eve and Adam jointly
6 reaching a decision does not appear in your book?

7 A. I can't say that I do, because, you know,
8 again, I was a Christian man writing this book to
9 Christian men, who I had the assumption that they
10 understood the fundamentals of, you know, family from
11 what took place in the beginning in that whole
12 Genesis Chapter one, Chapter two context, and that
13 they would understand Biblical principles of
14 families, heads of households, wives as the helpmate,
15 Jesus's analogy that a man should love his wife as
16 Christ loves the church and gave himself for her. I
17 drew those conclusions in the context of, you know,
18 understanding or someone would understand that need
19 for collaboration.

20 Q. Okay. With that in mind then, let me
21 follow up on what you've just said. If I am not
22 clothed, and I am not familiar with the gospel and
23 teachings, do you believe that you wrote enough in
24 here for me to conclude that this is about
25 collaboration as opposed to deference, if I lacked

1 the context?

2 A. Without the foundation of that Biblical
3 knowledge and those Biblical principles, you know,
4 it's quite possibly that you could. But I mean,
5 that's a hard scenario to just pinpoint on what one
6 reasonable person, it's just -- it's hard to apply
7 that to every person, every time in the scenario
8 you've given.

9 Q. Okay. Let me change my scenario a bit.
10 Were you aware that your book, or at least portions
11 of your book, ultimately made its way into the hands
12 and readership of people who lacked the context of
13 your target audience?

14 A. Yes.

15 Q. Lacking that context, even though it was
16 not your intent, can you see how those people
17 reasonably could have interpreted this section of
18 your book as talking about deference as opposed to
19 collaboration?

20 MR. THERIOT: Objection. Asked and
21 answered.

22 THE WITNESS: So -- and I'm not
23 trying to be evasive, but in the
24 generalities that you speak, people that
25 don't have a foundation for that context

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1 could go either way. I mean, some could,
2 some could not. I guess that's the most
3 fairest way I could answer your question.

4 BY MR. GEVERTZ:

5 Q. Okay. Can we agree that having the
6 context of a Christian man, someone learned in
7 Christianity would be necessary to appropriately
8 interpret what you're writing?

9 A. They would be best suited to understand
10 the role of husbands and wives and family to
11 understand the fact that submitting yourselves to one
12 another, you know, husbands and wives in the role of
13 family, what the wife's role and the husband's role,
14 and that decisions that impact the family should be
15 discussed among the two.

16 Q. Separate question.

17 A. Yes.

18 Q. Nowhere in your book do I find a positive
19 reference to a woman as a role model. Do you
20 disagree with that assertion?

21 A. I can't recall off the top of my head, but
22 again, the book was written by a Christian man for
23 Christian men who struggle with issues of
24 condemnation. You know, I can't think of one. I'd
25 have to review the context of the entire book, but I

1 can't -- in talking about the roles of husbands and
2 family, which I think I've reached that and certainly
3 talked about honoring wives and women in the context
4 of family.

5 Q. Let me be clear. I'm not suggesting that
6 you are suggesting that women are not germane to
7 Christianity, but in the examples that you raise in
8 your book of women, contemporary women, I see
9 references to women who are temptresses. I see
10 reference -- or could be. I see references to women
11 who can lead men astray. I see references to women
12 who display or are capable of a number of vices, but
13 I don't see any reference to a virtuous woman or a
14 woman exercising virtue. Can you -- can you tell me
15 where that appears in your book?

16 A. Because men are not struggling in those
17 areas, who have women that are virtuous women, you
18 know, really are not -- is really not the content or
19 topic subject matter. Condemnation deals with
20 categories that men actually wrestle with, and that
21 there are many Christian men who have women issues,
22 issues with women. And so it's pointing out those
23 particular challenges that men have with women.

24 Q. I think what I hear you saying in so many
25 words is I don't disagree with you, but that's not

1 the purpose of my book.

2 A. It wasn't the purpose of the book.

3 Q. In order to glorify God, one must be
4 clothed; do you agree?

5 A. Well, to glorify God is a person who
6 acknowledges God as God and who acknowledges Jesus
7 Christ as Savior and Lord and commits their life to
8 pursuing his principles.

9 Q. Well, I agree -- I understand everything
10 you've said. So to close the circle then, it seems
11 as if you must be clothed in order to glorify God.
12 You can't be naked and glorify God?

13 A. Not being naked. Condemned and deprived
14 does not glorify God.

15 Q. In fact, if you were naked, you would be
16 doing the opposite, whatever that is, of glorifying
17 God, correct?

18 A. Yes.

19 Q. Glorifying the devil perhaps or sin?

20 A. Not necessarily. God has, according to
21 the Scripture, compassion on the naked. I mean, he
22 has compassion and desires for all the naked to be
23 clothed, using the context -- using those terms in
24 the context of the book, so he's not discompassionate
25 towards the naked.

1 Q. No. I'm sorry if I misspoke. That wasn't
2 my intent. I was instead trying to try see if we
3 could agree that if you were naked, you were the
4 opposite of acting in a Godly fashion; that you were
5 instead celebrating or living in sin.

6 A. That's one context of that description of
7 nakedness, yes, sir.

8 (Exhibit 36 was marked for
9 identification.)

10 BY MR. GEVERTZ:

11 Q. I'm showing you next Exhibit 36, which is
12 another portion from your book, sir. And I ask you
13 to turn, please, to page 82. "Uncleanliness," you
14 write, "is the opposite of purity," and it includes,
15 among other things, homosexuality, lesbianism -- is
16 it pederasty?

17 A. Pederasty.

18 Q. Which I understand is a specific type of
19 pedophilia between a man and a boy?

20 A. Yes. Well, adults and children.

21 Q. Bestiality and all other forms of sexual
22 perversion. Are naked people unclean?

23 A. You know, you can't take this section of
24 the book and single out one. This is not -- this was
25 not written intended to single out one sin or one

1 group of people. These 17, what the Bible calls
2 works of the flesh are in the Book of Galatians,
3 Chapter 5, verses 19 through 21, and the intent
4 behind these in the Bible is to point out that all
5 have sinned. These are specifically from the Holy
6 Scripture. It lists all 17 of them together so that
7 a person that takes it upon themselves to read the
8 Bible and read those and know what they mean would
9 get to the end and say, I have issues because all
10 have sinned. But the definitions are not cited in
11 the Bible when you read the Bible. It doesn't have
12 the definitions behind it.

13 Since a Christian man was writing this
14 book for Christian men -- over the years, I can't
15 tell you how many times I've read those works of the
16 flesh, and at the end I would say, man, I'm glad I
17 know Christ, but I don't know what over half of those
18 words mean.

19 So because I drew that conclusion in
20 myself as a man writing this for Christian men, I
21 said, I'm going to get a credible source and list the
22 definition of all 17 of these works of the flesh, and
23 that's one of them that has been included in there
24 because all have sinned and not just -- it doesn't
25 point out and isolate one sin or one group of people

1 that may be affected by these sins.

2 Q. But naked people by their very definition
3 are unclean, right?

4 A. Well, yes. It just depends on the extent
5 that -- there can be -- let me just say it this way.
6 According to the Scripture, there can be a person who
7 has accepted Christ as their Savior and their Lord
8 and still have issues with these 17 works of the
9 flesh.

10 Q. Understood. I'm asking the opposite
11 question.

12 A. The opposite of that -- I wanted to put
13 the answer to your question in context. So because
14 of that, because that's the purpose that Christ came,
15 to deliver us from our carnal nature, to deliver us
16 from these works of the flesh, a person who rejects
17 him or does not accept him to be their covering, to
18 be their clothing, is naked.

19 Q. Okay. If I understand what you just told
20 me, clothed people can sin?

21 A. Yes.

22 Q. Clothed people can be unclean?

23 A. Yes.

24 Q. Are naked people necessarily unclean?

25 A. Naked in the context of the definitions

1 that I have. It could be one of the 17 things that
2 naked people fall into.

3 Q. So if you are un -- if I understand what
4 you're saying, if you are unclean, you could be naked
5 or you could be clothed. The difference is whether
6 or not you have accepted Jesus Christ and his
7 teachings.

8 A. Yes.

9 Q. And are attempting to live up to them.

10 A. Yes.

11 Q. Consequently, I can be a clothed man who's
12 a pedophile under some set of circumstances?

13 A. A clothed man who's a pedophile has
14 surrendered his life to Christ as the Lord of his
15 life, and he is seeking whatever the support and
16 assistance that he needs to be delivered from
17 pedophilia. Clothed means I reject sin in my life,
18 and I fight it with everything on the inside of me as
19 whatever the sin might be.

20 The truth of the matter is, clothed people
21 and naked people have issues with these 17 works of
22 the flesh. Clothed people get to a place to where
23 they just don't want to do these 17 things because
24 they want to please God. And through Christ we get
25 help, support from Him, and when we have a

1 transgression, we have forgiveness from Him.

2 Naked people are people who may be on this
3 list who does not know Christ or acknowledge Him as
4 their Savior and Lord, and that's the distinction
5 between the two.

6 Q. So you can't be an actively practicing
7 pedophile and still be clothed?

8 A. Right. It goes against the principles.

9 Q. You have to effectively be recovering, for
10 lack of a better word?

11 A. That's a good way to put it.

12 Q. Similarly, you cannot be a actively
13 practicing homosexual and be clothed?

14 A. According to my understanding of the
15 Scripture.

16 Q. But if that is your orientation or
17 proclivity, or whatever word that you want to use,
18 and you are seeking to change that about yourself,
19 working, recovering, then you can be clothed?

20 A. Yes.

21 Q. Could I say the same thing about alcohol
22 abuse?

23 A. Yes.

24 Q. If I am an alcoholic but seeking through
25 Alcoholics Anonymous to rid myself of that dependency

1 or struggle with that dependency, I can be clothed,
2 but if I'm an unrepentant or continued alcoholic, I
3 must by that definition be naked?

4 A. Yes.

5 Q. Can I be a murderer and be clothed?

6 A. If the murderer has repented of the murder
7 and seeks to not murder anymore, has confessed Christ
8 as his Savior and Lord, he can be clothed. The
9 challenge with using these singular items on this
10 list is that multiple of these 17 applies to all of
11 humanity, and the difference is their confession of
12 faith --

13 Q. I get it.

14 A. -- and their desire to want to repent,
15 which is to turn away from those behaviors that's on
16 this list.

17 Q. By extension, if I am Buddhist or Muslim
18 or Jewish and I am undergoing religious conversion, I
19 can -- I can be clothed?

20 A. Yes.

21 Q. But if I am any of those things and am not
22 seeking to convert, I must by definition be naked?

23 A. According to my understanding of the
24 Scripture, yes.

25 Q. One more hypothetical to run by you. You

1 write that "Since God made sex for procreation, he
2 only intended it to be between a man and a woman,"
3 correct?

4 A. Yes.

5 Q. And I'm sorry, I'm now on the top of page
6 85.

7 "Because procreation is a spiritual act,
8 God intended it only to occur in the institution of
9 holy matrimony or marriage," correct?

10 A. Yes.

11 Q. Would you agree with me that it is well
12 known, at least within Atlanta, that the mayor and
13 his wife conceived their child out of wedlock?

14 A. Well, no. That one gets by me.

15 Q. Well, you know that.

16 A. No, I did not.

17 Q. Notwithstanding all the coverage about
18 their engagement?

19 A. No, sir.

20 Q. You did not know that?

21 A. No, sir.

22 Q. Well, accept for a moment the truth of
23 that statement, please. Would that mean that you
24 were calling the mayor naked?

25 A. No. One act -- one act does not

1 constitute nakedness. From what I shared with you
2 about my understanding of the mayor's confession of
3 faith as a Christian, and what I have seen him
4 demonstrate in his walk, I had concluded that the
5 mayor was a Christian man who was clothed. That's
6 one of the reasons why I gave him a copy of the book.

7 Clothed men transgress just like naked men
8 transgress, so because I drew the conclusion based on
9 my experience with the mayor that he was a Christian
10 man, a clothed man, having premarital sex and having
11 a -- fathering a child, it goes against God's intent
12 for sexuality. It goes against His word about sex
13 and sexuality, but through Christ he can be forgiven.
14 Through Christ, he can -- he is -- if he repents, he
15 can be redeemed and forgiven for that. So that act
16 does not constitute nakedness on the part of
17 Mayor Reed.

18 Q. Unless he didn't seek forgiveness, right,
19 in which case your boss by your writings would be
20 naked?

21 A. No, sir. You didn't hear me.

22 Q. I'm sorry.

23 A. If Mayor Reed -- from my estimation of his
24 walk of faith, I assumed he was a Christian. I
25 assumed he was a clothed man. That's the reason why

1 I gave him a copy of the book. Clothed men
2 transgress. I'm a testimony to that. I have
3 transgressions. Clothed men transgress. If in fact
4 Mayor Reed, and you say it factually, fathered a
5 child before he got married, that goes against
6 Scripture. He's sinned. And because he's -- in
7 my -- from what I have concluded, had Christ or has
8 Christ as his Savior and Lord, he's forgiven for his
9 sin. Yes, he has to accept it and ask for
10 forgiveness.

11 Q. Okay.

12 A. He's forgiven. That act does not make him
13 naked.

14 Q. I think my question, though, was, or I
15 meant it to be, if that occurred and he didn't seek
16 forgiveness, are you calling your boss naked?

17 A. No.

18 MR. GEVERTZ: Thank you.

19 (Exhibit 37 was marked for
20 identification.)

21 BY MR. GEVERTZ:

22 Q. I'm showing you next Exhibit 37. You
23 received this notice of 30-day suspension without pay
24 in November of 2014; is that correct?

25 A. That's correct.

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1 Q. Did Ms. Yancy hand it to you?

2 A. Yes.

3 Q. Did you meet with her?

4 A. Yes. At the time that I received this,
5 Yvonne Yancy, Candace Byrd, and Bob Godfrey were in
6 the meeting.

7 Q. And for the record, Ms. Byrd was the
8 mayor's chief of staff?

9 A. Yes.

10 Q. And Mr. Godfrey is an attorney in the city
11 attorney's office?

12 A. Yes.

13 Q. Was there a discussion?

14 A. No, not a discussion, just an explanation
15 of what was happening to me and why.

16 Q. What was the explanation you were
17 provided?

18 A. That my book that I had written, which
19 Yvonne Yancy had a copy, had caused a complaint that
20 had reached the mayor, and the mayor was -- has taken
21 issue with it. She pointed out sections of the book
22 that was, I guess the part that had caused the issues
23 and indicated that, you know, that really that the
24 mayor took issue with it.

25 Q. What were the sections of the book that

1 Ms. Yancy referenced?

2 A. As I recall, the portion you showed me
3 about the comparison between Adam and the Garden of
4 Eden, and my fire service career path in reference to
5 my job description, and the certain portions as it
6 relates to uncleanness, and the other section where
7 you referenced -- I guess it's about marriage and
8 holy matrimony, that portion that you spoke of
9 earlier.

10 Q. So, I'm sorry, you mentioned three, and I
11 was only able to take down two. You mentioned I
12 believe the part about --

13 A. Adam and the Garden, comparing my job
14 description, cultivating a culture that glorified
15 God, that section.

16 Q. Okay.

17 A. The definition of uncleanness, and the
18 section when I talked about God created marriage for
19 procreation, holy matrimony, and that other sexual
20 acts outside of that is against God.

21 Q. Did Ms. Yancy explain why she understood
22 or felt that those sections were inappropriate?

23 A. Just that she felt that they could be
24 offensive, as I recall.

25 Q. What did she explain about why the portion

1 that talked about your job description could be
2 offensive?

3 A. She indicated that, as I recall, it was a
4 violation of some work rule or policy.

5 Q. Why, if she mentioned it, did she say that
6 the part about uncleanness was a problem?

7 A. As I recall, it had something to do with
8 that it was offensive.

9 Q. Did she speak in any greater detail other
10 than characterizing it as offensive?

11 A. Well, she mentioned specifically offensive
12 to members of the LGBT community, and that Council
13 Member Wan was offended by those comments.

14 Q. Do you know what Council Member Wan's
15 sexual orientation is?

16 A. From what I hear -- I never heard him, but
17 I had heard his sexual orientation is that he is gay.

18 Q. And the part about procreation as being
19 the sole purpose of sex and thus sex should occur
20 only within marriage, did she explain why that was
21 problematic?

22 A. I don't consi -- I don't remember us going
23 into any details about those.

24 Q. As the fire chief, do you have a direct or
25 indirect reporting relationship to the city council?

1 A. Indirect. The city council has the
2 authority to request that I appear before the Public
3 Safety Committee or any other committees that need
4 information pertaining to the fire department.

5 Q. And we saw that on both occasions that you
6 came to work with the City of Atlanta that your
7 hiring as the chief required city council approval.
8 Do you understand the council -- whether or not the
9 council has the authority to terminate your
10 employment?

11 A. I don't believe they do.

12 Q. Do you know whether or not the council can
13 discipline you?

14 A. They cannot.

15 Q. So they approve your employment at that
16 position, and they can call on you to attend and
17 account for the department and its various
18 activities?

19 A. Yes. Even though they don't have formal
20 authority, they do have influence in matters of
21 adverse action.

22 Q. Including influence over the purse string,
23 right?

24 A. Yes.

25 Q. Especially when you're seeking a million

1 dollars to bring up to speed the fire department's
2 training and technology?

3 A. I'm glad you brought that up because in
4 the accreditation context, which I believe is what
5 you're alluding to, the million dollars that we
6 needed for those items that were requested was not
7 new monies that were given to us. They were monies
8 that were already in our budget that we had incurred
9 savings from personnel vacancies that we already had
10 in our budget from personnel savings, and that
11 million dollars was not needed for reaccreditation.

12 We were reaccredited before we began to
13 spend the money to get those items. Those items were
14 specifically for institutionalizing the processes
15 that were identified in the accreditation report.

16 Q. So that you could keep your accreditation
17 in good standing?

18 A. That's correct.

19 Q. I'm going to go out on a limb and assume
20 that you had no intention whatsoever of offending
21 Councilman Wan when you wrote this book. Would that
22 be accurate?

23 A. No, sir, not in the least. We had a great
24 relationship, a great personal relationship.

25 Q. And you're talking in the past tense. Do

1 you know whether -- did you feel that your
2 relationship with Councilman Wan suffered as a result
3 of his reading of your book?

4 A. Based upon comments that I heard him make
5 to the media, he had some pretty strong feelings
6 about it.

7 Q. Strong negative feelings?

8 A. Negative feelings about it.

9 Q. Do you believe that Councilman Wan
10 misinterpreted your book?

11 A. No. I think he took it out of context,
12 though, from the standpoint that my book -- first of
13 all, up until the point that those passages that
14 offended him went public, I held those beliefs in my
15 heart. All along since I was a kid, I was instilled
16 in those beliefs.

17 I had demonstrated my history with him and
18 our city up to that point, demonstrated that I had
19 the capacity to embrace inclusion and tolerance at
20 work without affecting my community or the people
21 that I work with.

22 We had a great professional relationship.
23 Every interaction I ever had with Council Member Wan
24 has been, how can I help you meet a need within your
25 council district. And I cannot remember one occasion

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1 where we did not actually have a win for him between
2 the fire chief and the council member. It was only
3 after he discovered what I had written on my own
4 time, living out my faith in my private life, that he
5 became offended. He did not receive a copy of the
6 book from me, and to my knowledge, he didn't go out
7 and purchase a copy of the book.

8 Q. Now, in the same way that you understood
9 in so many words that Councilman Wan was gay, would
10 it surprise you if he understood that you were a
11 devout evangelical Christian?

12 A. I had no knowledge if he knew that or not.

13 Q. Would it surprise you if that was your
14 reputation?

15 A. It would not surprise me.

16 Q. You did nothing to hide it --

17 A. No.

18 Q. -- I think we've discussed. And the two
19 of you, in light of the fact that you had your
20 religion and your beliefs, and he had his own beliefs
21 and life, got along fine until the publication of the
22 book and his reading of the book?

23 A. Yes.

24 MR. THERIOT: Objection. Assumes
25 facts not in evidence.

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1 THE WITNESS: I can answer?

2 MR. THERIOT: Yes.

3 THE WITNESS: Yes, to the extent that
4 this is the take on it with your example.
5 He was aware of my Christian faith and my
6 Christian belief because I was known for
7 that, according to what you said. He had
8 the privilege and benefit of publicly
9 disclosing his views on marriage and
10 sexuality. We worked great together with
11 him knowing that I was an evangelical
12 Christian, and me knowing that he had
13 openly professed his views on marriage and
14 sexuality.

15 It's the perfect testimony of
16 tolerance and inclusion and acceptance,
17 even in the context of work. It's the
18 perfect example that in spite of his views
19 on sexuality expressed publically, my views
20 on sexuality and marriage held privately,
21 that, you know, we still had a great
22 professional relationship with one another.
23 The conflict came when my public view on
24 marriage and sexuality conflicted with his
25 view on marriage and sexuality, and that's

1 when true tolerance actually was suspended.

2 BY MR. GEVERTZ:

3 Q. Well, to be fair, it's a little more than
4 that. At no point, to your knowledge, did or has
5 Councilman Wan condemned your religion, has he?

6 A. Well, according to the statements that he
7 made, that having now then discovered how I believe,
8 that my beliefs and views conflicted with the views
9 and beliefs of the City of Atlanta on that subject
10 and for me to be a faithful public employee, I had to
11 check those beliefs at the door, in his own words.

12 Q. I'm not sure we're communicating, and
13 that's my fault.

14 At no point in time, to your knowledge,
15 has Councilman Wan ever condemned your religion,
16 evangelical, conservative Christianity, has he?

17 A. Not to my knowledge.

18 Q. Would you agree with me that your book is
19 a condemnation of the way that Councilman Wan leads
20 his life?

21 A. It is not a condemnation. I revert back
22 to my book was written by a Christian man for
23 Christian men who deal with the issue of
24 condemnation. Christian men should not be struggling
25 with condemnation because of Christ. There is a

1 scripture in Romans 8:1 that says there is therefore
2 now no condemnation for those who are in Christ.
3 That's what that book is about.

4 For a non-Christian man to discover what I
5 wrote in that book outside of me deliberately and
6 intentionally giving it to them -- I don't know how
7 he came across it, but even in that context, sir, is
8 not to condemn. The whole purpose of the Bible and
9 my book is for a person who reads it is to come into
10 a conviction, not to condemnation, to realize that I
11 need a Savior. I need Christ as my Savior and Lord.

12 Q. But that's the difference between your
13 book falling into the hands of its intended audience
14 and the book reaching outside of that audience;
15 wouldn't you agree?

16 A. Again, I would agree from the standpoint
17 that the motive behind -- the motive in the target
18 audience drove my entire expectation of who I'd hoped
19 that that book would fall into the hands of.
20 Certainly people that are outside of that scope of
21 that target audience have various views on various
22 topics and could be offended on anything that comes
23 even from my public service, but that was not the
24 intent.

25 Q. You said in passing that you didn't know

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1 how Councilman Wan came to learn about your writings.

2 Did I hear you correctly?

3 A. Well, I eventually learned how he came
4 about it.

5 Q. And what is your understanding?

6 A. My understanding from Mr. Mark Godfrey was
7 that Steven Borders, the union president, actually
8 had a copy of my book and took the book and showed
9 certain passages as it relates to the things that we
10 talked about earlier to Council Member Wan.

11 Q. Do you have any understanding as to how
12 Mr. Borders got hold of that book?

13 A. I cannot recall. I really searched to
14 really think did I ever -- I knew Steven Borders was
15 a Christian. I don't know if he got a copy on his
16 own or if I gave him a copy.

17 MR. THERIOT: Can we take a break?

18 MR. GEVERTZ: Yes, sir.

19 THE VIDEOGRAPHER: This concludes
20 media number 3. We're off the record at
21 2:28 p.m.

22 (A recess was taken.)

23 THE VIDEOGRAPHER: This begins disk
24 number four in the video deposition of
25 Kelvin Cochran. We're back on the record

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1 at 2:44 p.m.

2 BY MR. GEVERTZ:

3 Q. Mr. Cochran, how you feeling?

4 A. Good.

5 Q. Able to continue?

6 A. Yes, sir.

7 Q. So we were talking about Exhibit 37 before
8 the break.

9 Did you have occasion to provide a copy of
10 your book to a gentleman by the name of Stephen Hill?

11 A. Yes.

12 Q. Do you recall the context in which you
13 gave a copy of that book to Mr. Hill?

14 A. Yes. It was during a period where I was
15 having annual one-on-one sessions with battalion
16 chiefs. He was a battalion chief at the time. At
17 the end of that session, he took it upon himself to
18 compliment me about how he admired me living out my
19 Christian faith and talked about, you know, he
20 desired to do the same thing in his walk of faith as
21 a Christian man.

22 And it was in the context of that
23 conversation, you know, in my mind, you know, here's
24 a Christian man talking to another Christian man, who
25 has a desire to live out his faith. And it crossed

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1 my mind, hey, you know, I've got a gift I want to
2 give to you, and I gave him a copy.

3 Q. You said that this was, I'm sorry, a
4 one-on-one meeting?

5 A. Yes.

6 Q. Is that a type of meeting, or did you just
7 mean it was the two of us sitting --

8 A. No, just it's -- that's what we call them,
9 one-on-ones. Every year I met one-on-one with the
10 battalion chiefs just to talk about, you know, the
11 overall expectations of chief officers. My rule was
12 I should spend direct time with deputy chiefs and
13 battalion chiefs mentoring, coaching. Outside of
14 just getting work done, I should spend time with them
15 one-on-one to really talk about the job, how things
16 are going, what can I do to be more supportive of
17 them, are they meeting expectations at their level.

18 But I expected every other chief to do the
19 same thing. So since I met with four deputy chiefs,
20 six assistant chiefs, I think on my schedule with the
21 deputy chief was constant, almost, you know, once a
22 week or more. Assistant chiefs, one-on-one, I made a
23 point to schedule a meeting with them quarterly, but
24 there's so many battalion chiefs, I established the
25 frequency of that as once a year.

1 Q. And did these serve as sort of verbal
2 performance evaluations?

3 A. Not per se. I usually sent out a
4 questionnaire, you know, saying that these are the
5 things that we're going to talk about. They would be
6 Atlanta Fire Rescue doctrine issues. You know, I
7 would tell them, hey, we're going to talk about the
8 vision statement, the mission statement, and the core
9 values, for example, and I would want you to explain
10 how does that apply to your job.

11 So we always talked about the doctrine.
12 We always talked about professional development.
13 What are you doing to advance and prepare yourself
14 for your current job, and what are you doing to
15 prepare yourself for the future.

16 Q. Meaning, potentially promotional
17 opportunities?

18 A. Right. And then we would talk about
19 whatever they wanted to talk about.

20 Q. And so do you recall anything specific
21 about the promotional opportunity discussion or the
22 professional development discussion that you had with
23 Mr. Hill prior to handing him a copy of your book?

24 A. It was a common practice for me for -- in
25 the professional development piece to really talk

1 about -- we developed a professional development
2 handbook. Part of our strategic initiatives was
3 succession planning. In those one-on-one meetings, I
4 always talked about forecasting attrition at the
5 chief officer level, because I wanted every one of
6 those chiefs to know that there was a level playing
7 field and that I wanted them to be on a path that
8 would help them to fulfill whatever their career
9 vision. So I would ask them, how far do you think
10 you can go in the department. What are you doing to
11 prepare for to get there, so -- and that was
12 consistent in every meeting. So I'm sure I had that
13 conversation with Stephen Hill.

14 Q. For Hill to have advanced from the
15 position he was in at the time, which I think you
16 said was a battalion chief --

17 A. Yes.

18 Q. -- to an assistant chief position, was
19 that solely contingent on your approval?

20 A. No. I had the discretion, but I never
21 exercise it. We always under my leadership
22 established, collaboratively established a selection
23 process. I consulted with the deputy chiefs, and at
24 the battalion chiefs' level, I would even include the
25 assistant chiefs on developing of the selection

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1 process, and we would follow that process. I would
2 not be involved in the process until they submitted
3 me a final list, and I had the practice of going
4 strictly by however that final ranking turned out.

5 Q. Did you ultimately make the final decision
6 as to whether or not someone in the position of a
7 battalion chief became an assistant chief?

8 A. Yes.

9 Q. Was there any sort of a test component in
10 order to advance, or was that strictly, as an
11 industrial organizational psychologist might say, a
12 subjective decision?

13 A. No, it was -- there were steps in each
14 phase, and, you know, I can't recall the details on
15 the spot. I'm a little foggy. But we would start
16 off with a written exercise, for example, and they
17 would have to give a presentation. We'd have
18 panelists and chief officers. I always brought fire
19 chiefs in from other cities to actually evaluate
20 those exercises, and then there would be something
21 that would follow that.

22 As we went from one place to the next, you
23 know, the pool would narrow. Part of the process was
24 a résumé evaluation. We actually graded our résumés
25 and placed a value on, you know, the rate of

1 professional development. And so those criteria were
2 used for the final ranking.

3 But I'll state it again, other than
4 collaboratively putting the process together, there
5 were others involved in this grading. I received the
6 final ranking, and I always went according from the
7 first to the second to the third. I never deviated
8 from that order.

9 Q. This promotional committee that you
10 formed, who was on it in the 2013-2014 timeframe?

11 A. You know, it in most cases always involved
12 the four deputy chiefs, unless the process was for
13 selecting assistant chiefs. Well, even selecting
14 assistant chiefs, we would use currently sitting
15 assistant chiefs. And so it was -- for example, if
16 we were selecting a deputy chief, then we would only
17 use deputy chiefs to develop the process. If we were
18 selecting assistant chiefs and battalion chiefs, we
19 would use deputy chiefs and assistant chiefs to help
20 develop the process.

21 Q. Did you provide a copy of your book to any
22 of the deputy chiefs?

23 A. Yes.

24 Q. How many deputy chiefs did you have?

25 A. Four.

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1 Q. How many of them did you give a book to?

2 A. All four of them. Again, they were
3 Christian men that we had established a prior
4 relationship with, and either asked me for a copy of
5 it or heard that I had written one and wanted a copy.

6 Q. Did you give a copy of your book to any of
7 the assistant chiefs?

8 A. Yes. Yes.

9 Q. How many of them are there? How many
10 people hold the title?

11 A. As I recall, there's about six that hold
12 the title.

13 Q. And how many of them?

14 A. William Collier, Bernard Coxton, Chad
15 Jones, Chris Wessels.

16 Q. Those are the four of the six who received
17 a copy of your book?

18 A. Yes.

19 Q. Returning for a moment back to the
20 suspension letter, did you have any idea that you
21 were going to be suspended that day?

22 A. No.

23 Q. You walked into this meeting cold without
24 any heads up or tip?

25 A. Well, I knew something was going on. The

1 Thursday prior to this day, I had received a call
2 from Andrea Boone, who at the time was the
3 commissioner of constituent services. And shortly
4 after the call from Andrea Boone, I received a call
5 from George Turner, the chief of police. And their
6 conversations was essentially the same, that someone,
7 they didn't say who or know, had received a copy of
8 my book and shared it with Council Member Wan.

9 There was a meeting that was held at the
10 cabinet level at the mayor's office to discuss that
11 Council Member Wan had complained about it and
12 that -- you know, there could -- the next day we had
13 our annual awards breakfast for the firefighters, and
14 they said, you know, just be prepared, you know.
15 There could be some media there, and you just
16 shouldn't be surprised if this issue comes up. And
17 so that's how that actually went with those two
18 conversations.

19 Over the -- on that Monday I heard
20 from -- Yvonne Yancy was trying to call me, and it
21 took a while because I had a station meeting that
22 morning. Then there was a funeral of a firefighter,
23 who had died of cancer, on that day and it was not
24 until after that that I had a chance to return
25 Yvonne's call.

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1 When I found out what it was in the
2 context of, I tried to reach, as I recall, the mayor,
3 the communications director. I think I actually
4 talked to the communications director.

5 Q. Is that Ms. Torres?

6 A. Yes. And I was trying to get a sense, you
7 know, of what was going on and to try to talk to the
8 mayor because, you know, I just wanted to figure out,
9 you know, what are the issues, you know, and wanted
10 to have a conversation with him.

11 I couldn't reach him, so I reached out and
12 got ahold of Mike Geisler. Mike Geisler was not at
13 work. He was away with his son. They were visiting
14 colleges, college campuses, and he really didn't know
15 what was going on. And so -- and I really didn't get
16 a sense of, you know, what the mayor was thinking,
17 and we didn't get a chance to talk about it because I
18 wanted to know, you know, from him directly.

19 However, that didn't happen, and I ended
20 up in the meeting with Candace, Yvonne, and Bob. And
21 then they presented, as I've spoken earlier, about
22 the book and the problems that it presented to the
23 mayor.

24 Q. What did Ms. Torres and you discuss?

25 A. I was just trying to find out, you know,

1 what I should say, what I should do, how I should
2 respond; you know, was there any guidance from her,
3 was there any guidance from the mayor, because I
4 didn't know. I didn't know what was going on.

5 Q. What did she say?

6 A. She indicated that, as I can recall, that
7 she had not talked to the mayor or she couldn't help
8 me. The bottom line is she couldn't help me with the
9 guidance I was seeking.

10 Q. I think you prefaced this by saying that
11 you -- perhaps it was in talking with Yancy or in
12 exchanging e-mails with her, that you got a heads up
13 of what was going on, and that's what caused you to
14 call the mayor and Geisler and the communications
15 director. What exactly was it that prompted you to
16 make those calls? Who said what to you?

17 A. Well, it could have very well been a
18 voicemail left on my phone, cell phone from Yvonne
19 Yancy. And if that was indicated anywhere, it would
20 have been because I didn't get a chance to talk to
21 her until after the funeral. And then I sort of
22 connected the conversations from the previous week
23 with Andrea Boone and George Turner and had a sense
24 that it was linked to that; it was a continuation of
25 that.

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1 Q. Did either Ms. Byrd, Ms. Yancy, or
2 Mr. Godfrey explain to you how you came -- how it was
3 that the discipline ended up being a 30-day
4 suspension?

5 A. No.

6 Q. Did you ask or they tell you whether or
7 not that was the full and complete discipline?

8 A. No.

9 Q. So, in so many words, was it your
10 understanding after you were handed this that this
11 was the one and only discipline that you were given
12 as a result of the publication of the book?

13 A. That was my understanding. My
14 understanding was after the 30 days was over, I would
15 come back to work and resume my duties and
16 responsibilities as fire chief. I actually stated in
17 the meeting about my conversation with Ms. Hickson,
18 who I tried to call before that meeting and did not
19 get a response, I asked them if they would call
20 Ms. Hickson and ask her and confirm with her that she
21 gave me permission to write the book.

22 I told them in that meeting that Mayor
23 Reed had a copy of my book that I gave to him earlier
24 in the year, and that that was not new knowledge to
25 him but that, however, you know, I would yield to the

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1 30-day suspension, you know, having the full
2 expectation of returning to work. After I returned,
3 they did not present to me any speci -- other than
4 having a cause of action, any specifics as to, you
5 know, what work rule or policies that I had violated.

6 Q. Was there any avenue for you to grieve or
7 appeal this decision, to your knowledge?

8 A. No.

9 Q. Was there a discussion with either
10 Ms. Yancy, Mr. Godfrey, or Ms. Byrd about how you
11 ought to conduct yourself during the course of that
12 30-day suspension?

13 A. The only guidance I received in that
14 regard was from Candace Byrd, who said that do not
15 conduct any media interviews while you're on your
16 30-day suspension.

17 Q. Any media interviews on any subject or
18 about your employment or about the book or --

19 A. About the entire circumstances regarding
20 my 30-day suspension in the concept of do not respond
21 to any -- my interpretation.

22 Q. Yes, sir.

23 A. They never gave me a letter or anything.
24 My interpretation was, don't hold any press
25 conferences and don't respond to any requests for

1 interviews. That was the context of the guidance,
2 and that was the only guidance. My response to that
3 is I would be honored to do so, no problem. Would
4 you please send some media advisory out so that they
5 would understand that and I wouldn't have to continue
6 to deal with denying requests. And to my knowledge,
7 that was not done.

8 Q. Let me make sure I've understood
9 everything you've told me. Ms. Byrd told you in so
10 many words that during the 30 days, you were not to
11 hold a press conference or engage the media with
12 respect to the fact that you were under this
13 suspension. You requested that they in turn send out
14 some sort of press release so that people would know
15 that you were not being rude or unresponsive.

16 A. Yes.

17 Q. I got that right?

18 A. Yes.

19 Q. And to the best of your knowledge, no such
20 release or dissemination of that information was
21 provided?

22 A. That's correct.

23 Q. Were there consequently requests to have
24 you comment on your employment status from the media?

25 A. There were no requests for interviews, and

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1 I did not initiate any press conferences.

2 Q. Okay. So no media outlet attempted to
3 reach you, nor did you attempt to reach out to any
4 media?

5 A. There were several that attempted to reach
6 me. When I reached -- when I arrived home that
7 afternoon, there was a news station on my front porch
8 asking for an interview, and I advised them of
9 what -- the guidance that I had to abide by.

10 Q. You informed them what, that you were not
11 allowed to talk to them?

12 A. Right.

13 Q. And which station was that; do you recall?

14 A. Channel 2, I guess. KTBS? I don't
15 recall.

16 Q. Channel 2, okay.

17 Were you given any direction or
18 instruction during the course of that 30-day
19 suspension about whether or not you should continue
20 to use your Atlanta Fire Department e-mail or respond
21 to business inquiries?

22 A. Yes. Yes.

23 Q. What were you told?

24 A. That I should really disconnect and just
25 take the 30 days.

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1 Q. Were you -- was that advisement or was
2 that direction that you were not to engage in the use
3 of your company e-mail, your city personnel,
4 et cetera?

5 A. I didn't see it as a directive.

6 Q. You thought it was discretionary?

7 A. Yes.

8 Q. Well, were you -- was there an acting
9 chief during that 30-day period?

10 A. Yes.

11 Q. And who was that?

12 A. Joel Baker.

13 Q. So they effectively temporarily at least
14 filled that position?

15 A. Yes.

16 Q. But just to be clear, you understood that
17 the advice not to engage in business or
18 business-related activities was merely discretionary?

19 A. Yeah. I can -- in the most honest way I
20 can state it, I just didn't see it as a directive.

21 Q. And who is it who provided you with that
22 input? Was it --

23 A. Yvonne Yancy.

24 Q. Ms. Yancy. Did you in fact continue to
25 use your City of Atlanta e-mail and engage with your

1 subordinates during your 30-day suspension?

2 A. I probably did. I can recall responding
3 to some e-mails.

4 Q. Did you initiate any of those --

5 A. I can't recall.

6 Q. -- on your City --

7 A. I can't recall if I initiated them or not.

8 Q. You had a private or personal e-mail
9 account at the time, right?

10 A. Yes.

11 Q. On Yahoo?

12 A. Yes.

13 Q. I take it that notwithstanding the fact
14 that you were not speaking with the media, that there
15 was, to the best of your knowledge, significant media
16 attention drawn to your suspension?

17 A. Yes, sir.

18 Q. And that in turn generated correspondence
19 about your suspension of which you're aware, correct?

20 A. That's correct.

21 (Exhibit 38 was marked for
22 identification.)

23 BY MR. GEVERTZ:

24 Q. Let me show you Defendants' Exhibit 38. I
25 will mispronounce William's name. McElvery?

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1 A. That's how I would pronounce it.

2 Q. Does he work for you, or did he work for
3 you?

4 A. No.

5 Q. So do you know where within the City he
6 worked?

7 A. I sure don't. I guess based upon his
8 title, he was a sergeant at one of our fire stations,
9 so he must have been a firefighter or a sergeant.

10 Q. So one of your subordinates, Bill
11 McElvery, is e-mailing you looks like that very
12 afternoon that you had been suspended, correct?

13 A. Yes.

14 Q. And he writes, "As a Christian, it is very
15 clear what God thinks about homosexuality among other
16 lifestyle choices we make in today's society." You
17 saw that when he e-mailed it to you, correct?

18 A. Yes.

19 Q. And you respond, "Thank you very much.
20 God is good," correct?

21 A. Yes.

22 Q. At what point, if ever, did you appreciate
23 that this was -- that your suspension was becoming an
24 issue with respect to LGBT rights?

25 A. In the --

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1 MR. THERIOT: Object to the form.

2 THE WITNESS: Answer?

3 MR. THERIOT: Yeah.

4 THE WITNESS: In the meeting with
5 Candace with Yvonne Yancy and Bob Godfrey.

6 BY MR. GEVERTZ:

7 Q. And they were pointing you to different
8 sections of the book?

9 A. Yes.

10 Q. So let me rephrase my question.

11 At what point in time upon being suspended
12 did it become clear to you that the media and/or the
13 community was treating this as a flashpoint on LGBT
14 rights?

15 A. When I began to watch the newscast the
16 afternoon that I was suspended and field requests for
17 media from around the country.

18 Q. And would it be a fair interpretation of
19 at least part of this e-mail as attributing your
20 suspension to your views on homosexuality?

21 A. Yes. That was made clear to me in the
22 meeting with Candace, Yvonne, and Bob.

23 Q. Had it not occurred to you up until that
24 point, the day of your suspension, that your writings
25 could be construed as a attack or criticism of the

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1 LGBT community?

2 A. No, sir.

3 Q. Had it occurred to you that your writing
4 in this book could be construed as an attack or
5 criticism of anyone outside the Christian community?

6 A. No, sir. At that point, you know, it's
7 because of the prior experiences I had with
8 tolerance, with living out my faith over the years,
9 not just in the City of Atlanta. Up to that point in
10 my career and in my history with the City of Atlanta,
11 I had been a part of people groups expressing a vast
12 array of differences of opinions on a vast array of
13 topics. But in the context of work, in spite of my
14 views on sexuality or different faiths as it relates
15 to Christianity, I have a track record and a history
16 of not only embracing inclusion and tolerance, but
17 executing systems to assure inclusion and tolerance.

18 So I had no idea that the discovery of my
19 Biblical views on marriage and sexuality would create
20 adverse consequences, because as another person or
21 group, which had just been proven by the City, can
22 express their views on marriage and sexuality without
23 adverse consequences, I just felt reciprocal to that.
24 If tolerance is the order of the day in our culture,
25 then I can express my views without adverse

1 consequences because that's what true tolerance
2 really is.

3 Q. And wasn't in fact the Atlanta Fire and
4 Rescue Department affirmatively attempting to hire
5 and retain people from all walks of life, a very
6 diverse pool of firefighters?

7 A. Yes.

8 Q. Nevertheless, this e-mail, I think you
9 would agree, can fairly be read as having the
10 potential to create division --

11 MR. THERIOT: Objection.

12 BY MR. GEVERTZ:

13 Q. -- at least within the community, couldn't
14 it?

15 MR. THERIOT: Objection as to form.

16 THE WITNESS: You know, this e-mail,
17 my take on it this soon after my suspension
18 is here's a firefighter that I don't know,
19 a sergeant that I don't know is reaching
20 out to me to express his view, his position
21 on what had occurred. Because of the
22 mountain, the avalanche of emotions I was
23 experiencing, my response was not affirming
24 anything he just said. I was acknowledging
25 the receipt of his e-mail. And me saying

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1 that God is good was my way of saying, you
2 know, eventually everything is going to
3 work out for good.

4 BY MR. GEVERTZ:

5 Q. Let me take that back. I wasn't talking
6 about your e-mail to him. I was talking about his
7 e-mail to you.

8 A. Right.

9 Q. Do you see within his e-mail to you the
10 ranks of -- do you see the introduction of ism?

11 A. No, I don't. I think he's trying to just
12 state that, you know, what I had in my book was based
13 upon Scripture that has been in the Bible for
14 millennia, and that millions upon millions of people
15 for generations, you know, have believed those same
16 views. I just don't see this as an effort on his
17 part to diminish a group of people that actually
18 believe different from the Bible on sexuality.

19 Q. If you had not been suspended on the 24th
20 and you had received an e-mail from one of your
21 firefighters saying, "As a Christian, it's very clear
22 what God thinks about homosexuality, among other
23 lifestyle choices we make in today's society," would
24 you have approved of that e-mail?

25 MR. THERIOT: Object as to form.

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1 THE WITNESS: Well, it's difficult to
2 answer that the way you ask because the
3 fact of it was at the time I received this
4 e-mail, I was suspended for expressing my
5 views about marriage and sexuality in that
6 book. I couldn't filter this information
7 any other way.

8 Having said that, I don't see any
9 words in here that are inflammatory or
10 condemning. He's just expressing his free
11 speech about, you know, sexuality and
12 comparing from his perspective his Biblical
13 view, you know, on what the Bible says
14 about homosexuality.

15 MR. GEVERTZ: We can set that aside.

16 (Exhibit 39 was marked for
17 identification.)

18 BY MR. GEVERTZ:

19 Q. Next I'm going to show you Defendants'
20 Exhibit 39. You received this e-mail the next day
21 from someone by the name of Roger to whom you
22 responded, correct?

23 A. Yes.

24 Q. In the last paragraph of his e-mail, he
25 writes about the "homo-fascists." Is that the

1 introduction of ism?

2 A. Which paragraph are you referring to?

3 Q. The very last one, sir.

4 A. You know, I don't know who this gentleman
5 is. I can't remember who Roger is, but those are
6 inflammatory words that I don't support and agree
7 with. And you can see based on my response to Roger,
8 whoever he is, I didn't affirm anything that he said
9 in his e-mail. I just said, "Thank you for your
10 encouragement, your counsel and your prayers. I'm
11 very grateful."

12 Q. This was you pushing back on his
13 inflammatory language?

14 A. No. I was not going to spend the time to
15 try to affirm or explain or anything. In the context
16 of this and the previous e-mail, I was just trying to
17 be courteous and replying to e-mails. And you have
18 my e-mail records. You can see. You can probably
19 look at the history of my e-mails and see that I'm
20 very faithful in responding to e-mails. It's just
21 one of the things that I think people deserve, when
22 they send you an e-mail, you get a reply. This is
23 just consistent with that practice that I've had over
24 the years.

25 And certainly looking at it -- and to be

1 quite honest, you know, in this state I was not
2 interested in reading long e-mails, and my reply was
3 just short and to the point. It acknowledged that I
4 received it, to thank him for trying to encourage me
5 in whatever -- in his own way, trying to give me some
6 counsel, and certainly for his prayers.

7 Q. Do you find the opinion expressed in the
8 last paragraph of Roger's e-mail to be inconsistent
9 with the fire department's mission in engaging with
10 diverse citizenry?

11 A. Yeah, it is. And that word "homo-fascist"
12 is inconsistent with it. And this is the kind of --
13 I don't know that this guy's a firefighter. I don't
14 think he's an employee. I don't know who he is, to
15 be quite honest with you, and that's why I didn't
16 give it a whole lot of thought and attention to what
17 he said.

18 (Exhibit 40 was marked for
19 identification.)

20 BY MR. GEVERTZ:

21 Q. Next I'm showing you Exhibit 40.

22 Did your suspension lead to an increase in
23 book sales?

24 A. Yes.

25 Q. And did that happen yet again when you

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1 were terminated?

2 A. Yes.

3 Q. It looks like the very same day that you
4 were suspended, you received a request from
5 Mr. Sandy Davis asking where he could buy a copy of
6 your book?

7 A. Yes.

8 Q. Is he someone you knew from Shreveport?

9 A. Yes.

10 Q. Did you find that your stature within a
11 certain portion of the Christian community increased
12 as a result of your suspension and termination?

13 A. Yes, it did, because of how widely
14 publicized my suspension was, and the reason for it
15 that was stated by the administration.

16 Q. It led to, I gather, various speaking
17 engagements that you didn't otherwise anticipate --

18 A. That's correct.

19 Q. -- you would be invited to?

20 (Exhibit 41 was marked for
21 identification.)

22 BY MR. GEVERTZ:

23 Q. I'm next going to show you Defendants'
24 Exhibit 41. The same day that you were suspended,
25 you were copied on this e-mail from Diana Bagby of

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1 the Georgia Voice, which is an LGBT newspaper in
2 Atlanta. Do you recall receiving this?

3 A. I don't recall it, but this is I think
4 some credible evidence.

5 Q. Previously I asked you at what point in
6 time it dawned on you that your book would be
7 positioned as a flashpoint or a debating point in the
8 LGBT rights arena. At what point in time did you
9 first recognize how divisive the conversation would
10 become?

11 MR. THERIOT: Objection. Assumes
12 facts not in evidence.

13 THE WITNESS: Can I answer?

14 MR. THERIOT: Yeah.

15 THE WITNESS: When I began to watch
16 the news media when I reached home that
17 afternoon.

18 BY MR. GEVERTZ:

19 Q. And what is it that clued you into how
20 divisive the debate or discussion was becoming?

21 A. Well, I just saw the perspectives that
22 were being presented from people that didn't
23 understand what the target audience was, and what the
24 motive behind the book was, and how they were really
25 singling out just a few paragraphs, and presented it

1 not in the context of the intent and motive and
2 target audience of the book.

3 Q. Is this Exhibit 41 the first outreach that
4 you recall receiving from someone in the LGBT
5 community expressing concern about the contents of
6 your book?

7 MR. THERIOT: Objection. He's
8 testified that he didn't remember getting
9 it.

10 THE WITNESS: Based upon the date of
11 it --

12 BY MR. GEVERTZ:

13 Q. Yes, sir.

14 A. -- you know, I could answer that, but I
15 just don't recall getting it.

16 Q. Based upon the date of it --

17 A. Yes.

18 Q. -- what would your answer be?

19 A. Based upon this date, I would say that it
20 is an indication of the disagreement with the views
21 in my book.

22 Q. Well, I think what I was asking is do you
23 recall having received any pushback from the LGBT
24 community about the contents of your book prior to
25 this e-mail, which is dated November 24 at 1:19 in

1 the afternoon.

2 A. Just in the meeting where the suspension
3 was handed out.

4 Q. Yeah, but that's not from the community,
5 so my question is a little more targeted to had you
6 received any -- I used the word "pushback," but had
7 you received any complaints from anyone who you
8 understood was affiliated with the LGBT, or for that
9 matter the non-Christian community, about your book
10 prior to your suspension?

11 A. No.

12 Q. Thank you.

13 At or around the time that you were
14 suspended, completely separate from the discussion of
15 your book, were you entertaining discussions about
16 leaving the Atlanta Fire Rescue Department?

17 A. Yes. I was in discussions with the mayor
18 in length of the City of Shreveport, who was
19 aggressively recruiting me to come back to Shreveport
20 to serve in her administration as an assistant chief
21 administrative officer. At the time of this -- that
22 this broke, we were really trying to see if the
23 salary that I had requested was actually achievable
24 under the guidance that she had as mayor.

25 When the story broke, you know, I called

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1 her and told her about it. And she said, you know,
2 well, this may be God's way of saying it's time for
3 you to come back home, but I'll call you back
4 tomorrow. She called me back the next day and said
5 she talked to her transition team, and because of the
6 conditions under which I was suspended, she has to
7 end those talks and negotiations because she was
8 advised that coming back under these conditions would
9 be problematic for her new administration.

10 Q. Other than the Shreveport job opportunity,
11 were there other job opportunities that you were
12 discussing or exploring at that time?

13 A. Not job opportunities.

14 Q. How about in Seattle?

15 A. Seattle was an informal conversation I had
16 with someone from the City of Seattle. You know, I
17 never submitted, you know, a formal intent or
18 anything along those lines to enter into their
19 selection process as I recall.

20 Q. Who within the City of Seattle were you
21 having those informal discussions?

22 A. I think it was someone they hired as a
23 recruiter or headhunter.

24 Q. brianhastings@seattle.gov?

25 A. Well, I'm just basing it on my

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1 recollection.

2 (Exhibit 42 was marked for
3 identification.)

4 BY MR. GEVERTZ:

5 Q. Let me see if Exhibit 42 helps you. You
6 wrote on the second page of this document with
7 respect to have you looked at the Seattle Fire
8 Department fire chief's job, "I have been taking it
9 under consideration. Lots to think about." And that
10 was a conversation that extends throughout the
11 entirety of this e-mail chain --

12 A. Uh-huh.

13 Q. -- and was held with, among others,
14 Mr. Brian Hastings. Does that refresh your memory as
15 to who he was?

16 A. Looks like he was a chief within the
17 Seattle Fire Department.

18 Q. Yes.

19 A. One of the chief officers in Seattle.

20 Q. Did you ever pursue a fire chief opening
21 with the City of Seattle?

22 A. No, sir.

23 Q. Why not?

24 A. I just decided against it. You know, the
25 City of Seattle is comparable to the size and the

1 makeup of the city of Atlanta, and it's always been
2 my career goal if there is something that's going to
3 draw me away from something that I already enjoy
4 that's really great for me and my family, it's going
5 to have to have something to offer that is far
6 greater than what I already have.

7 And when I looked at Seattle, not only the
8 job but the community would offer me and my family if
9 I were to pursue it formally and get it, it would
10 actually be a reduction of the quality of life and
11 career that I was currently enjoying in the city of
12 Atlanta.

13 Q. Well, forgive me, but why would you reject
14 Seattle but contemplate Shreveport?

15 A. Because Shreveport is home. Home has lots
16 of attractive things. Even though it's not on the
17 scale of Atlanta or have the same activities and
18 opportunities of Atlanta, you know, home has an
19 advantage in that regard.

20 Q. Well, wasn't moving from Washington, D.C.
21 and this high-ranking position to Atlanta a step
22 contrary to what you said you were looking for?

23 A. No, sir. I considered it as a promotion,
24 not a demotion. Being in Washington, D.C. I learned
25 very quickly how much I loved community, and being in

1 U.S. Fire Administration gives you no opportunity to
2 interact on a community level. And being a local
3 fire chief provides an opportunity to engage in and
4 build relationships with the men and women of the
5 department and to engage in and build relationships
6 with the community, and I missed that tremendously
7 while I was serving as U.S. Fire Administrator.

8 Q. Did anyone affiliated with the Seattle
9 governing structure, including within its fire
10 department, ever tell you that they had lost interest
11 in your potential candidacy?

12 A. I never heard back from them, as I can
13 recall.

14 Q. Did you ever pursue it?

15 A. No.

16 Q. Thank you.

17 A. I think it's significant to point out in
18 this conversation that these guys are chief officers
19 who experienced me presenting at a leadership
20 conference in Seattle, realizing that they had an
21 upcoming vacancy, and I guess searched my career
22 history at some point, was trying to seek me out.
23 This was no formal recruitment with these two chief
24 officers.

25

1 (Exhibit 43 was marked for
2 identification.)

3 BY MR. GEVERTZ:

4 Q. Next I'm showing you Exhibit 43. That is
5 a bounce-back message that you placed on your
6 outgoing e-mail upon your suspension, correct?

7 A. That's correct.

8 Q. You authored this, correct?

9 A. As I can recall.

10 Q. So once again, you understood it was
11 discretionary as to or not whether you could access
12 your e-mail for 30 days?

13 A. Yes, sir, the way I understood it.

14 Q. Nevertheless, you wrote to anyone who
15 e-mailed you that you would be unable to access your
16 e-mail, correct?

17 A. Yes. And let me be clear.

18 Q. Yes, sir.

19 A. As I rethink this, this may be something
20 that I had asked Arkla Napper to do on my behalf. I
21 really don't have the knowledge to do that. I
22 mean -- I mean, I've never done it. You know, I
23 wouldn't know how to do that, you know. So, which
24 warned me over the years when you've got an executive
25 assistant like the one I had, you know, when it comes

1 to information technology stuff and these kind of
2 skills, it was just easier to probably delegate it.
3 So it's highly possible that I asked Ms. Napper to do
4 that for me, if that matters.

5 Q. So you would have not typed it in, but you
6 would have dictated its content?

7 A. Right, or I would have asked her, would
8 you put out an automatic reply on my behalf. She had
9 my log-in information whenever it came to sending
10 e-mails like this, so if I needed for her do me a
11 favor along these lines, she had the capacity to do
12 it.

13 (Exhibit 44 was marked for
14 identification.)

15 BY MR. GEVERTZ:

16 Q. Next I'll show you Defendants' Exhibit 44.
17 It's an e-mail message the following day from Mike H.
18 and among other things, he commends your perception
19 of the hideous acts of sodomy being perverted as
20 exactly correct. Is that an ism that you strove to
21 prevent from your fire department?

22 A. Absolutely. But, again, I don't know who
23 Mike H. is. Based upon his e-mail and his name, I
24 don't know him to be a member of the Atlanta Fire
25 Rescue Department. And once again, my response to

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1 him was not affirming anything that he said, but just
2 to acknowledge his support and prayers.

3 MR. GEVERTZ: Thank you.

4 (Exhibit 45 was marked for
5 identification.)

6 BY MR. GEVERTZ:

7 Q. Next I'll show you Defendants' Exhibit 45.
8 It's an e-mail from Jennifer and Keith Lorensen
9 copying, it looks like the city council members,
10 excuse me, to the city council members copying
11 yourself and Bernard Coxtton. Do you know who
12 Mr. Coxtton is?

13 A. He's an assistant chief of the fire
14 department, yes.

15 Q. I understand. She, or they reference the
16 militant homosexual community. Do you see that?

17 A. Which paragraph?

18 Q. Sorry. Second paragraph, first line.

19 A. Okay. I see it.

20 Q. And militant homosexuals are referenced
21 again at the top of the third paragraph.

22 A. I see it.

23 Q. "Bullies throwing temper tantrums to get
24 their way," referring to the lesbian and gay
25 community is also in that third paragraph?

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1 A. Yes, sir.

2 Q. Did you find this sort of e-mail directed
3 to you and someone else in the fire department to be
4 divisive?

5 A. There are inappropriate words and
6 statements in here that I do not support, but this
7 e-mail was not to me. I was copied on it. And, you
8 know, I can't recall replying to this e-mail because
9 it wasn't directed to me.

10 Q. Did you understand yourself at this point
11 to be in the cross-hairs of spiritual warfare?

12 A. In a sense, you know, from the standpoint
13 that I had no thought or even anticipation that
14 writing a book for a Christian men's Bible study on
15 my own time, and publishing it with my own funds
16 would cost me my 34-year childhood dream-come-true
17 career.

18 Q. At any point in time did you do anything
19 whatsoever to condemn the sort of inflammatory
20 language that you were receiving or were being copied
21 on by members of the community?

22 A. As I stated earlier, I wasn't really
23 interested in doing anything but acknowledging that I
24 had received their e-mails. I paid very little
25 attention, you know, to -- the things that really

1 stood out to me, which was what I sorely needed, was
2 things that were encouraging me and that they were
3 praying for me. Other than that, I was not
4 interested in doing anything but acknowledging their
5 e-mail and moving forward.

6 Q. You certainly weren't trying to inflame
7 the situation?

8 A. No.

9 (Exhibit 46 was marked for
10 identification.)

11 BY MR. GEVERTZ:

12 Q. Let me show you Defendants' Exhibit 46.
13 Two days after your suspension in response to an
14 e-mail from the chaplain at a nearby fire and
15 emergency services department in which you
16 characterized your situation as being in the
17 cross-hairs of spiritual warfare, you responded,
18 "Thank you for your generous words. I am grateful
19 for this divine opportunity to suffer this for Christ
20 and rejoicing every day. Please continue to pray for
21 me and our city. To God be the glory. Happy
22 Thanksgiving." Those were your words, I take it,
23 correct?

24 A. Yes.

25 Q. Did you find your response about how this

1 was a divine opportunity to suffer to be consistent
2 with Ms. Byrd's directive that you not discuss
3 publicly the reasons for your suspension?

4 A. That was not the directive that I received
5 from Ms. Byrd. Ms. Byrd's direction was do not do
6 any media interviews. This was not a media
7 interview.

8 Q. So her directive wasn't about the content
9 of what you said, it was about who you said it to?

10 A. That's correct.

11 (Exhibit 47 was marked for
12 identification.)

13 BY MR. GEVERTZ:

14 Q. For that reason, I take it in Defendants'
15 Exhibit 47 you felt comfortable characterizing your
16 suspension as part of spiritual warfare, correct?

17 A. Yes.

18 Q. Thank you.

19 Were you also selling T-shirts related to
20 your book during this time?

21 A. No, not that I can recall.

22 Q. Do you recall any images that were
23 discussed about being printed on T-shirts?

24 A. Yeah. I know I had made plans to do that
25 at some point.

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1 Q. But they never came to fruition?

2 A. I can't remember at what point that I did,
3 but I eventually had some T-shirts done.

4 Q. You did?

5 A. Yes.

6 Q. And sold?

7 A. I gave them away.

8 Q. For free?

9 A. For free.

10 Q. In what sort of forum?

11 A. Just primarily, as I recall it, at the
12 event in Shreveport when I spoke at the men's health,
13 and at the church in Tallahassee, and I gave some out
14 to members of my church.

15 Q. The two events we've already discussed?

16 A. Yes.

17 MR. GEVERTZ: Thank you.

18 (Exhibit 48 was marked for
19 identification.)

20 BY MR. GEVERTZ:

21 Q. This is Exhibit 48.

22 Six days after your suspension, someone by
23 the name of MaKenzie Beard wrote to you?

24 A. Yes.

25 Q. Do you recall who that is?

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1 A. Yes.

2 Q. Who is that?

3 A. She was a young lady who specialized in
4 setting up websites and marketing.

5 Q. And were you engaging her in a
6 conversation about setting up a website for your
7 book?

8 A. We had a conversation about marketing that
9 I never followed through on.

10 Q. Okay. But was that concerning the
11 marketing of your book?

12 A. Yes.

13 Q. And she wrote to you on November 30th to
14 try to confirm whether or not the two of you were
15 still supposed to meet the next day, which would have
16 been a Monday, at 1:30 in your office on Peachtree
17 Street?

18 A. Yes.

19 Q. And you told her in so many words that it
20 was going to have to be rescheduled at least two
21 weeks on account, I gather, of your suspension?

22 A. Yes.

23 Q. But you were scheduled to meet with her on
24 a Monday afternoon in your office to discuss the
25 marketing of your book, correct?

1 A. Yes.

2 Q. And you don't believe that that meeting
3 would have in any way interfered with your ability to
4 perform the functions of your job, I take it?

5 A. That's correct. It would have been done
6 on my prescribed personal time and not interfere with
7 work-related duties.

8 Q. I'm sorry. What do you mean by it would
9 have been done on your personal time?

10 A. During a work day, there's never a
11 structured time of taking a break or taking lunch.
12 Many times I work without taking either a break or a
13 lunch. From time to time when I had personal
14 meetings of this nature -- and I would emphasize from
15 time to time -- I would always schedule them at a
16 time that did not with conflict with work or business
17 and would use that time as my personal time.

18 (Exhibit 49 was marked for
19 identification.)

20 BY MR. GEVERTZ:

21 Q. Next I'm going to show you Defendants'
22 Exhibit 49.

23 Greg Harris at the Christian Index wrote
24 to you following a telephone conversation, and he was
25 providing a rough draft of an editorial that he wrote

1 about your situation. Do you recall that
2 conversation?

3 A. Yes.

4 Q. And he said he wanted you to give it a
5 careful look to make sure that you were all right
6 with it, correct?

7 A. Yes.

8 Q. What is the Christian Index?

9 A. The Christian Index is a component of the
10 Georgia Baptist Convention. My church is a part of
11 the Georgia Baptist Convention, and he works for the
12 Georgia Baptist Convention in their communications
13 department.

14 Q. So this is a communications branch for the
15 Georgia Baptist Convention?

16 A. That's correct.

17 Q. And what is the Georgia Baptist
18 Convention?

19 A. It's the state level of the Southern
20 Baptist Convention, and it has geographical regions
21 that churches within the state of Georgia who are
22 Southern Baptist actually fall under in the state of
23 Georgia.

24 Q. Is it a large organization?

25 A. Yes.

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1 Q. In terms of membership?

2 A. Yes. Every church in the state of
3 Georgia, which I -- it's a significant number that
4 identifies that Southern Baptists are members of the
5 Georgia Baptist Convention. So we just -- as the
6 state church, so there's a local church. The
7 regional sections of the Georgia Baptist Convention
8 is sort of the regional church, and then the state
9 branches, the state church.

10 Q. You wrote in here in your response -- I'm
11 sorry, I called him Greg -- to Gerald was to "remove
12 a section referencing Mayor Franklin's comments and
13 simply state that I was appointed in July 2008." Do
14 you recall what he had put in that you were asking to
15 edit?

16 A. I don't.

17 Q. And then you write, "Please remove the
18 statements regarding the ethics office altogether."
19 What was that?

20 A. I don't recall what he wrote.

21 Q. Did you find this conversation with
22 Mr. Harris in the communications department of the
23 Georgia Baptist Convention to be consistent with
24 Ms. Byrd's directive that you not talk about your
25 employment during -- to the media during your 30-day

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1 suspension?

2 A. I don't understand where you're getting
3 those words did I talk about my employment. Her
4 directive to me was not to do any interviews with the
5 media. I took her words were, don't grant any
6 requests for interviews and don't hold any press
7 conferences. This was neither an interview or a
8 request for a press conference.

9 Q. I want to make sure I follow. Because
10 this wasn't a press conference and because it wasn't
11 an interview, instead it was an editorial that you
12 got an advance peek at which followed a conversation
13 with Mr. Gerald Harris, you didn't understand that to
14 run afoul of Ms. Byrd's directive?

15 A. No, sir.

16 Q. What do you call the phone call that
17 preceded the article, if not an interview?

18 A. It was not a phone call. What he -- if I
19 can recall what he's referencing is the interaction I
20 had with a group of Christian men, who were from the
21 Georgia Baptist Convention.

22 As I recall it, this was in the context of
23 the Georgia Baptist Convention executive committee,
24 and I was just simply providing feedback on something
25 that the Georgia Baptist Convention had initiated on

1 their own initiative, not upon my request.

2 Q. I'm sorry. Where was this meeting?

3 A. The Georgia -- it was at the executive
4 committee of the Georgia Baptist Convention at the
5 Georgia Baptist Convention headquarters.

6 Q. And while you were there, you spoke to how
7 many folks?

8 A. There was 200 or so pastors at the
9 executive committee meeting.

10 Q. And apparently among the pastors was also
11 someone in charge of communications for the
12 convention, correct?

13 A. Yes.

14 Q. Were you invited to make this speech prior
15 to your suspension?

16 A. Yes.

17 Q. And when you went and you spoke, what did
18 you talk about?

19 A. I shared my testimony.

20 Q. Yes, sir. What did you talk about?

21 A. They just wanted to know about how I came
22 into the knowledge of Christ and about my life and
23 upbringing, you know, up to that point in my life. I
24 shared my testimony.

25 Q. Well, was there any discussion whatsoever

1 about your suspension?

2 A. No. In the initial part of that
3 testimony, I specifically stated that I did not come
4 to talk about that, that I would honor the
5 guidelines. I specifically said that and just began
6 to share my testimony.

7 Q. So you're then called by someone in
8 communications and asked to edit an editorial that he
9 was writing, which you do, correct?

10 A. Yes, I offered some feedback on what he
11 had submitted.

12 Q. And you found this -- you understood that
13 this editorial was going to be published, right?

14 A. Yeah, I assumed that it would be.

15 Q. To, among others, the members of this very
16 large organization, correct?

17 A. Again, I refer back to the guidance that I
18 received from Candace Byrd. She indicated to me that
19 I was not to do any requests for interviews with the
20 media; and I took that as if they call you and say,
21 we want to interview you about your situation, that
22 you ought to say no. I did that throughout the
23 30-day period.

24 I also understood her to say, if you have
25 any inkling to call a press conference, then don't do

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1 that, that you should not do that before your 30-day
2 suspension. What I'm saying to you is I never did
3 any one of those things through my 30-day suspension.

4 Q. I see. And what did you understand was
5 her intent in asking you to abide by those
6 directives?

7 MR. THERIOT: Objection. Calls for
8 speculation.

9 BY MR. GEVERTZ:

10 Q. No. No. What did you understand was her
11 intent?

12 A. That she did not want me to publicly
13 disclose my side of the story.

14 Q. Were you doing that?

15 A. No.

16 Q. Did the article discuss your employment
17 situation?

18 A. As I recall it did, but there is nothing
19 in the article, and I'm sure there's a record of
20 it --

21 Q. Yes, sir.

22 A. -- that could be quoted as having directly
23 coming from me, and that was not already publicly
24 disclosed by either the mayor or the communications
25 director or some other media outlet.

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1 Q. But you had editorial rights to this
2 article, correct?

3 A. Well, I had provided feedback.

4 Q. Yes, sir. He asked you to give a careful
5 look to make sure you were all right with it, and you
6 struck certain parts of it, correct?

7 A. I advised them on -- obviously here, some
8 references they made to my appointment under
9 Mayor Franklin and something related to comments he
10 had made regarding the ethics office.

11 Q. But you didn't strike whatever it was that
12 remained in its editorial discussion of your
13 employment suspension, did you?

14 A. This was my only feedback.

15 Q. Did you have any understanding as to why
16 the mayor's office was seeking a moratorium on your
17 public commentary during that 30-day period?

18 A. No. No one ever explained it to me, and I
19 never did get a chance to see the mayor face to face.

20 Q. Do you personally, even if no one
21 explained it to you, have any understanding as to how
22 a 30-day period in which the situation was in the
23 press as little as possible might be desirable by the
24 mayor's office?

25 A. No.

1 Q. Did people express to you hostility about
2 the mayor's decision after that editorial was
3 published?

4 A. Explain your question.

5 Q. Yes, sir. What sort of feedback did you
6 receive as a result of this editorial?

7 A. I cannot recall. I can't. My
8 understanding of it is it ended up on the Georgia
9 Baptist Convention's website. They actually posted
10 the testimony I gave on the website, but that's the
11 extent that I can recall.

12 Q. But what about the editorial?

13 A. About the editorial, I --

14 Q. Yeah. In other words, I guess in so many
15 words I'm asking you this. Did the publication of
16 that editorial cool down the topic of your
17 suspension?

18 A. I have no pulse on that. I completely
19 unplugged myself from actually watching and following
20 the media because it was having such a distressful
21 impact on me and my family emotionally, to where we
22 realized after the second day that it's best for us
23 to not really follow or look at newscasts whatsoever.

24 Q. In your comments to the Georgia Baptist
25 Convention, do you recall saying, "Other than the

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1 \$14,000 that I won't get, it's really a good
2 blessing. Had I gone to Mayor Reed and asked him for
3 a 30-day vacation, he would have flat out denied me
4 that opportunity"?

5 A. I could have possibly said that in my
6 test -- when I was sharing my testimony.

7 Q. And to be clear, you understood that this
8 was being recorded. Your comments were being
9 recorded for later dissemination, right?

10 A. I didn't understand that during the
11 testimony, no. I discovered it afterwards.

12 Q. Did you do anything to suppress its
13 distribution?

14 A. You know, sharing a testimony is not
15 something that I ever thought should be censored. I
16 mean, it was in the context of sharing my testimony.
17 That was the extent. The purpose of my invitation to
18 that executive committee was to share my testimony,
19 and that's what I was actually doing was sharing my
20 testimony, which is a common Christian practice
21 before a group of Christians, and that was a part of
22 my testimony.

23 Q. But this, and specifically the commentary
24 I just quoted, was about your job status?

25 A. It was not a press conference, and it was

1 not a response to a media interview as I was directed
2 by Candace Beard -- Byrd.

3 (Exhibit 50 was marked for
4 identification.)

5 BY MR. GEVERTZ:

6 Q. Next I'm going to show you Defendants'
7 Exhibit 50.

8 You were still on suspension in December
9 of 2015, correct?

10 A. Yes.

11 Q. Who's Mike Griffin? Excuse me. Who's
12 Mark Strange?

13 A. Mark Strange. I have --

14 Q. He's on the third page of the document.

15 A. I have no idea.

16 Q. Well, his e-mail signature block holds him
17 out to be a specialist in communication services --

18 A. I see.

19 Q. -- affiliated with the Georgia Baptist --

20 A. I see that, yes.

21 Q. -- Conference.

22 Do you know who Mike Griffin is?

23 A. Mike Griffin is a member of the staff of
24 the Georgia Baptist Convention.

25 Q. And what position, to the best of your

1 knowledge, does he hold?

2 A. He's like their advocate, their
3 legislative liaison.

4 Q. He sent to you a battle plan, right?

5 A. Yes, that -- this looks like some steps,
6 yes.

7 Q. And he calls it a battle plan, right?

8 A. Well, I haven't read that part.

9 Q. Bottom of the first page, sir.

10 A. Okay.

11 Q. So while you're on suspension and asked
12 not to speak with the media, you're presented with a
13 communication battle plan, correct?

14 A. Yeah, based on his description of it.

15 Q. And it included providing testimony that
16 was recorded and would be put up on the general
17 website, correct? Number 2-D.

18 A. Okay, yes.

19 Q. And it included a petition with a web page
20 and a web address, correct?

21 A. Yes.

22 Q. And it included a release of a press
23 statement, a press release to be distributed to media
24 outlets for E, correct?

25 A. Yes.

1 Q. And it had a social media component on the
2 next page creating buzz about your situation on
3 Facebook, Twitter, and LinkedIn, correct?

4 A. Yes.

5 Q. And information about your book would be
6 publicized, as well as its Amazon link, correct?

7 A. Yes.

8 Q. And there would be an e-mail letter/blast
9 sent out to a variety of recipients, correct?

10 A. Yes.

11 Q. And Mr. Strange, the communications
12 services specialist for the Georgia Baptist -- sorry,
13 Conference?

14 A. Convention.

15 Q. Convention. I apologize. Wrote in
16 summary that the timing was lined up to have, quote,
17 maximum effect, correct?

18 A. Yes.

19 Q. And all of this was forwarded on to you on
20 December 12th in the afternoon, correct?

21 A. Yes.

22 Q. How did you respond?

23 A. I can't recall my response. I'm trying to
24 see if it's in this chain of e-mails.

25 Q. It is not, sir, other than you forwarding

1 it along to someone by the name of Ed.

2 A. Ed Elliott, yes.

3 Q. Who is Mr. Elliott?

4 A. He's a fire chief in, somewhere I believe
5 in Virginia, another Christian fire chief.

6 Q. So other than forwarding along the battle
7 plan seeking maximum effect to Mr. Elliott, do you
8 recall any other response that you took?

9 A. Not that I can recall.

10 Q. Did in fact the battle plan get
11 implemented?

12 A. I'm not sure. I'm familiar with that they
13 had my testimony on the website; I know the article
14 in the Christian Index; and I know that there was a
15 petition that was placed on there.

16 Q. At any point in time did you reach back
17 out to Mr. Strange and tell him that his battle plan
18 that was sought to have maximum effect was not a good
19 idea?

20 A. No.

21 Q. At any point in time, did you tell him
22 that you thought that this might run contrary to the
23 terms of your suspension?

24 A. No, I did not.

25 Q. Why not?

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1 A. At the time -- at the time that this was
2 taking place, due to the tremendous amount of stress
3 and pressure, support from my church, you know,
4 really was helpful. My local church, Elizabeth
5 Baptist Church, which is a member of the Georgia
6 Baptist Convention, I had no authority to pull back
7 anything. They didn't need my permission to do what
8 they did.

9 Q. I'm sorry. Were you a hostage to this
10 communications battle plan?

11 A. I was not.

12 Q. Okay. But you were not a participant in
13 it either, you were just a bystander?

14 A. I did not have any -- other than them
15 putting my testimony and those other things on there,
16 I did not contribute to it.

17 Q. But my question was were you a bystander
18 to this process?

19 A. No, I was aware. It was sent to me. I
20 was aware of it.

21 Q. Were you helping in any way to advance its
22 aims?

23 A. No.

24 Q. Were you doing anything to hinder it?

25 A. No.

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1 Q. Did you feel that you could have made
2 suggestions to tone it down or delay the timing?

3 A. Well, you know, I made feedback on the
4 initial request from Gerald about the Christian
5 Index, but I don't recall having any feedback one way
6 or another on this.

7 Q. Do you believe you could have provided
8 feedback as to its tone or timing?

9 A. I could have possibly done that, but I did
10 not.

11 Q. Did you expect that this battle plan, when
12 implemented for maximum effect, would have a positive
13 impact on your relationship with the mayor?

14 A. I didn't see that it would have an adverse
15 impact on it.

16 Q. You thought it would be neutral?

17 A. I was in compliance with the directive
18 that Candace Byrd gave me.

19 Q. You thought that this was fully in keeping
20 with the letter and the spirit of Ms. Byrd's
21 directive, correct?

22 A. With her words --

23 MR. THERIOT: Objection. Asked and
24 answered.

25 THE WITNESS: With her words. I wish

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1 she would have given me a letter, but I did
2 not receive a letter. She gave me that
3 instruction.

4 BY MR. GEVERTZ:

5 Q. A letter in spirit, meaning what she said
6 and what she meant?

7 A. Yes.

8 Q. You felt as if you were in keeping, in
9 helping to execute or at least not stopping this
10 battle plan, you thought that you were complying with
11 her directive about how you ought to conduct yourself
12 during your 30-day suspension, correct?

13 A. Yes, which my interpretation was don't
14 respond to any media requests for interviews and do
15 not initiate media requests for interviews.

16 Q. But all this battle plan is fine because
17 you were just on the sidelines?

18 A. It just didn't fit what she told me, the
19 guidance she gave me.

20 MR. GEVERTZ: Thank you, sir.

21 (Exhibit 51 was marked for
22 identification.)

23 BY MR. GEVERTZ:

24 Q. Next I'm going to show you Defendants'
25 Exhibit 51.

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1 You said that Ed Elliott was a firefighter
2 colleague in Virginia? Did I hear you correctly?

3 A. Yes.

4 Q. Did he play some sort of advisory or
5 consultant role in the communications battle plan
6 that we were just discussing?

7 A. No, sir, not to my knowledge.

8 Q. On December 13th of 2014 -- and I'm
9 referring to the top page -- Mr. Elliott sounds as if
10 he's acting as your agent or consultant. He writes
11 that "I have a phone call in this morning with Mike
12 Griffin of the Georgia Baptist Convention. Awaiting
13 his return call so we can strategize best with our
14 support." Did you authorize or allow Mr. Elliott to
15 be acting on your behalf in this way?

16 A. As best I recall, Ed Elliott was -- in his
17 church affiliations was wanting to as a church show
18 some support. And I indicated to them that Mike
19 Griffin would be a good resource, to my recollection,
20 and that they had already done something similar to
21 what he was wanting to do is the spirit, as I
22 understand it.

23 Q. So is it fair to take from that that you
24 were in fact enlisting his advocacy and support?

25 A. Not enlisting it.

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1 Q. He's offering it. Did you accept it?

2 A. I didn't deny it.

3 Q. He's just acting on his own, and you're
4 just a bystander?

5 A. He's acting on his own.

6 Q. But he's not a member, I would imagine by
7 virtue of his address, of the Georgia Baptist
8 Convention if he lives in Virginia, is he?

9 A. No.

10 Q. And he writes -- and this is toward the
11 bottom of the page, "In our lingo this is an" and I
12 quote, "offensive fire attack, but if anything feels
13 uncomfortable or too aggressive for you, please let
14 me know and we will adjust as appropriate."

15 Do you see that?

16 A. Which paragraph is that?

17 Q. Sorry. If I may.

18 A. I see it.

19 Q. And then he goes on to explain what his
20 proposed offensive fire attack would consist of on
21 the second page. And among other things, in number
22 two, wanted to contact Atlanta Mayor Kasim Reed for a
23 variety of reasons, right?

24 A. Yes.

25 Q. He was enlisting the support of fellow

1 Christians and pastors to help pressure the mayor to
2 apologize, correct?

3 A. Yes.

4 Q. And to acknowledge that he had violated
5 your rights, correct?

6 A. Yes.

7 Q. And in response to the offensive fire
8 attack when Mr. Elliott was asking you, tell me if
9 you're uncomfortable, tell me if this is too
10 aggressive, you wrote back, "This is very
11 appropriate. Only the mayor's name is Kasim.
12 Everything else is fine. Thank you, brother. God
13 bless you."

14 Did I read that correctly?

15 A. Yes.

16 Q. That's you being a bystander?

17 MR. THERIOT: Objection.

18 Argumentative.

19 THE WITNESS: I provided some
20 feedback on it.

21 BY MR. GEVERTZ:

22 Q. That was the only feedback you provided,
23 correct?

24 A. To my knowledge.

25 Q. To change an R to a K, but otherwise, it

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1 was very appropriate in your eyes, correct?

2 A. Yes.

3 Q. At this point in time, if this battle
4 plan, this offensive fire attack was executed, how
5 did you envision that you were going to go back to
6 work at the City of Atlanta and have a productive
7 relationship with your boss?

8 A. Well, I just thought it was -- these
9 organizations, who as Christian organizations wanted
10 to do something to support what had occurred to me,
11 that I just didn't feel a need to stop it. And
12 that's essentially it. I just didn't feel a need to
13 intervene. I felt that I was in compliance with what
14 Candace Byrd had directed me to do and that this was
15 not in violation of that.

16 Q. But I asked you a different question, sir.
17 How did you understand that an offensive fire attack
18 could be leveled at your boss and you return to work
19 at the City of Atlanta? How did you envision that
20 was going to work?

21 A. I didn't see that it would not work.

22 Q. So what did you think was going to happen
23 on your first day? After saying that the offensive
24 fire attack directed against your boss was very
25 appropriate, how did you envision your first day was

1 going to go?

2 A. I just didn't see it turning out. I had
3 every intention of when I returned to work on January
4 the 6th that I would be going back to work.

5 Q. The truth of the matter, sir, is you're
6 quite a well educated and bright individual, aren't
7 you?

8 A. Yes, I am.

9 Q. You have -- you are gifted with foresight
10 and intuition, correct?

11 A. I am.

12 Q. You, among other things, not only have a
13 high IQ, you have a high emotional quotient, or EQ,
14 correct?

15 A. That's correct.

16 Q. And it is your testimony that you believed
17 that authorizing and saying that this offensive fire
18 attack is very appropriate was going to go down just
19 fine in city hall?

20 MR. THERIOT: Objection.

21 BY MR. GEVERTZ:

22 Q. Correct?

23 MR. THERIOT: It's asked and
24 answered.

25 THE WITNESS: I've given you my same

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1 answer about two or three times. I don't
2 know how to answer it any different.

3 BY MR. GEVERTZ:

4 Q. The truth of the matter is, sir, you had
5 already decided that you didn't want to return to the
6 City of Atlanta at this point, hadn't you?

7 MR. THERIOT: Objection. Assumes
8 facts not in evidence.

9 THE WITNESS: That's absolutely not
10 true. I had every intention of returning
11 back to the City of Atlanta.

12 BY MR. GEVERTZ:

13 Q. And this offensive fire attack would have
14 aided you in that goal, correct?

15 A. No. My conclusion had nothing to do with
16 either the Georgia Baptist Convention efforts or the
17 efforts on Mr. Ed Elliott.

18 MR. GEVERTZ: You need to take a
19 break?

20 (Off the video record discussion.)

21 THE VIDEOGRAPHER: This concludes
22 media number four in the deposition of
23 Kelvin Cochran. We're off the record at
24 4:12 p.m.

25 (A recess was taken.)

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1 THE VIDEOGRAPHER: This begins disk
2 number five in the video deposition of
3 Kelvin Cochran. We're back on the record
4 at 4:21 p.m.

5 BY MR. GEVERTZ:

6 Q. Mr. Cochran, how are you feeling?

7 A. Good.

8 Q. Able to continue?

9 A. Yes.

10 Q. The speech to the Georgia Baptist
11 Convention was not the only public speech that you
12 gave during the course of your suspension, was it?

13 A. Actually, I gave testimony I believe on
14 two other occasions.

15 Q. When were those other two? Excuse me,
16 where were those other two?

17 A. First Baptist Church, Newnan, Georgia, and
18 I believe it's called Liberty Baptist Church
19 somewhere in north Georgia.

20 Q. And those were both during the 30-day
21 suspension?

22 A. Yes, sir.

23 Q. During your speech at the First Bap -- is
24 the First -- yeah, the First Baptist Church in
25 Newnan, did you say at the beginning of your

1 testimony that "The invitation to speak was extended
2 based on a set of circumstances that I currently find
3 myself in while serving as fire chief in the City of
4 Atlanta"?

5 A. Yes.

6 Q. Did you go on to say that you wanted to
7 tell the congregation a little bit about a book that
8 you wrote that "Because of some of the content of
9 that book, I found myself in this situation of being
10 laid off for 30 days suspension without pay"?

11 A. If that's a part of that transcript, then
12 I can't deny it.

13 Q. Does it sound consistent with your memory?

14 A. Yes.

15 Q. Towards the end of that same speech,
16 testimony, did you say, "In the book I deal with
17 sexuality as God intended it. God intended for a man
18 and a woman to be married and to have children to
19 populate the earth, and that any sex outside of
20 marriage and outside of a man and a woman, outside of
21 holy matrimony is against the word of God, and for
22 that stand, I've been laid offer for 30 days without
23 pay"?

24 A. Well, if it's a part of that transcript.
25 Do you have an additional copy of that? It'd kind of

1 make this exchange a lot easier.

2 Q. Well, all I'm going to do is show you my
3 own transcript of what I think you said and my
4 question is --

5 A. Okay, yeah. And again, and I'm only
6 asking you that because I can't remember verbatim
7 what I said, but if that is a transcript of that
8 speech, then that would help me to recall better.

9 Q. Well, I'm happy to share it with you, but
10 it doesn't have much evidentiary value.

11 A. Okay.

12 (Exhibits 52 and 53 were marked for
13 identification.)

14 BY MR. GEVERTZ:

15 Q. So this is Exhibit 52.

16 MR. CORTMAN: For the record, what is
17 it?

18 BY MR. GEVERTZ:

19 Q. And I'm going to ask you to turn to what's
20 marked as page six of my transcript, towards the
21 back.

22 MR. CORTMAN: And this is a
23 transcript of what?

24 MR. GEVERTZ: Of PL 002487.

25 THE WITNESS: Is this the sermon that

1 I preached at First Baptist Newnan?

2 BY MR. GEVERTZ:

3 Q. It's the transcript of the audio that you
4 were provided, yes, sir.

5 A. Okay.

6 Q. And so my question is, if you look at
7 page six toward the middle of the page, can you
8 confirm for me that your reference and representation
9 about the circumstances of your suspension were
10 accurately transcribed, or at least consistent with
11 your memory of giving this speech?

12 A. Yes. Can you point me to the specific
13 line that you had read?

14 Q. Beginning here (indicating).

15 A. Okay. Yes.

16 Q. Thank you.

17 A. And I was simply explaining to them that
18 this book is not about sex and sexuality. I was
19 explaining to them what the theme of the book
20 actually was about.

21 Q. And you went beyond that to say that that
22 was the reason that you had been laid off for 30 days
23 without pay, correct?

24 A. Yes, because that's what was told me in
25 the meeting, the suspension meeting, and that's what

1 the mayor and Anne Torres had said publicly.

2 Q. Your employment was terminated on
3 January 6th of 2015; is that correct?

4 A. Yes.

5 Q. Steven Borders, was he the union
6 president?

7 A. Yes.

8 Q. So the union president had brought a copy
9 of your book to a city council member at the
10 inception of this brouhaha?

11 A. As per Bob Godfrey. That's the way I
12 understand it.

13 Q. To your knowledge, was the speech that you
14 gave in northern Georgia at Liberty Church or -- at
15 Liberty Church --

16 A. Yes.

17 Q. -- recorded?

18 A. I have no idea. I don't know.

19 Q. You've not seen a recording of it or --

20 A. No, sir.

21 Q. -- read a transcription of it?

22 A. No, sir.

23 Q. Did you pursue an opportunity with the
24 Mobile Alabama Fire Rescue Department?

25 A. No, sir.

1 Q. Were you informed that such an opportunity
2 existed?

3 A. Not that I can recall.

4 Q. Do you recall a gentleman by the name of
5 Chief Shane Phillips?

6 A. The name sounds familiar, yeah.

7 Q. Is he with the City of Orange Beach Fire
8 Rescue in Orange Beach, Alabama?

9 A. I cannot recall.

10 Q. Let me see if this will jog your memory.
11 So it seems to be, at least at first blush,
12 correspondence between yourself and the chief of the
13 Orange Beach, Alabama Fire Rescue Department. Does
14 that ring a bell?

15 A. Yes.

16 Q. And at the top he tells you that Mobile
17 Fire Rescue is hiring, two explanation points. Do
18 you recall seeing that e-mail?

19 A. It seems familiar.

20 Q. And so with that context, did you make any
21 effort to determine whether or not there was a
22 position suitable for you in Mobile, Alabama's Fire
23 Rescue Department?

24 A. No, sir. After Mayor-Elect Shirley Tyler
25 immediately and abruptly suspended our discussions

1 about coming on as a part of her staff at the City of
2 Shreveport, assistant chief administrative officer;
3 after five fire departments and one fire and rescue
4 university component, Maryland Fire and Rescue
5 immediately suspended agreements that we had in place
6 to do leadership training, I felt there was a futile
7 effort to pursue any position in a city government.

8 Because what happened to me swept across
9 the nation in every aspect of local government at the
10 city or county level because it was alleged that I
11 had discriminated against, you know, persons based
12 upon my religious beliefs and that I could not -- I
13 was no longer fit for public office.

14 Q. Who made those allegations?

15 A. They were made in various and sundry
16 assertions, you know, from the City of Atlanta, from
17 agents --

18 Q. Who in the City of Atlanta --

19 A. -- in the City of Atlanta.

20 Q. I'm sorry. I didn't mean to cut you off.

21 Who within the City of Atlanta at any
22 point in time ever asserted that you engaged in
23 mistreatment or discrimination against anybody within
24 the Atlanta Fire Department?

25 A. Mayor Kasim Reed.

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1 Q. When did he do that?

2 A. In the days that followed. He -- and I'll
3 paraphrase it. That my views are not consistent with
4 him or the administration, and he alluded to that,
5 you know, they -- that they would cause -- be
6 discriminate -- looked at it as discriminatory or --
7 I can't remember his exact words, but there are
8 plenty of records of him going on record with the
9 media, and social media stating that my views did not
10 reflect his views or the views, and because they do
11 not reflect the inclusion or -- that he actually
12 embraces as the mayor. He made those statements
13 publicly. And again, I'm paraphrasing them, you
14 know, not saying them as though they were quotes.

15 Q. But let's be clear. Even if we're
16 paraphrasing, there's a significant difference
17 between saying that you and he do not share the same
18 views with respect to inclusion and him saying that
19 you had engaged in some sort of discriminatory
20 behavior.

21 Are you alleging in this lawsuit -- do you
22 have any evidence of anyone affiliated with the City
23 of Atlanta at any point in time accusing you of
24 having engaged in such behavior?

25 A. To the best I can recall, statements that

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1 were being made from Mayor Reed and from Ms. Anne
2 Torres, the statements that were made to me in my
3 suspension meeting was that those views in the book
4 could actually create that kind of environment.

5 Q. Could create that environment?

6 A. That's correct.

7 Q. My question is, I'm sure you appreciate is
8 somewhat different. Did anybody affiliated with the
9 City of Atlanta at any point in time ever accuse you
10 of having engaged in discriminatory conduct towards a
11 subordinate?

12 A. Those were insinuations that were made as
13 I appreciated those comments.

14 Q. And you've given me all the things that
15 you say contribute to that insinuation?

16 A. As best as I can recall.

17 Q. Anybody else other than the mayor and the
18 communications director, Ms. Torres, who said
19 anything that you construe as a statement that you
20 had engaged in discriminatory conduct towards a
21 subordinate?

22 A. Based upon the collective statements that
23 I recall, those were the insinuations that they were
24 made as to the reason why I was laid off for 30 days.

25 Q. I want to make sure we're not talking past

1 each other.

2 A. Right.

3 Q. Let me rephrase the question, if you don't
4 mind.

5 Is there anyone you allege other than Reed
6 and Torres who made these statements about you?

7 A. The statement that was made by Councilman
8 Wan is an insinuation that having those beliefs would
9 actually create -- cause me to create an atmosphere
10 where that was the case because he said that having
11 those beliefs -- and I'm paraphrasing -- is fine, on
12 my own, but I have to check them at the door if I --
13 when I come to work for the City of Atlanta.

14 Q. Did Councilman Wan, to your knowledge,
15 ever say that you had engaged in discriminatory
16 conduct towards a subordinate?

17 A. No, but his insinuations were that if --
18 he was insinuating that if that's what I believe,
19 then, you know, I would create that kind of an
20 atmosphere in the workplace, which I had never done.

21 Q. In the meeting that you had with
22 Ms. Yancy, Mr. Godfrey, and Ms. Byrd, did any of them
23 say that you had engaged in discriminatory conduct or
24 harassing conduct towards a subordinate?

25 A. They pointed out those passages in the

1 book that we talked to, talked about earlier as, you
2 know, the things that caused me to be in that room
3 facing the 30-day suspension. I assume since they
4 were actually laying me off for 30 days, if they did
5 not believe that I had engaged in behaviors because
6 of what I expressed in that book, why would they lay
7 me off for 30 days?

8 So that in my rationale, you point out
9 these passages in the book as the reason why you're
10 in this office, and because of what you have stated
11 in this book you're going to be laid off for 30 days.
12 What conclusion could I draw other than if there's a
13 cause of action because of what's stated -- what I've
14 stated in the book, then they're saying that we
15 believe you've put into practices and policies where
16 you've expressed these views that have disadvantaged
17 people who may believe opposite to what you believe.
18 That was my conclusion.

19 Q. And you believe that's the only reasonable
20 interpretation of their words and deeds, correct?

21 A. Because I was the one who received the
22 adverse action based upon their statements that were
23 made, that was my reasonable interpretation.

24 Q. And that is the only reasonable
25 interpretation that you can imagine, correct?

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1 A. From my experience as the person who was
2 impacted by it, yes.

3 Q. During the course of that 30-day period,
4 were you supposed to participate in any sort of
5 sensitivity training?

6 A. Not during the 30 days.

7 Q. Thereafter?

8 A. As I recall, yes.

9 Q. Who informed you that that was part of the
10 discipline that was being meted out to you?

11 A. Yvonne Yancy.

12 Q. During the suspension meeting?

13 A. Yes.

14 Q. So if I understand correctly, not only did
15 you assume that you would be returning after 30 days,
16 Ms. Yancy was affirmatively telling you you're coming
17 back, and when you come back, there's going to be
18 diversity training? Am I hearing you correctly?

19 A. Specifically she said sensitivity
20 training.

21 Q. I'm sorry, sensitivity training.

22 A. Yes.

23 Q. And can you think of anything that
24 occurred between your suspension and your termination
25 that would have led the City to reach a different

1 conclusion, other than the battle plan and offensive
2 fire that was set into place?

3 MR. THERIOT: Objection.

4 Mischaracterization of his testimony.

5 THE WITNESS: I did not think that
6 those were causes to reach a different
7 conclusion. Neither did anything else
8 occur during that period that I thought
9 would lead to a different conclusion.

10 BY MR. GEVERTZ:

11 Q. I'm not sure I understood your answer.

12 Can you explain what you mean?

13 A. You pointed out the Georgia Baptist
14 Convention's efforts, and the efforts from the
15 churches in Virginia as things that could have led to
16 a different conclusion. I didn't see them as things
17 that could have led to a different conclusion.

18 Q. So can you conceive of anything that
19 happened between your suspension and your termination
20 that would have led the City to change its ultimate
21 discipline of you?

22 A. No.

23 MR. THERIOT: Object as the form.

24 THE WITNESS: No, sir, because I
25 complied with Candace Byrd's instructions.

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1 BY MR. GEVERTZ:

2 Q. To the letter?

3 A. Yes.

4 Q. And certainly the spirit of what she
5 meant, as best you can discern?

6 A. As best I can discern.

7 Q. Did you during the course of your
8 suspension have any communications with the COO,
9 Michael Geisler?

10 A. Yes.

11 Q. How many times do you recall speaking with
12 him?

13 A. I can recall one time. There could have
14 been more, but I can recall one because it was
15 specifically related to the day before the postings
16 that were mentioned in the Georgia Baptist
17 Convention's efforts to support me in my
18 circumstances. And I called him and specifically
19 said to him that it was going to happen that --

20 Q. I'm sorry, that what was going to happen?

21 A. The Georgia Baptist Convention plan for
22 supporting me and my suspension --

23 Q. The battle plan?

24 A. -- what they were doing.

25 Q. The battle plan?

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1 A. Yes.

2 Q. Okay. So you told him this is coming?

3 A. Yes, and that my testimony was going to be
4 posted on there and some other information. That I
5 encouraged him to go on there and listen to my
6 testimony, and to please inform the mayor that it was
7 coming, and that I did not actually solicit them to
8 do what they were doing.

9 Q. And how did Mr. Geisler respond?

10 A. He just shared with me that he would, you
11 know, give the mayor my message. He did inform me
12 that, you know, that the mayor was getting already a
13 lot of different forms of communications from around
14 the country regarding my situation, and I told him I
15 had nothing to do with it. That was before the
16 Georgia Baptist Convention did what they were going
17 to do.

18 Q. Did the two of you discuss anything else
19 during that conversation?

20 A. Not that I can recall.

21 Q. You've given me your best and fullest
22 memory of that conversation?

23 A. Yes, sir.

24 Q. Did Mr. Geisler tell you that the mayor
25 was receiving death threats?

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1 A. No. He told me that he was receiving a
2 lot of calls. I can't remember him specifically
3 mentioning that. He told me he was receiving a lot
4 of communications at work and at home. But I too,
5 also received death threats, so if that happened, I
6 can certainly understand it.

7 Q. That wasn't pleasant, was it?

8 A. No.

9 (Exhibit 54 was marked for
10 identification.)

11 BY MR. GEVERTZ:

12 Q. Next I'm going to show you Defendants'
13 Exhibit 54. Would you turn, please, to page 2097.
14 Do you recall sending this e-mail to Chrysta Johnson
15 of the Family Research Council?

16 A. Yes.

17 Q. And in here, I guess you're explaining the
18 ground rules or the preconditions for you being able
19 to speak before the Family Research Council?

20 A. Yes.

21 Q. And the first point was that the Alliance
22 Defending Freedom, ADF, would need to be informed of
23 the context of your presentation and approve in order
24 to protect the integrity of your case. What did you
25 mean by that?

1 A. Well, it was a -- after I was terminated,
2 I entered into the relationship with Alliance
3 Defending Freedom to be a client of theirs to
4 defend -- to take the legal actions in my case, and
5 just explained that since I was in a case under legal
6 representation that there was just certain guidance
7 that would be appropriate or necessary for me to
8 actually commit to the event.

9 Q. So you would need to have your comments
10 approved of before you were able to -- or excuse me.
11 You would -- you would need to be informed of and get
12 the ADF's approval of what you were supposed to be
13 talking about?

14 A. Not the approval of what I was to be
15 talking about, but they wanted to see the context of,
16 you know, the subject matter and the context of what
17 I would be talking about.

18 Q. I'm sorry. What's the difference between
19 what you said and what I said?

20 A. Maybe restate your question. I
21 misunderstood you.

22 Q. Sure. What exactly is it that you were
23 trying to convey to Ms. Johnson that the ADF needed
24 to review and approve? I know it says context of
25 your presentation. My question is what does that

1 mean?

2 A. There were certain guidelines that because
3 of the nature of my case --

4 MR. THERIOT: I'm going to object to
5 the extent that it includes attorney-client
6 information. So you can tell him -- don't
7 talk to him about what I said to you or
8 what anybody from ADF said to you or what
9 you said to us, but you can talk to them
10 about what they needed to do.

11 THE WITNESS: I don't think I
12 completely understand.

13 BY MR. GEVERTZ:

14 Q. Let me try to rephrase the question.
15 Maybe it'll help.

16 I don't want you to tell me anything that
17 Kevin or anybody with the ADF talked to you about. I
18 don't want to know what the ADF would say in response
19 to any of this. I'm simply asking you when you tell
20 Ms. Johnson that the ADF needs to be informed of the
21 context of your presentation and approve it, what did
22 those words mean?

23 A. They would need to know what do they want
24 me to talk about.

25 Q. Okay.

1 A. And based upon the subject matter, you
2 know, it would give me some guidance on, you know,
3 talking about that particular issue or topic.

4 Q. Was it -- were you telling them that the
5 ADF needed to pre-approve the context before you
6 could commit?

7 A. From the standpoint of their -- from their
8 legal -- from their counsel. Essentially this ended
9 up being a brief version of my testimony that I had
10 shared in previous occasions, which was what they
11 needed to know.

12 Q. But you were okay with another
13 organization reviewing and approving of the context
14 before you were able to speak?

15 A. As my legal counsel, yes.

16 (Exhibit 55 was marked for
17 identification.)

18 BY MR. GEVERTZ:

19 Q. Next I'm showing you Defendants'
20 Exhibit 55. Are you familiar with this document?

21 A. Yes.

22 Q. What is it?

23 A. It's a compilation of all the speaking
24 engagements I had in 2015.

25 Q. And did you in fact deliver each of these

1 speeches?

2 A. Yes.

3 Q. And were you provided an honorarium and
4 travel and lodging expenses for each of them?

5 A. For most of them.

6 Q. It's a pretty packed schedule; would you
7 agree?

8 A. Yes.

9 Q. And, further, you in 2016 ended up
10 providing testimony before the House Committee; is
11 that correct?

12 A. Yes.

13 Q. Thank you.

14 Was there an incident in 2012 involving a
15 couple of firefighters who went to eat at a
16 Chick-fil-A?

17 A. Yes.

18 Q. Do you recall their names?

19 A. No.

20 Q. Was the context of this visit shortly
21 after Dan Cathy had gone public about his views on
22 gay marriage?

23 A. Yes.

24 Q. Am I correct in understanding that one of
25 those firefighters took a picture of them eating at

1 the Chick-Fil-A and posted it on Facebook?

2 A. Yes.

3 Q. And that picture depicted the two of them
4 in uniform or some aspect of the fire department?

5 A. I don't recall that it was more than two.
6 They were in uniform, and they were on duty at
7 Chick-fil-A.

8 Q. You're right. There were two firefighters
9 who were ultimately disciplined for this event,
10 though?

11 A. Yes.

12 Q. But how many firefighters do you recall
13 were involved in the incident?

14 A. As I recall, in the picture it was the
15 crew, the crew that was there. I can't remember the
16 crew, but it was the crew that was there. But those
17 that ended up receiving discipline were two, one of
18 which was not a part of the crew in the picture, as I
19 recall.

20 Q. And the posting that was placed on
21 Facebook originally said words to the effect of our
22 battalion supports Chick-fil-A?

23 A. I remember the part about "we support
24 Chick-fil-A."

25 Q. Then there was I guess another firefighter

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1 who took the picture, and I guess reposted or
2 forwarded it along with words to the effect of glad
3 to see you all fags are not too bitter. Do you
4 recall that?

5 A. Yes.

6 Q. And I guess the picture and the commentary
7 was supposed to imply that the two firefighters in
8 the picture were supposed to be gay. Is that how you
9 interpreted it?

10 A. No, sir.

11 Q. "Glad to see you all fags are not too
12 bitter" with a picture of two firefighters eating at
13 Chick-fil-A, but you didn't understand that to be the
14 implication?

15 A. No, I didn't understand that was the
16 implication from that message.

17 Q. What did you understand the message meant?

18 A. I thought it -- what I honed in on was the
19 word "fag," and that it was a word that was used that
20 is offensive to the LGBT community. I didn't see the
21 statement that was connected to the personnel that
22 was in the picture.

23 Q. I'm sorry. You said that the word "fag"
24 is offensive to the LGBT community? Do you find it
25 offensive to the community or just that --

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1 A. Well, it's an offensive word period.

2 Q. Are you offended by it?

3 A. Yes.

4 Q. And then if I understand correctly, a
5 member of the public saw that posting and that
6 caption "glad to see y'all fags are not too bitter,"
7 and brought it to the attention of the fire
8 department, correct?

9 A. And brought it to my attention.

10 Q. This person said that they were offended?

11 A. As I recall.

12 Q. That they suspected that the LGBT
13 community would be offended by it?

14 A. As I recall, it was an e-mail. If you've
15 got an additional copy, it would sure help.

16 Q. In that e-mail do you recall that civilian
17 enlisting your support to do something about this?

18 A. Yes.

19 Q. And in response you said that that posting
20 was unacceptable, correct?

21 A. That's correct.

22 Q. You ordered that that posting be taken
23 down, correct?

24 A. As I recall.

25 Q. The person who originally posted the photo

1 of the two firefighters eating at Chick-fil-A, but
2 without the inappropriate language, was recommended
3 to be suspended. Do you recall that?

4 A. Yes.

5 Q. The recommendation was for a four-day
6 suspension, wasn't it?

7 A. As I recall.

8 Q. And you in fact suspended that individual,
9 correct?

10 A. Yes.

11 Q. But you reduced their suspension from a
12 four-day recommendation to a one-day suspension,
13 right?

14 A. Whenever there are suspensions, we have a
15 disciplinary review panel. To really do this line of
16 question justice, it really starts with a citizen's
17 complaint. I would have had no knowledge of what had
18 occurred, had that citizen not, I believe sent me an
19 e-mail directly addressing his concern about what had
20 been posted.

21 After talking to him on the phone and
22 hearing his concerns, our policy, whether I received
23 that or someone else as a member of our department,
24 is to submit the process for a complaint to be filled
25 out and for an internal affairs investigation to

1 actually take place.

2 The internal affairs investigation is to
3 determine whether there is evidence that supports a
4 rule or policy violation, or rule or policy
5 violations, plural; and if in fact that's the case,
6 the investigation would end up being sustained, which
7 means we found that there's evidence that violates
8 work rules or policies. That was the case in these
9 two guys.

10 When it gets to that point, all sustained
11 complaints go before a disciplinary review panel,
12 which consists of the four deputy chiefs, the four --
13 the six assistant chiefs, a representative from the
14 union, the local of the International Association of
15 Firefighters.

16 We have a black firefighter's association.
17 They have their representative on there. And we have
18 a civilian union. They have a representative on the
19 disciplinary review panel. Their job is, once
20 complaints are sustained and there's evidence that
21 supports rule violations, to look at our guidelines
22 for discipline and to make a minimum recommendation
23 and a maximum recommendation.

24 And my rule of thumb has always been when
25 a person has a first offense or it's been a long time

1 since they have done -- I think we had a prescribed
2 period for a long time ago, a reckoning period I
3 believe is what it was called, before a last
4 discipline, and they accepted responsibility for
5 their action, then I consistently went with the
6 minimum of that range. That's why he received the
7 one-day suspension as opposed to the four-day
8 suspension.

9 Q. So instead of the four, you reduced it to
10 one, correct?

11 A. Yes.

12 Q. The firefighter who then reposted the
13 Facebook picture and wrote the words "Glad to see
14 y'all fags are not too bitter," it was recommended
15 that he be terminated, correct?

16 A. That would have had to have been a range.
17 Again, it's just not one -- you know, the panel
18 always submits a range, and so, you know, I would
19 have to see what the range was based upon their
20 report or a policy.

21 Q. Do you recall there being a recommendation
22 from the panel that his employment be terminated?

23 A. Again, if it was from the panel,
24 termination is the maximum end of any action, so
25 there would have had to be a minimum range that was

1 recommended.

2 Q. I know, but we're talking past each other.
3 I understand that there's a range.

4 A. Right.

5 Q. But ultimately the panel doesn't say,
6 here's the range because there wouldn't be a need for
7 a panel if that were that all happened?

8 A. That's not correct.

9 Q. The panel in this case made a specific
10 recommendation for termination. Do you recall that?

11 A. What I'm saying to you, it's based on our
12 policy. The panel always submit a range of
13 discipline, a maximum and a minimum.

14 Q. And in that case, do you believe that they
15 recommended anything other than the termination of
16 employment for this gentleman?

17 A. Based upon our practices, I would say they
18 would have had to recommend a minimum.

19 Q. What was the discipline that you
20 ultimately handed down to this gentleman?

21 A. To the best of my recollection, it was a
22 30-day suspension.

23 Q. Thirty days, you said?

24 A. As I can recall.

25 Q. Thirty days for writing the word "fag"?

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1 A. Yes.

2 Q. Atlanta Fire Rescue Department's
3 statements matter to the community; would you agree?

4 A. Yes.

5 Q. You recognize the impropriety of that
6 statement, correct?

7 A. Of using that word, yes.

8 Q. You recognize that it was at odds with the
9 culture of the fire department that you were
10 attending to and attempting to build, correct?

11 A. That's correct.

12 Q. You recognized the damage it could do to
13 the fire department's relationship with the
14 community, correct?

15 A. That's correct.

16 Q. But you think that that's completely
17 different than your publication stating that gays
18 were naked and thus naked people have the following
19 characteristics and whatnot, correct?

20 A. I want to set the record straight. I
21 didn't call gays naked. Those 17 works of the flesh
22 in the entirety of my book talked about what the
23 Bible indicates as the sin nature and the sin
24 condition. I didn't single out any one sin or any
25 people group within the context of my book.

1 Q. Well, that's fair because you also stated
2 that non-Christians were naked, correct?

3 A. Yes. And again, I'll refer your memory to
4 everything in the context of the book that I wrote
5 are supported by biblical scriptures in the Old
6 Testament and in the New Testament. Specific
7 references that I made were cited. The sources are
8 in the back of the book. The definitions that we've
9 been talking about did not single out one type of
10 sin. It was 17. All the definitions were listed.

11 Q. In short, what I think you I hear you
12 saying is, all I'm doing is reciting what's in the
13 Bible.

14 A. That's correct, to an audience of
15 Christian men who struggle with condemnation.

16 Q. Consequently, there was no ill intent on
17 your part, correct?

18 A. That's correct.

19 Q. And consequently, any ramifications of
20 that writing were entirely unintended?

21 A. Completely. I wrote that book on my own
22 time, published it with my own funds outside of the
23 scope of my official capacity as fire chief with the
24 permission of Nina Hickson, who understood what the
25 content of the book.

1 The difference between my situation and
2 the Chick-fil-A situation, those gentlemen were on
3 duty in their official capacity when he wrote -- when
4 he took the picture. That was the entire crew. When
5 he posted, "We support Chick-fil-A" under that
6 caption, it was as though he was speaking on behalf
7 of the entire Atlanta Fire Rescue Department. The
8 gentleman who used that awful word, even though it
9 was -- he was not a part of that crew, that word in
10 itself produced evidence of a work rule violation,
11 and therefore, he actually received the consequences
12 that he did.

13 Q. And the consequences he received were just
14 and fair in your opinion, correct?

15 A. Because it was a part of an investigation,
16 they were extended due process. Evidence supported
17 that it was against a rule or policy in both cases.
18 The gentleman who received the one-day suspension,
19 that scenario if he would have took a picture at home
20 with his family and posted it on his Facebook page
21 saying "We support Chick-fil-A," that would not have
22 warranted an action on our part, but because he did
23 that in his official capacity, they were on duty at
24 the time, then that's why his actually ended up being
25 a work rule violation.

1 Q. It was his association with the fire
2 department that brought it into your purview?

3 A. On duty, in uniform.

4 Q. But the gentleman who reposted it, you
5 don't know if he was on duty or not at the time?

6 There was --

7 A. No.

8 Q. -- no such finding? And you don't know
9 whether or not he was using -- wearing his uniform
10 when he made that posting or not, do you?

11 A. No, but what I do know is the internal
12 affairs investigation found evidence that sustained
13 that it was a violation of a work rule, and that's
14 what brought me in the picture to submit that to the
15 disciplinary review panel.

16 Q. In short, night and day situations, apples
17 and oranges, no comparison appropriate, correct?

18 A. In my opinion.

19 Q. You write in your interrogatory responses
20 that you understand that there was a meeting between
21 the mayor and some individuals or leaders within your
22 church at some point in time, I believe during the
23 course of your suspension.

24 A. Yes.

25 Q. Do you have firsthand knowledge of what

1 was said there? Were you present? Did you hear a
2 tape recording?

3 A. No. A couple of the members that were
4 participants or who attended that meeting at the time
5 told me that they were in the meeting and what the
6 meeting was about.

7 Q. And what was -- what was -- what is your
8 best and fullest understanding of what was said at
9 that meeting by them and by the mayor?

10 A. As best I recall, the mayor was explaining
11 the reasons for the action that he took against me.

12 Q. What did he say, as best you know?

13 A. I cannot -- it would be futile for me to
14 even try to attempt to explain anything further than
15 that.

16 Q. Okay.

17 A. I would do it just --

18 Q. We've exhausted your knowledge on that
19 topic?

20 A. Right.

21 Q. I understand. Did the church, did the
22 Elizabeth Baptist Church in any way finance the
23 publication of your book?

24 A. No.

25 Q. Did they in any way provide you with the

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1 money to publish your book?

2 A. No.

3 Q. Did anyone there ask you or direct you to
4 publish your book?

5 A. No.

6 Q. Did anyone within the leadership of that
7 organization encourage you to publish that book?

8 A. No.

9 Q. How is it that you came to come to work at
10 the Elizabeth Baptist Church?

11 A. During my termination, my pastor
12 approached me and said, Hey, I have a need for a
13 chief administrative officer. At that time, he was
14 calling it an administrative pastor, and felt that my
15 skill sets would be a good fit to fit that -- to meet
16 that need. And by August of that year, we had worked
17 out everything to where I actually went to work for
18 Elizabeth Baptist Church.

19 Q. Had you applied for any jobs anywhere
20 between the time of your suspension and the time of
21 that offer?

22 A. Not any other jobs other than Elizabeth
23 Baptist Church, again, because of the terms that was
24 publicly conveyed surrounding my suspension and
25 subsequent termination. Really the impact began from

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1 the very outset of my suspension. My career and
2 reputation that I worked 34 years, just at the
3 allegations of impropriety based upon what I
4 expressed in my book, immediately caused the mayor
5 elect of the city of Shreveport to suspend
6 discussions about the possibility of bringing me on
7 as assistant CAO, and immediately eliminated five
8 agreements that I had to do professional development
9 in five different cities and one college.

10 I felt based upon that, that was just a
11 sample of what would take place even around the
12 country because of the wide-scale publicity that my
13 suspension and termination had experienced.

14 One of the challenges that I actually
15 experienced was even in obedience to Candace Byrd's
16 direction to not do any media interviews, the mayor
17 and his team continued to talk to the media, making
18 the statements that they were making, posted segments
19 from my book that was continually destroying my
20 reputation. I felt it would have been a futile
21 effort and to pursue to put in an application because
22 of the immediate damage that was caused.

23 Q. I'm sorry. I hadn't limited my question
24 just to fire chief or even fire department positions.
25 My question was had you applied for any job between

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1 the time of your inception and the time that you
2 accepted the position at the Elizabeth Baptist
3 Church.

4 MR. THERIOT: Objection as to form.

5 THE WITNESS: I considered myself to
6 be employed in ministry because of the vast
7 requests that I had to preach in churches
8 all over the state of Georgia and in the
9 country. So I had a source of income to
10 meet the needs of my family through
11 preaching and teaching up until the point
12 that I became a full-time staff member at
13 Elizabeth Baptist Church.

14 BY MR. GEVERTZ:

15 Q. Am I hearing you correctly -- and these
16 are my words, not yours -- that you were effectively
17 serving as a preacher anyway?

18 A. What do you mean, prior or --

19 Q. From the course of your suspension and
20 certainly following your termination.

21 A. Yes. Well, I was -- I don't consider the
22 two times that -- well, the three times counting the
23 testimony at the job, the Georgia Baptist Convention,
24 and the two times with the two -- with council with
25 the two churches as --

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1 Q. No, sir. I'm talking about Exhibit 55.

2 A. Right. This is after termination?

3 Q. Yes, sir.

4 A. Right.

5 Q. That is my question.

6 A. Right.

7 Q. Following your suspension, and certainly
8 following your termination, did you effectively think
9 that you were already a minister or preaching?

10 A. Well, I was -- I was preaching, not as a
11 means of a livelihood, before I was terminated. I
12 was not preaching as a form of livelihood. The only
13 request, as I can recall, two requests I had prior to
14 my being terminated in preaching in 2014, Galilee
15 Baptist Church, and that was not even a preaching
16 engagement. That was just to come on and give the
17 congregation an overview of what was the book was and
18 what it was about and provide them an opportunity to
19 get a copy.

20 So the only preaching that I did that year
21 was at the church in Tallahassee, Florida. I had no
22 preaching opportunities prior to that. Preaching
23 became a necessity, first of all, because it's a
24 blessing. It's a privilege for someone to actually
25 come to preach, but it's just a part of the culture

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1 when you're asked to come and preach that
2 congregations or pastors will either give you a love
3 offering or an honorarium and the cost of the demand
4 for that.

5 Most of those were scheduled between
6 January and June, and so I had a full slate of
7 preaching and teaching opportunities that I knew was
8 going to generate some form of income for my family.

9 MR. THERIOT: Can I just interject?
10 I'm just curious how we're doing on time.

11 THE VIDEOGRAPHER: We have
12 14 minutes, 13-and-a-half.

13 MR. THERIOT: Okay.

14 BY MR. GEVERTZ:

15 Q. Did you understand the mayor to have taken
16 a position, a policy stand in support of LGBT
17 marriage rights?

18 A. I recall that, but I recall prior to that
19 he had made just as strong of a stand of his biblical
20 support, his view of biblical marriage prior to that.
21 And that was the Mayor Reed that I came back to work
22 for, and it was under that context. That wasn't the
23 reason why, but I can recall him being just as
24 adamant about his position on what I reference as
25 biblical marriage and sexuality before he made that

1 decision.

2 Q. I think I caught that you understood that
3 the mayor had, and the City had a public position in
4 favor of LGBT rights, including the right to
5 marriage, correct?

6 A. I knew it was the mayor's position. I
7 didn't know that there was some formal step taken to
8 codify that.

9 Q. And I'm not suggesting that there was.

10 A. Right.

11 Q. But it would be similar to, in many ways,
12 the position that the fire department had taken with
13 respect to inclusion and diversity among its ranks,
14 correct?

15 A. Yes. And I embraced it from that
16 standpoint, from a city government. I lived it out
17 before that public decision was made to be inclusive
18 and diverse and tolerant and lived it out in every
19 case. The City's own investigation, talked to
20 members of our department, who identified as LGBT,
21 who were asked prior to that happening, prior to my
22 book, do you have any problems with Chief Cochran.
23 Essentially they said, no. Now that we know how he
24 thinks and believes, we have a problem with it.

25 So I believed that if in fact the City --

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1 I have no reason to believe different, that if the
2 mayor was going to change his position that he had
3 previously spoke not in favor of, it was certainly
4 going to demonstrate the same level of tolerance that
5 he did on religion issues, racial issues, and any
6 other issues that comprised diversity within city
7 government of Atlanta. I had no clue that tolerance
8 would end when it comes to your view on marriage and
9 sexuality.

10 Q. I understood everything you said. I just
11 think we're talking past each other. My question was
12 did you understand that the City and the mayor had a
13 position on LGBT rights, and was it similar in some
14 respects to the position that the fire department
15 espoused?

16 A. I answered that question, that I did
17 understand that the mayor changed his position on
18 marriage and sexuality. But the connection for one
19 of the isms, sexism, racism, all those isms, we had
20 already established a position of ism-free, that we
21 would not allow our diverse views to influence the
22 cohesion, the unity, the tolerance of how we treated
23 one another or how we treated the public.

24 Q. Yes. And were you also aware that the
25 city code was amended to prohibit discrimination

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1 based on sexual orientation?

2 MR. THERIOT: Objection as to
3 characterization of the code.

4 THE WITNESS: I don't remember that,
5 specifically seeing that or that it was
6 actually done. But I would reemphasize
7 that what we did, this diverse group of men
8 and women from all backgrounds, we did the
9 very exact same thing. We had that in
10 place with the Atlanta Fire Rescue
11 doctrine, if that was done even before it
12 was done.

13 BY MR. GEVERTZ:

14 Q. To your knowledge, did anyone from the
15 City of Atlanta speak with the City of Shreveport in
16 order to influence it not to hire you?

17 A. Not to my knowledge, but they spoke very
18 loudly in the media as to the consequences
19 surrounding my suspension, which is the suspension
20 caused that negotiation to end. It didn't even last
21 up to the termination.

22 Q. Who do you understand made the decision to
23 suspend your employment?

24 A. Based upon the meeting I had with Candace
25 and Yvonne and Bob, it was the mayor.

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1 Q. Who do you understand made the decision to
2 terminate your employment?

3 A. Based upon my meeting with Mike Geisler,
4 Yvonne, and Mike Godfrey, it was the mayor.

5 Q. What was said in your termination meeting?

6 A. To the best I can recall, it was stated
7 that I didn't get permission, that the investigation
8 was conducted. The conclusion was I didn't get
9 permission because Nina Hickson did not recall giving
10 me permission.

11 It was stated that the investigation
12 revealed that I did not discriminate against anyone
13 that identified as LGBT, and that the people that
14 were interviewed were asked if it was possible for me
15 to lead the fire department without influencing it by
16 my faith. And every one of them said, we don't think
17 that he can lead the fire department without his
18 faith influencing his leadership.

19 And the other thing was that you gave the
20 copy to the members of the department on duty. No
21 mention that they were all Christian men and that
22 they were -- had personal connections, and that none
23 of them were offended by that.

24 Q. Were your speeches or your testimony that
25 was recorded or otherwise made public referenced

1 during your termination meeting, the Georgia Baptist
2 Convention speech, for example?

3 A. No. That was one. The only one that was
4 referenced, as I can recall, was my testimony at the
5 First Baptist Church in Newman.

6 Q. Who referenced that during your
7 termination meeting?

8 A. Yvonne Yancy.

9 Q. Do you recall anything else that was said
10 during that meeting?

11 A. To the best of my memory, I have shared
12 with you initially what I remember. Your question
13 did cause me to remember about the Newnan church. So
14 other than that, you know, that's all I can remember,
15 as best as I can recall at this time.

16 Q. Okay. And how did you respond?

17 A. Well, I shared with her that I was giving
18 my testimony in a worship service, in the context of
19 a worship service, that I did not conduct a media
20 interview. Neither did I solicit opportunities with
21 the news media at that church. I was sharing my --
22 was at a worship, and I was the one on for the
23 sermonic message that day.

24 Q. Mr. Cochran, have you told me the truth as
25 best you are able to today?

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1 A. As best as I'm able to, sir.

2 Q. Is there anything you need to tell me to
3 more accurately reflect the course of events that
4 occurred during your employment as we've discussed
5 them here today?

6 MR. THERIOT: Object as to form.

7 BY MR. GEVERTZ:

8 Q. Well, are there any changes you need to
9 make to your testimony to make it more truthful,
10 accurate, or complete?

11 A. I have testified to the very best of my
12 ability as truthfully as I know how on every question
13 that has been asked me today.

14 Q. And you know of no error, innocent or --
15 innocent -- including innocent errors that you've
16 made in your testimony today --

17 A. No, sir.

18 Q. -- is that right?

19 MR. GEVERTZ: Thank you, sir. I
20 don't have any further questions of you
21 today. I believe that there are
22 outstanding discovery issues between the
23 parties that we can resolve without you
24 being present, hopefully, but I think we'll
25 suspend. Thank you.

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1 MR. THERIOT: We have no questions.

2 THE VIDEOGRAPHER: This concludes
3 media number five in the video deposition
4 of Kelvin Cochran. We're off the record at
5 5:19 p.m.

6 (Off the video record discussion.)

7 MR. THERIOT: If you would just
8 e-mail a copy of the rough to us. And then
9 we'd like a copy of the transcript
10 electronically.

11 (Deposition was adjourned at 5:19 p.m.)

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1 E R R A T A S H E E T

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

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

12 - - -

13 I, the undersigned, KELVIN J. COCHRAN, do hereby
14 certify that I have read the foregoing deposition and
15 that to the best of my knowledge said deposition is
16 true and accurate (with the exception of the
17 following corrections listed below).

18 Page_____ Line_____ should read:_____

19 Reason for change:_____

20 Page_____ Line_____ should read:_____

21 Reason for change:_____

22 Page_____ Line_____ should read:_____

23 Reason for change:_____

24 Page_____ Line_____ should read:_____

25 Reason for change:_____

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1 Page_____ Line_____ should read:_____

2 Reason for change:_____

3

4 Page_____ Line_____ should read:_____

5 Reason for change:_____

6

7 Page_____ Line_____ should read:_____

8 Reason for change:_____

9

10 Page_____ Line_____ should read:_____

11 Reason for change:_____

12

13 Page_____ Line_____ should read:_____

14 Reason for change:_____

15

16 Page_____ Line_____ should read:_____

17 Reason for change:_____

18 _____
Signature

19

20 Sworn to and Subscribed before me

21 _____, Notary Public.

22 This_____ day of _____, _____.
My Commission Expires: _____

23

24

25

ESB

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

2

3 G E O R G I A:

4 FULTON COUNTY:

5

6 I hereby certify that the
7 foregoing deposition was reported, as
8 stated in the caption, and the questions
9 and answers thereto were reduced to the
10 written page under my direction; that the
11 foregoing pages 1 through 317 represent a
12 true and correct transcript of the evidence
13 given. I further certify that I am not in
14 any way financially interested in the
15 result of said case.

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

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

23

24

25

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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 20th day of February, 2017.

16
17 

18 _____
19 SUZANNE BEASLEY, B-1184
20 My commission expires on the
21 24th day of August, 2018.

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