

FREEDOM COURT REPORTING

Page 1	Page 3
<p>1 UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 CIVIL ACTION NO.: 06-BE-0408-E 5 SHARON L. RUTHERFORD, 6 7 Plaintiff, 8 vs. 9 CONSOLIDATED PUBLISHING CO., 10 INC., d/b/a The Anniston Star, 11 Defendant. 12 DEPOSITION OF: SHARON RUTHERFORD 13 10:30 A.M. 14 APRIL 10, 2007 15 16 In accordance with Rule 5(d) of The Alabama 17 Rules of Civil Procedure, as Amended, 18 effective May 15, 1988, I, Cindy C. Goldman, 19 am hereby delivering to Mr. James C. Ayers the 20 original transcript of the oral testimony 21 taken on the 10th day of April, 2007, along 22 with exhibits. 23</p>	<p>1 2 3 4 STIPULATIONS 5 (continued) 6 7 IT IS FURTHER STIPULATED AND AGREED that it 8 shall not be necessary for any objections to 9 be made by counsel to any questions except as 10 to form or leading questions, and that counsel 11 for the parties may make objections and assign 12 grounds at the time of trial or at the time 13 said deposition is offered in evidence or 14 prior thereto. 15 16 IT IS FURTHER STIPULATED AND AGREED that 17 the notice of filing of the deposition is 18 waived. 19 20 21 22 23</p>
Page 2	Page 4
<p>1 STIPULATIONS 2 3 IT IS STIPULATED AND AGREED by and between 4 the parties through their respective counsel 5 that the deposition of Sharon Rutherford, a 6 witness in the above-entitled cause may be 7 taken before Cindy C. Goldman, a Court 8 Reporter and Notary Public for the State of 9 Alabama, at 1302 Noble Street, Suite 3-H, 10 Anniston, Alabama, on the 10th day of April, 11 2007, commencing at 10:30 a.m., pursuant to 12 the Alabama Rules of Civil Procedure. 13 14 15 IT IS FURTHER STIPULATED AND AGREED that 16 the signature to and the reading of the 17 deposition by the witness is waived, the 18 deposition to have the same force and effect 19 as if full compliance had been had with all 20 laws and rules of court relating to the taking 21 of the depositions. 22 23</p>	<p>1 APPEARANCES 2 3 Appearing On Behalf Of The Plaintiff: 4 WIGGINS, CHILDS, QUINN & PANTAZIS, LLC 5 Ms. Candis A. McGowan 6 Ms. Ann Robertson 7 The Kress Building 8 301 19th Street 9 Birmingham, Alabama 35203 10 205/314/0500 11 12 Appearing On Behalf Of The Defendant: 13 JAMES C. AYERS, JR. 14 Attorney at Law 15 2112 11th Avenue South 16 Suite 202 17 Birmingham, Alabama 35205 18 205/251/8110 19 20 Reported By: 21 Cindy C. Goldman 22 Freedom Court Reporting 23 367 Valley Avenue Birmingham, Alabama 35209</p>

1 (Pages 1 to 4)

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FREEDOM COURT REPORTING

Page 5	Page 7																														
<div style="text-align: center; margin-bottom: 10px;">INDEX</div> <p>1 Witness:</p> <p>2 Sharon Rutherford</p> <p>3 Page</p> <p>4 Examination by Mr. Ayers.....6</p> <p>5 Reporter's Certificate.....301</p> <p>6 EXHIBITS</p> <p>7 DEFENDANT'S EXHIBITS</p> <table style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="font-size: small; text-align: left;">Exhibit No.</th> <th style="font-size: small; text-align: left;">Description</th> <th style="font-size: small; text-align: left;">Page</th> </tr> </thead> <tbody> <tr> <td>5</td> <td>Memo to Mr. Sanguinetti</td> <td>204</td> </tr> <tr> <td>11</td> <td>Memo to Ms. Rutherford</td> <td>208</td> </tr> <tr> <td>12</td> <td>Memo to Robert Jackson</td> <td>277</td> </tr> <tr> <td>13</td> <td>Letter to Mr. Sanguinetti</td> <td>281</td> </tr> <tr> <td>14</td> <td>Memo to Robert Jackson</td> <td>282</td> </tr> <tr> <td>15</td> <td>Newspaper Article</td> <td>283</td> </tr> <tr> <td>16</td> <td>Newspaper Article</td> <td>284</td> </tr> <tr> <td>17</td> <td>Letter to Mr. Ayers</td> <td>287</td> </tr> <tr> <td>18</td> <td>Letter to Mr. Ayers</td> <td>288</td> </tr> </tbody> </table>	Exhibit No.	Description	Page	5	Memo to Mr. Sanguinetti	204	11	Memo to Ms. Rutherford	208	12	Memo to Robert Jackson	277	13	Letter to Mr. Sanguinetti	281	14	Memo to Robert Jackson	282	15	Newspaper Article	283	16	Newspaper Article	284	17	Letter to Mr. Ayers	287	18	Letter to Mr. Ayers	288	<p>1 A. I do. But before we get started,</p> <p>2 I'd like to set the record straight on a</p> <p>3 couple of items that I had thought about that</p> <p>4 you asked me after we left.</p> <p>5 Q. Okay.</p> <p>6 A. Back when we were talking about the</p> <p>7 sexual harassment and hostile work</p> <p>8 environment, back at the beginning when Tricia</p> <p>9 and Ed, I thought of a couple of important</p> <p>10 things that I feel like is important to me,</p> <p>11 and I'd like to have them on the record. One</p> <p>12 of them being that the "rumor" as they had it</p> <p>13 when --</p> <p>14 MS. ROBERTSON: She did air quotes.</p> <p>15 I don't know if you saw her. For the record,</p> <p>16 she did air quotes.</p> <p>17 THE WITNESS: Some of the things I'm</p> <p>18 telling you are quoted from other people, you</p> <p>19 know, in the office.</p> <p>20 When Sandy Fowler caught Ed Fowler</p> <p>21 and Tricia Fowler coming out of a motel in</p> <p>22 Lenlock called the Royal Inn, and she made</p> <p>23 pictures for the divorce settlement, these</p>
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18	Letter to Mr. Ayers	288																													
Page 6	Page 8																														
<p>1 I, Cindy C. Goldman, a Court</p> <p>2 Reporter and Notary Public for the State of</p> <p>3 Alabama, acting as Commissioner, certify that</p> <p>4 there came before me at 1302 Noble Street</p> <p>5 Anniston, Alabama, on April 10, 2007,</p> <p>6 beginning at 10:30 a.m., Sharon Rutherford,</p> <p>7 witness in the above cause, for oral</p> <p>8 examination, whereupon the following</p> <p>9 proceedings were had:</p> <p>10 SHARON RUTHERFORD</p> <p>11 having been first duly (affirmed) sworn,</p> <p>12 testified as follows:</p> <p>13 COURT REPORTER: Usual Stipulations?</p> <p>14 EXAMINATION BY MR. AYERS:</p> <p>15 Q. Okay. Ms. Rutherford, we're going</p> <p>16 to continue from last week with your</p> <p>17 testimony.</p> <p>18 What was the problem with the</p> <p>19 discount children's wear account, do you</p> <p>20 remember that issue?</p>	<p>1 were some things being talked about in the</p> <p>2 office. And, also, she came up to the Star</p> <p>3 and she sat out there in her car, and she</p> <p>4 called in and asked for Ed Fowler through the</p> <p>5 switchboard, and he wasn't in his office, and</p> <p>6 she said, "Send me to Tricia Flint's office."</p> <p>7 And there he was sitting in there. Everybody</p> <p>8 in the office was so nervous and so upset. We</p> <p>9 had done heard about the other.</p> <p>10 These are the kinds of things where</p> <p>11 we're frightened. You never know what a</p> <p>12 jealous spouse is going to do. I just wanted</p> <p>13 to point out how -- this is some instances</p> <p>14 where people could fear for their lives under</p> <p>15 working in a sexual harassment and hostile</p> <p>16 working environment.</p> <p>17 Q. Okay. Let me just ask you a couple</p> <p>18 questions about that.</p> <p>19 As far as any photographs of</p> <p>20 Mr. Fowler and Ms. Flint at a hotel, did you</p> <p>21 ever see any photographs?</p> <p>22 A. There was rumor has it that Sandy</p> <p>23 Fowler had told that she made photos of them</p>																														

2 (Pages 5 to 8)

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FREEDOM COURT REPORTING

Page 9	Page 11
<p>1 coming out for the divorce settlement.</p> <p>2 Q. You told me that. I'm just asking</p> <p>3 you did you ever see the photographs?</p> <p>4 A. No, I didn't actually see them. But</p> <p>5 these were some things that were talked about</p> <p>6 in the office at the time.</p> <p>7 Q. Okay. And as far as whoever was</p> <p>8 making these statements, were the statements</p> <p>9 coming from persons other than Ed Fowler and</p> <p>10 Patricia Flint?</p> <p>11 A. This was the office talk.</p> <p>12 Q. Okay. Well, do you remember</p> <p>13 specifically who told you about the hotel</p> <p>14 photographs?</p> <p>15 A. Not exactly.</p> <p>16 Q. All right.</p> <p>17 A. Several people in the office just</p> <p>18 talking about it.</p> <p>19 Q. And as far as the occasion when</p> <p>20 Sandy Fowler came up to the Star, did that</p> <p>21 happen on just that one occasion that you</p> <p>22 recall?</p> <p>23 A. Well, I think I told you about</p>	<p>1 the grand opening celebration that you told me</p> <p>2 about, was the only occasion as far as what</p> <p>3 you witnessed where Sandy Fowler came to the</p> <p>4 Star looking for Ed Fowler the time that you</p> <p>5 described when she came and couldn't reach him</p> <p>6 in his office and then located him in Patricia</p> <p>7 Flint's office?</p> <p>8 A. Right.</p> <p>9 Q. Okay. And did you talk to Sandy</p> <p>10 Fowler on that occasion?</p> <p>11 A. No, I didn't talk to Sandy Fowler.</p> <p>12 That was coming through the switchboard,</p> <p>13 people that answers the switchboard.</p> <p>14 Q. Well, did you hear about that</p> <p>15 happening from somebody else, or did you</p> <p>16 actually witness that happening?</p> <p>17 A. Yes. I heard about it through the</p> <p>18 switchboard people coming back telling</p> <p>19 everybody in the advertising department what's</p> <p>20 going on. I did see him jump and running</p> <p>21 through the office, but I didn't know why.</p> <p>22 Q. You saw Ed Fowler jump and run --</p> <p>23 A. From her office going up to the</p>
Page 10	Page 12
<p>1 another occasion when she came up to the Star.</p> <p>2 When I read back over the depo, I don't think</p> <p>3 I made myself clear.</p> <p>4 But when we moved into the new</p> <p>5 facility, we had a big anniversary grand</p> <p>6 opening celebration that was open to the</p> <p>7 public. Thousands of people toured the</p> <p>8 Anniston Star. She came up there to prepare</p> <p>9 the Anniston Star for all these people. She</p> <p>10 came and helped get all the departments ready</p> <p>11 and looking sharp and, you know, things like</p> <p>12 this, and all this was still going on at that</p> <p>13 time as well. Everybody's afraid that</p> <p>14 somebody's going to let something slip.</p> <p>15 Q. Okay. When you say "everybody's</p> <p>16 afraid," I guess you're including yourself in</p> <p>17 that?</p> <p>18 A. I'm including myself in that, yes.</p> <p>19 Q. You were afraid that you would let</p> <p>20 something slip to Sandy Fowler; is that right?</p> <p>21 A. I guess you could say. I wouldn't</p> <p>22 want to do anything to escalate the situation.</p> <p>23 Q. Okay. And then as far as other than</p>	<p>1 front, yeah, but we didn't know why he was</p> <p>2 doing it.</p> <p>3 Q. And how did that affect you as far</p> <p>4 as in your job duties that day?</p> <p>5 A. Again, we're working in a</p> <p>6 sexually -- sexual harassment and hostile work</p> <p>7 environment. We don't know what's going to</p> <p>8 happen from day to day with things like this</p> <p>9 going on.</p> <p>10 Q. I'm just asking you how did it</p> <p>11 affect you that day?</p> <p>12 A. I was a little upset about it. It's</p> <p>13 hard to keep your mind focussed on job</p> <p>14 activities.</p> <p>15 Q. And why were you upset about it?</p> <p>16 A. Why am I upset about it?</p> <p>17 Q. Why were you upset about Sandy</p> <p>18 Fowler coming to the Star, having the</p> <p>19 switchboard page Ed Fowler at Patricia Flint's</p> <p>20 office and then --</p> <p>21 A. Because she could come -- like --</p> <p>22 again, like I said, she could come in there</p> <p>23 and it be a big fight. She could come in</p>

3 (Pages 9 to 12)

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FREEDOM COURT REPORTING

Page 13	Page 15
<p>1 there and blow everybody away. It happens. 2 It happened last week on the CNN thing. I 3 mean, it happens everyday. Who knows what's 4 going to happen. 5 I did think of some more comments 6 I'd like to add on the record. 7 Q. I'm going to let you talk about 8 those. 9 A. Okay. 10 Q. So, you said that that upset you 11 when you saw Ed, you said jumped up and ran 12 out, I think, or some words to that effect? 13 A. Uh-huh, hastily. 14 Q. And then at the time that you saw 15 him leave hastily, had you already heard the 16 rumor that Sandy Fowler had -- 17 A. No, I hadn't heard it. 18 Q. So, you heard that rumor later? 19 A. Later. 20 Q. How much later? 21 A. Probably the same day, I mean, you 22 know. 23 Q. So, how that did affect you, I mean,</p>	<p>1 Q. Okay. And then you said that Sandy 2 Fowler came to the Star when the new building 3 opened as part of a celebration, did you talk 4 to Sandy Fowler on that occasion? 5 A. Maybe just speaking cordially, you 6 know, speaking, how are you today, that type 7 thing. 8 Q. And in terms of speaking to her, did 9 anything come up as far as any conduct that 10 you knew or suspected involving her husband, 11 Ed Fowler? 12 A. Not that I know of. 13 Q. Okay. Then you said there were some 14 other comments that you wanted to tell me 15 about, what are those? 16 A. Well, as you know, the Anniston Star 17 owns several sister papers, one of them being 18 the Talladega Daily Home. And on the front 19 cover of the paper, it says, headlines was 20 "Woman reunited with cat." And there was a 21 group of people just looking, and the person 22 made the statement that that's not a very good 23 article to be on the front cover of a</p>
Page 14	Page 16
<p>1 specifically how did that affect you in the 2 way that you were performing your job that 3 day? 4 A. Wow, what a close call. 5 Q. Okay. 6 A. What a close call of something 7 seriously injuring somebody in the advertising 8 department. 9 Q. Who in the advertising department 10 did you feel like, you know, could have become 11 seriously injured? 12 A. I wouldn't know, Jim. She could -- 13 she could hurt -- shoot him, Tricia, anybody 14 else that's around. You never know what 15 somebody's going to do when they found their 16 husband or spouse cheating on them. 17 Q. Were you able to complete your 18 regular job duties that day? 19 A. I tried to get back and get focussed 20 back on -- my mind back focussed. 21 Q. Do you remember the date of that 22 incident? 23 A. No.</p>	<p>1 newspaper, that a woman's reunited with cat. 2 That's more like human interest stories, not, 3 you know, real important news. And another 4 person said, "Well, you'll have to take that 5 up with Ed Fowler. The Daily Home is his 6 baby, he's over the Daily Home, and pussy is 7 his top priority." 8 Q. And who made that statement? 9 A. Janet Miller. 10 Q. And who all was present when that 11 statement was made? 12 A. It was a group. The way the 13 advertising -- we're in little clusters. It 14 was a group of folks around. 15 Q. And was that a joke, did anybody 16 laugh? 17 A. I didn't laugh at it. 18 Q. Did anybody else laugh? 19 A. I didn't think it was very funny. I 20 don't know if anybody laughed about it. But 21 it was serious to me that, you know, we're -- 22 that things are that bad in the advertising 23 department, that it has dropped to that level.</p>

4 (Pages 13 to 16)

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FREEDOM COURT REPORTING

Page 17	Page 19
<p>1 That's a disgrace.</p> <p>2 Q. What effect did that have on you</p> <p>3 hearing the statement that Janet Miller made?</p> <p>4 A. That's embarrassing that people have</p> <p>5 to think that the way our company has turned,</p> <p>6 the way the tables has turned there. It's</p> <p>7 just an embarrassing situation to be in.</p> <p>8 Q. So, you were embarrassed by her</p> <p>9 statement, is that what you're talking about?</p> <p>10 A. I guess that would be a good word.</p> <p>11 Q. And how did that affect you as far</p> <p>12 as your ability to perform your job duties</p> <p>13 that day?</p> <p>14 A. Well, it kicks you off for a few</p> <p>15 minutes. You have to get tuned back into what</p> <p>16 you're doing.</p> <p>17 Q. Were you able to get back to your</p> <p>18 regular job duties that day?</p> <p>19 A. I did the best I could.</p> <p>20 Q. Now, as far as the statement that</p> <p>21 Janet Miller made about the cat article, did</p> <p>22 you ever report that to anybody there --</p> <p>23 A. No.</p>	<p>1 Q. Am I correct in understanding that?</p> <p>2 A. Right.</p> <p>3 Q. Okay. And then Brenda Peoples told</p> <p>4 you that she saw --</p> <p>5 A. Tricia wanted to show her her new</p> <p>6 sexy underwear she had purchased.</p> <p>7 Q. Okay.</p> <p>8 A. Also Brenda Peoples said that, "It</p> <p>9 must be nice to have a job where you get paid</p> <p>10 to screw."</p> <p>11 Q. And that was Brenda People's opinion</p> <p>12 that she was expressing to you?</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Was that a joke, or did</p> <p>15 Brenda People's relate to you --</p> <p>16 A. I don't know.</p> <p>17 Q. -- that she really thought it would</p> <p>18 be nice to be paid --</p> <p>19 A. I don't know.</p> <p>20 Q. -- to perform a sexual act?</p> <p>21 A. I wasn't interested in having a job</p> <p>22 like that, but that was just a statement that</p> <p>23 was made.</p>
Page 18	Page 20
<p>1 Q. -- at the Star?</p> <p>2 A. No. Another incident is -- when</p> <p>3 this was going on, Tricia Fowler bought new</p> <p>4 sexy lingerie and went to the bathroom and</p> <p>5 would show off her new sexy lingerie that she</p> <p>6 had purchased.</p> <p>7 Q. Do you remember the date of that</p> <p>8 event?</p> <p>9 A. No. No.</p> <p>10 Q. And what did you personally witness</p> <p>11 along the lines of that?</p> <p>12 A. Again, this was, quote, a coworker</p> <p>13 that she showed it to. She showed her new</p> <p>14 underwear to Brenda Peoples.</p> <p>15 Q. Okay. So, you didn't see the</p> <p>16 underwear; is that right?</p> <p>17 A. Right. She was just talking about,</p> <p>18 "This is so unlike Tricia to be out buying new</p> <p>19 underwear all of a sudden, you know,</p> <p>20 something's going on and she's out buying new</p> <p>21 underwear and showing it off."</p> <p>22 Q. Brenda Peoples saw the lingerie?</p> <p>23 A. Uh-huh.</p>	<p>1 Q. And why was Brenda Peoples relaying</p> <p>2 this information to you?</p> <p>3 A. Just chitchat. Just general -- she</p> <p>4 said it in front of a group of people in</p> <p>5 advertising. She was the secretary, and a lot</p> <p>6 of people hung around her desk when we first</p> <p>7 got in to see how everybody was doing, yada,</p> <p>8 yada, yada. All the traffic comes through</p> <p>9 there.</p> <p>10 Q. Now, you've told me about two</p> <p>11 statements that Brenda Peoples made. One</p> <p>12 concerned Tricia Flint buying lingerie, the</p> <p>13 other was the statement that it must be nice</p> <p>14 to have a job to be paid to screw or something</p> <p>15 along those lines. Were both statements made</p> <p>16 in a similar context, in other words, to a</p> <p>17 group of people, or were these -- or are you</p> <p>18 saying that one of those statements was made</p> <p>19 specifically to you?</p> <p>20 A. I don't think they were specifically</p> <p>21 to me. I don't know who might have been</p> <p>22 around -- other people could have been around.</p> <p>23 Linda Roberts said that Tricia Fowler had</p>

5 (Pages 17 to 20)

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FREEDOM COURT REPORTING

Page 21	Page 23
<p>1 moved up in the company, said, "She screwed 2 her way to the top." And then she said, "Let 3 me rephrase that. She's got one left, "Brandi 4 Ayers." 5 Q. Okay. Let me ask you about that in 6 a minute. On this other, the two statements 7 that you told me about by Brenda Peoples, how 8 did those statements affect you as far as your 9 ability to perform your job duties? 10 A. Well, Jim, any time comments are 11 made like that, you're sidetracked, and you've 12 got to get back refocused on what you were 13 thinking about. This is not productive for 14 the advertising department. Our common goal 15 is to sell advertising and make money for the 16 company. We have a soap opera going on 17 everyday in our workplace, it's very difficult 18 to do those things. We were living in the 19 soap opera from day to day, it was another 20 episode, "As the Star Turns," and it was live 21 with sex. 22 Q. Okay. Now, you said that Linda 23 Roberts made the statement that Tricia screwed</p>	<p>1 director? 2 A. I think she said a statement kind of 3 along that kind after she was there, but she 4 might have one left with Brandi Ayers, she 5 revised it a little. I think it was after the 6 promotion. 7 Q. Okay. Did you apply or ever make 8 any statement to your superiors at the Star or 9 give any indication that you were interested 10 in the marketing director position? 11 A. No, I wasn't interested in the 12 marketing director position. 13 Q. And were you aware that during Ken 14 Warren's absence due to his medical conditions 15 that Patricia Flint was already performing 16 many of the duties of the marketing director 17 position prior to her promotion? 18 A. Well, I'm sure she probably filled 19 in for him in his absence. 20 I'd like to add one more comment on 21 this thing, please. Janet Miller celebrated 22 her 50th birthday at the Anniston Star. And 23 it was just a little gathering. I think Lori</p>
Page 22	Page 24
<p>1 her way to the top. What promotion did 2 Patricia Flint receive? 3 A. That's when she had made -- well, I 4 think she may have talked -- but when she said 5 all but Brandi Ayers was when it was announced 6 in the paper -- announced in the paper her 7 promotion to Ken's position as the marketing 8 director where she actually finally got Ken's 9 job she had been working so hard to get. She 10 finally got it. 11 Q. And Ken Warren had left the Star at 12 that point because of health reasons; right? 13 A. Yeah. They didn't tell any of us. 14 They didn't prepare to tell us it was going to 15 be announced in the paper. We just read it in 16 the paper on Sunday. 17 Q. Do you remember when that was 18 when -- 19 A. January the 15th, 2005. 20 Q. And as far as the statement that 21 Linda Roberts made, was that about during the 22 same time frame that Patricia Flint was 23 promoted to the position of marketing</p>	<p>1 Marpin made her a little cake. It wasn't 2 unusual for her to fix a cake and, you know, a 3 little celebration when somebody had a 4 birthday. We'd put money in a fund, and we 5 gave her money to actually cook the cake. And 6 Brandi Ayers came by to congratulate Janet on 7 her birthday, and he wanted to give her a 8 little spanking. He wanted to give her a 9 little birthday spanking. And Janet didn't 10 appreciate it. 11 As a matter of fact, she backed off 12 and ran to Jerry for Jerry Thornton, my 13 cousin, to help her. She said, "Whoo," and 14 she ran off, and he tried to spank her for her 15 birthday. 16 Q. Okay. Let me ask you about the 17 marketing director promotion. 18 Is there anything that you're aware 19 of, any statements that you've ever heard or 20 anything that you've seen or encountered there 21 at the Star that indicated to you that 22 Patricia Flint being placed in the marketing 23 director position was a product of her affair</p>

6 (Pages 21 to 24)

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FREEDOM COURT REPORTING

Page 25	Page 27
<p>1 with Ed Fowler?</p> <p>2 A. I think the coworkers thought that's</p> <p>3 how she moved up in the company, moved up in</p> <p>4 the ranks, yes.</p> <p>5 Q. I'm just asking you did you hear or</p> <p>6 see or read anything that would suggest to you</p> <p>7 that that was the case?</p> <p>8 A. Did I hear, read, or suggest --</p> <p>9 MS. ROBERTSON: Hear, read, or see.</p> <p>10 THE WITNESS: See. I'm sure that</p> <p>11 that helped her move up in the company. It</p> <p>12 sure didn't hurt.</p> <p>13 Q. (By Mr. Ayers) Why do you say that?</p> <p>14 A. Why do I say that?</p> <p>15 Q. Yes, ma'am.</p> <p>16 A. Well, it's evident. She got</p> <p>17 preferential treatment.</p> <p>18 Q. We talked about that.</p> <p>19 A. She got treatment that nobody else</p> <p>20 was able to get.</p> <p>21 Q. We talked about that last time at</p> <p>22 your last deposition -- well, the first</p> <p>23 segment of your deposition as far as the</p>	<p>1 the letter stated -- does he have a copy of</p> <p>2 the letter?</p> <p>3 MS. MCGOWAN: We've produced it.</p> <p>4 THE WITNESS: Can I pull out the</p> <p>5 copy of the letter?</p> <p>6 MS. ROBERTSON: No. Just -- you</p> <p>7 answer the questions.</p> <p>8 THE WITNESS: Okay. All right.</p> <p>9 There was a letter, it was March the</p> <p>10 22nd, 2004, when we just had it up to here</p> <p>11 (indicating) with all that was going on in the</p> <p>12 advertising department.</p> <p>13 And there was a letter. It was</p> <p>14 written to Mr. Sanguinetti. And we met like</p> <p>15 we're all meeting here today at a table, and</p> <p>16 we went over all of the things that was</p> <p>17 happening in the advertising department with</p> <p>18 Mr. Sanguinetti and handed it to him in</p> <p>19 writing and begged for help.</p> <p>20 We stood united. Every salesperson</p> <p>21 that worked for the Anniston Star sat down and</p> <p>22 talked to Mr. Sanguinetti about these</p> <p>23 problems. Have you read the memo from the</p>
Page 26	Page 28
<p>1 preferential treatment. Given that you knew</p> <p>2 that Patricia Flint was already filling in for</p> <p>3 Ken Warren because of his health problems, and</p> <p>4 you knew that Ken Warren left the Star because</p> <p>5 of health problems, didn't it seem like a</p> <p>6 natural move for Patricia Flint to move up</p> <p>7 into the marketing director position?</p> <p>8 A. No.</p> <p>9 MS. MCGOWAN: Object to the form.</p> <p>10 Q. (By Mr. Ayers) I'm just asking.</p> <p>11 Didn't that seem like a natural move to you?</p> <p>12 MS. MCGOWAN: Object to the form.</p> <p>13 THE WITNESS: Well, I had some</p> <p>14 conversations with Mr. Sanguinetti along the</p> <p>15 way, and he didn't think that Patricia was</p> <p>16 doing a very good job as the manager. So,</p> <p>17 yeah, I was a little surprised.</p> <p>18 In between where you're headed</p> <p>19 there, there was a letter from the</p> <p>20 salespeople. In a meeting, we stood united</p> <p>21 with Mr. Sanguinetti, and we told him the</p> <p>22 facts that were going on in the advertising</p> <p>23 department. It wasn't just me anymore. And</p>	<p>1 salespeople?</p> <p>2 MS. ROBERTSON: You're not supposed</p> <p>3 to ask him questions. You answer his</p> <p>4 questions.</p> <p>5 Q. (By Mr. Ayers) Okay. You're talking</p> <p>6 about a letter from March of '04, what's that</p> <p>7 have to do with the promotion for Patricia</p> <p>8 Flint in January of '05?</p> <p>9 A. Why would you promote somebody that</p> <p>10 wasn't doing a good job as a sales manager to</p> <p>11 a marketing director?</p> <p>12 Q. Well, tell me about that. What</p> <p>13 statements did Mr. Sanguinetti say to you that</p> <p>14 indicated to you that he felt that she was not</p> <p>15 doing a very good job in her position?</p> <p>16 A. He told me she had made some</p> <p>17 mistakes as a manager. He told me he did not</p> <p>18 go along with what was going on.</p> <p>19 Q. As far as the affair?</p> <p>20 A. Yes. He said almost every time when</p> <p>21 stuff like this goes on, whether they're</p> <p>22 married or what, it does not work out. It was</p> <p>23 not for the good of the Anniston Star for that</p>

7 (Pages 25 to 28)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 29</p> <p>1 to happen.</p> <p>2 We talked a little bit in that</p> <p>3 conversation that day. He was trying to make</p> <p>4 a settlement with me. Me and you were -- had</p> <p>5 had the EEOC, and we were talking back and</p> <p>6 forth and trying to get some things ironed</p> <p>7 out.</p> <p>8 And I kept wanting the</p> <p>9 nonretaliation agreement, and he wanted to</p> <p>10 know why, and I had a little -- he had a</p> <p>11 little notepad. He wanted me to sit beside</p> <p>12 him, not across from him. He wanted me to</p> <p>13 come up to his table and sit right beside him.</p> <p>14 We were good friends. And he said, Sharon --</p> <p>15 he wanted to know why, and I took a little</p> <p>16 piece of paper, and I wrote it in all caps.</p> <p>17 Q. What else did Mr. Sanguinetti say</p> <p>18 that indicated to you that he felt that</p> <p>19 Patricia Flint was not doing a good job?</p> <p>20 A. Well, I was trying to tell you. Let</p> <p>21 me finish telling you what I'm telling you,</p> <p>22 and then you can ask me. Trust, t-r-u-s-t was</p> <p>23 the word. Trust. I said, "I don't trust</p>	<p style="text-align: right;">Page 31</p> <p>1 anymore. We had disgruntled some employees.</p> <p>2 He said, "I don't think anybody's happy</p> <p>3 anymore."</p> <p>4 Q. Let me just ask you the questions,</p> <p>5 and you answer the question that I've asked,</p> <p>6 and we'll get through this quicker.</p> <p>7 The incident with Mr. Ayers, you</p> <p>8 said Janet Miller's birthday, he wanted to</p> <p>9 give her a birthday spanking. Did Brandi</p> <p>10 Ayers ever attempt to give you a spanking or</p> <p>11 touch you in any way?</p> <p>12 A. I was afraid he was. After he gave</p> <p>13 her a spanking, I was running for my life.</p> <p>14 Q. Well, did he ever say that he wanted</p> <p>15 to give you a birthday spanking?</p> <p>16 A. He didn't say he wanted to give me a</p> <p>17 birthday spanking.</p> <p>18 Q. Did he ever touch you in any way</p> <p>19 that you felt was inappropriate?</p> <p>20 A. He didn't never touch me.</p> <p>21 Q. Did he ever make any comments or</p> <p>22 statements to you of a sexual nature that you</p> <p>23 thought were inappropriate?</p>
<p style="text-align: right;">Page 30</p> <p>1 them." And I said, "Do you?" And he said,</p> <p>2 "No, I don't trust them either." We were</p> <p>3 talking about Ed Fowler and Tricia Fowler. He</p> <p>4 said, "No, I don't trust them either."</p> <p>5 Q. Okay. So, I mean, thus far, from</p> <p>6 what you've told me, you haven't told me</p> <p>7 anything that he said that he felt that she</p> <p>8 was doing a poor job other than that you said</p> <p>9 that he felt she had made some mistakes as a</p> <p>10 manager?</p> <p>11 A. He wasn't happy with the way things</p> <p>12 were going in the advertising department.</p> <p>13 Tricia and Ed is what caused all the conflict</p> <p>14 in the advertising department, the reason</p> <p>15 we -- we were a perfect team. Everybody loved</p> <p>16 everybody. We did a great job. We made money</p> <p>17 for the Star. We made money for us.</p> <p>18 Everybody was happy until that started.</p> <p>19 It was the falling when the Tricia</p> <p>20 and Ed thing got together. The advertising</p> <p>21 department was divided. It caused the</p> <p>22 advertising department to divide, to fall</p> <p>23 apart. Nobody was happy with their jobs</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Maybe that I was pretty, sharp</p> <p>2 dresser, along that line maybe. But he didn't</p> <p>3 touch me.</p> <p>4 Q. Did you feel like that was an</p> <p>5 inappropriate comment for him to make?</p> <p>6 A. I try to not take anything that way.</p> <p>7 I try to have my glass half full, not half</p> <p>8 empty. I want to be positive on things.</p> <p>9 Q. Did you ever make any statement to</p> <p>10 Brandi Ayers that you did not want him to</p> <p>11 comment on your dress or tell you that you</p> <p>12 were pretty or make statements along those</p> <p>13 lines?</p> <p>14 A. No.</p> <p>15 Q. On how many different occasions do</p> <p>16 you believe that those types of statements</p> <p>17 were made to you by Brandi Ayers?</p> <p>18 A. At least a couple occasions.</p> <p>19 Q. And did you ever make any kind of</p> <p>20 complaint to anybody else in management?</p> <p>21 A. No, this is the owner of the</p> <p>22 company. Our human resources manager is Ed</p> <p>23 Fowler's secretary slash resource manager.</p>

8 (Pages 29 to 32)

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FREEDOM COURT REPORTING

Page 33	Page 35
<p>1 Really, how could you go report anything to a 2 human resource manager when she's actually his 3 secretary. As a matter of fact, he has a big 4 old office like this in the back part -- the 5 front of it, she's the secretary of it. He 6 was the one causing the problem.</p> <p>7 Q. I thought you took your complaints 8 to Phil Sanguinetti, the president of the 9 Star; is that not right?</p> <p>10 A. Well, I got -- I did talk to him on 11 several occasions when he come and talked to 12 me. But when I got reprimanded on that 13 October 1st, I was told to follow the chain of 14 command.</p> <p>15 So, if you will go back and notice, 16 on all of my letters from that day forward, I 17 sent them to Ken Warren. I was told to follow 18 the chain of command.</p> <p>19 Q. You did have an opportunity, though, 20 to speak with Phil Sanguinetti on more than 21 one occasion about your issues; right?</p> <p>22 A. When he invited me to come up or 23 I -- he came through the advertising</p>	<p>1 and, of course, I mean -- when I say "Anniston 2 Star," I mean, Consolidated Publishing. Do 3 you claim that any other officers of the 4 Anniston Star had interoffice affairs with 5 employees at the Star?</p> <p>6 A. Yes, all the time. In 1987, Hershel 7 Victory had an affair with a salesperson, June 8 Fulmer. And while I was on maternity leave, 9 he gave my entire account list to her. I came 10 back with a big zero accounts. I started from 11 scratch.</p> <p>12 Q. So, Hershel Victory had an affair 13 with who?</p> <p>14 A. With June Fulmer.</p> <p>15 Q. Back in 1987?</p> <p>16 A. My son was born in 1987.</p> <p>17 Q. Okay. But this affair was in 1987; 18 is that right?</p> <p>19 A. Yeah.</p> <p>20 Q. Okay. I had just asked you about 21 officers. I believe he was in a manager's 22 position; is that right?</p> <p>23 A. He was my direct supervisor.</p>
Page 34	Page 36
<p>1 department, and I let him know that things 2 weren't better. I told him orally and in 3 writing many, many, many, many times. It 4 wasn't like he did not know.</p> <p>5 Q. On this issue with Janet Miller, the 6 birthday spanking, how did that affect you as 7 far as your ability to perform your day to day 8 duties of your job?</p> <p>9 A. Well, again, here we go again. All 10 these things take time away from the work when 11 something like that happens, people talk about 12 it, you know, yada, yada, yada, and you've 13 lost 30 minutes, an hour, 3 hours of 14 productive work time when an incident like 15 that takes place.</p> <p>16 Q. Were you able to resume your job 17 duties --</p> <p>18 A. I did.</p> <p>19 Q. -- after the birthday celebration?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Okay. Other than Ed Fowler having 22 the affair with Patricia Flint, do you claim 23 that any other officers of the Anniston Star,</p>	<p>1 Q. He was not an officer of the 2 company?</p> <p>3 A. He was my direct supervisor.</p> <p>4 MS. MCGOWAN: He's just wanting to 5 know about officers or owners of the company.</p> <p>6 Q. (By Mr. Ayers) I'm just asking you 7 about officers right now.</p> <p>8 MS. MCGOWAN: Answer those questions 9 first.</p> <p>10 Q. (By Mr. Ayers) Do you know any 11 officers other than Ed Fowler that have had an 12 interoffice affair at the Star?</p> <p>13 A. Oh, yeah, Brandi Ayers on numerous 14 occasions. He loved to spank the little young 15 girls. That was his thing.</p> <p>16 Q. I'm not asking about spanking. I'm 17 talking about an interoffice affair. I'm 18 talking about a romantic relationship or 19 sexual relationship between Brandi Ayers and 20 an employee of the Anniston Star, are there 21 any instances such as that that you recall 22 during your employment there?</p> <p>23 A. There were rumors, yes.</p>

9 (Pages 33 to 36)

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FREEDOM COURT REPORTING

Page 37	Page 39
<p>1 Q. Anything that you particularly have 2 firsthand knowledge of?</p> <p>3 A. I think we got them on our witness 4 list.</p> <p>5 MS. MCGOWAN: Just tell him the 6 names. That's what he's asking you.</p> <p>7 THE WITNESS: Well, give me a second 8 here. It's been a long time. You got my 9 witness list?</p> <p>10 MS. MCGOWAN: Yeah. Let me get it. 11 Just sit down and think and tell him what you 12 know while I look for the names.</p> <p>13 Q. (By Mr. Ayers) Are there any that 14 you remember?</p> <p>15 A. Yeah. I just got to look back over 16 the names. She's had my stuff for a very long 17 time.</p> <p>18 MS. MCGOWAN: Just tell him what you 19 know while I'm getting the names. If you 20 don't remember the names, just tell him what 21 you remember. Sharon, tell him what you 22 remember.</p> <p>23 THE WITNESS: Well, what I remember</p>	<p>1 Q. I mean, when did you first learn 2 about Jo McDonald's sister?</p> <p>3 A. Several years ago. But, again, 4 while this was going on, she was up there 5 talking to me and was refreshing my memory 6 about that. She brought the subject up, and I 7 had kind of went back in a storage, and she 8 kind of jogged my memory on that, and I 9 remembered that.</p> <p>10 Q. When did this conversation with Jo 11 McDonald take place where she jogged your 12 memory?</p> <p>13 A. It was around Christmastime.</p> <p>14 Q. What year, do you remember?</p> <p>15 A. I think it was probably 2005. It 16 could have been 2004, but I think it was 2005.</p> <p>17 Q. Now, are you saying that you 18 understood through rumor that Brandi Ayers had 19 some sort of sexual fetish that involved –</p> <p>20 A. Spanking.</p> <p>21 Q. – spanking females?</p> <p>22 A. That's correct.</p> <p>23 Q. Okay.</p>
Page 38	Page 40
<p>1 is Jo Wilson or Jo McDonald, she changed her 2 name, but she worked in the advertising 3 department. It was her sister that worked in 4 the circulation department. And Jo told me 5 firsthand about him buying her expensive 6 gifts, and he liked to spank her. She'd buy 7 black, nice, lacy lingerie, and Brandi Ayers 8 would spank her. And he would buy her trips. 9 Her father lived way off somewhere, and he 10 would buy her expensive vacation trips to go 11 and visit her dad and sexy lingerie and gifts 12 and all he showered her with.</p> <p>13 Q. Did you ever see any of these gifts?</p> <p>14 A. I heard from -- it was always a 15 rumor at the Star that these things happened, 16 but Jo, her sister, told me firsthand while 17 all this other stuff was going on, it jogged 18 her memory, and she told me that he did that 19 for her sister.</p> <p>20 Q. When did you learn about that?</p> <p>21 A. Well, I had always known. At the 22 Star, since I've been there, there's always 23 been rumors of Brandi spanking young girls.</p>	<p>1 A. Well, I'll be honest with you, the 2 guy that had Ed Fowler's job -- or Ed Fowler's 3 position told me so. He told me, I think it's 4 Mandy Murphy or somebody, that she worked in 5 the news room, and Brandi Ayers spanked her, 6 and then he tried to commit her to the insane 7 asylum, said that her family lived away and 8 that she was kind a little nervous on the edge 9 and stuff like that and that he took advantage 10 of her and that he was going to commit her to 11 the insane asylum.</p> <p>12 Q. Who told you that tale?</p> <p>13 A. John Chiles. He owns Oxford 14 Independent. He used to have the position at 15 the paper that Ed Fowler possesses now.</p> <p>16 Q. And how long ago was that?</p> <p>17 A. A fine man. It was summer of 2004, 18 maybe June. I have it in my notes somewhere. 19 My memory --</p> <p>20 Q. So, John Chiles told you that at 21 some point in time -- do you know what point 22 in time that was that Brandi Ayers supposedly 23 spanked this Mandy Murphy?</p>

10 (Pages 37 to 40)

367 VALLEY AVENUE
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FREEDOM COURT REPORTING

Page 41	Page 43
<p>1 A. Well, Pat Taylor came after John 2 Chiles. So, it would have been probably in 3 the late '80s, early '90s. 4 MR. AYERS: Did you find the 5 disclosure statement? 6 MS. MCGOWAN: I'm showing her our 7 amended disclosure statement. I'm showing her 8 so she can look at it. 9 MR. AYERS: Okay. What's the date 10 on that pleading? Oh, okay. I've got it 11 right here. 12 THE WITNESS: Judy Owens was Jo 13 Wilson's sister. It was Judy Owens. 14 Q. (By Mr. Ayers) Okay. 15 A. And then the other two ladies from 16 the news room was Wendy Siegel and Mandy 17 Murphy. 18 Q. All right. So, that gives us three; 19 Judy Owens, Mandy Murphy, and Wendy Siegel; is 20 that right? 21 A. That's correct. 22 Q. All right. 23 A. There was a rumor --</p>	<p>1 see, Judy Owens, Mandy Murphy, Wendy Siegel, 2 Phyllis Whaley, did you ever witness Brandi 3 Ayers spank or touch or do anything 4 inappropriate with any of those four -- 5 A. No, he called them in the office and 6 shut the door. 7 MS. ROBERTSON: Wait. When he 8 finishes, you start. 9 MR. AYERS: Okay. 10 MS. ROBERTSON: And when you 11 start -- 12 THE WITNESS: Okay, I'm sorry. 13 MS. ROBERTSON: And until you 14 finish, he won't start. 15 THE WITNESS: Okay. 16 Q. (By Mr. Ayers) Did you ever witness 17 anything that you felt was inappropriate 18 between Brandi Ayers and those four females; 19 Owens, Murphy, Siegel, and Whaley? 20 A. No. My desk was nowhere near where 21 Brandi Ayers' office was. 22 Q. Okay. How would you know that he 23 would take them in the office and close the</p>
Page 42	Page 44
<p>1 Q. You've got a Phyllis Whaley on your 2 list in that same section. 3 A. There was rumor that she said it. I 4 never asked her about it, but there was always 5 rumor that she spanked her. 6 Q. That's Phyllis Whaley? 7 A. Whaley, uh-huh. 8 Q. All right. Now, tell me about Mandy 9 Murphy, did you ever talk to her about these 10 spanking incidents? 11 A. No. I was a young rookie working 12 for the Anniston Star, and she worked in the 13 news room. 14 Q. As far as any of these spanking 15 incidents that you're telling me about 16 involving -- 17 A. There was always rumor through the 18 Star that these things happened, and John 19 Chiles confirmed them to me. 20 Q. I'm just asking you -- let me ask my 21 question, okay? 22 A. Okay. 23 Q. With respect to the females, let's</p>	<p>1 door? 2 A. Because that's the rumor. That's 3 the, quote, rumor. 4 Q. Is that something you heard from 5 somebody; is that right? 6 A. It's the rumor that went through the 7 Star, and I know that the young lady that he 8 tried to commit to Bryce was confirmed by John 9 Chiles, and he called her brother to come take 10 care of her. He said, "No, we're not going to 11 do this." 12 Q. All right. Do you have any 13 firsthand knowledge of any facts or 14 circumstances surrounding Mandy Murphy's 15 employment, her relationship with Brandi 16 Ayers, or whether or not she was ever a 17 candidate for any kind of commitment other 18 than what you were told by John Chiles? 19 A. No. 20 Q. So, your sole source of information 21 about Mandy Murphy would be John Chiles; is 22 that right? 23 A. Yes. We've got him on our witness</p>

11 (Pages 41 to 44)

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FREEDOM COURT REPORTING

Page 45	Page 47
<p>1 list.</p> <p>2 Q. Okay.</p> <p>3 MS. MCGOWAN: Just answer the</p> <p>4 questions, Sharon.</p> <p>5 Q. (By Mr. Ayers) And Wendy Siegel,</p> <p>6 what's the rumor or what have you that you've</p> <p>7 heard about Wendy Siegel with Brandi Ayers?</p> <p>8 A. These were both the two that was in</p> <p>9 the news room, and I can't remember which one</p> <p>10 of them was which about going to the --</p> <p>11 wanting commit to the mental institution. I'd</p> <p>12 have to --</p> <p>13 Q. So, as far as whether it was Wendy</p> <p>14 Siegel or Mandy Murphy who was going to be</p> <p>15 committed --</p> <p>16 A. He would spank both of those, but</p> <p>17 one of them he wanted to commit. I'm thinking</p> <p>18 it's Wendy Siegel, but I would have to --</p> <p>19 Q. So, you think now that Wendy Siegel</p> <p>20 was the one --</p> <p>21 A. I think Wendy Siegel was the one he</p> <p>22 wanted to commit.</p> <p>23 Q. And you learn that through John</p>	<p>1 rumor?</p> <p>2 A. Probably late '80s, early '90s.</p> <p>3 Q. Now, I think you've already answered</p> <p>4 that, but just so I'm clear and understand</p> <p>5 your testimony, did Brandi Ayers ever invite</p> <p>6 you to his office for a spanking or ever say</p> <p>7 anything to you about having an interest in</p> <p>8 spanking you or anything along those lines?</p> <p>9 A. I don't recall ever being with him</p> <p>10 alone in his office.</p> <p>11 Q. Well, that wasn't my question. My</p> <p>12 question is --</p> <p>13 A. I don't recall it, no. I do not</p> <p>14 recall anything like that.</p> <p>15 Q. You think you would recall if Brandi</p> <p>16 Ayers --</p> <p>17 A. I think I would.</p> <p>18 Q. -- wanted to give you a spanking?</p> <p>19 A. I think I would.</p> <p>20 Q. All right. So, it sounds like it</p> <p>21 never happened then; is that fair?</p> <p>22 A. I don't recall anything -- him ever</p> <p>23 doing anything like that to me, no.</p>
Page 46	Page 48
<p>1 Chiles; is that correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Did you learned that in the summer</p> <p>4 of 2004?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Is that right?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. What about Phyllis Whaley,</p> <p>9 what's your understanding of what took place</p> <p>10 in her circumstance?</p> <p>11 A. Called her in the office and laid</p> <p>12 her across his lap and spanked her. She was a</p> <p>13 little young naive --</p> <p>14 Q. And what's your source of</p> <p>15 information that that took place?</p> <p>16 A. Just the rumor of the Star.</p> <p>17 Q. Do you know --</p> <p>18 A. From all the old employees. She</p> <p>19 told them. She had told it at the Star.</p> <p>20 Q. Do you remember where you heard that</p> <p>21 rumor from?</p> <p>22 A. No, not the specific person.</p> <p>23 Q. Do you remember when you heard that</p>	<p>1 Q. And I believe you already told me</p> <p>2 that -- well, let me just ask you again. Did</p> <p>3 Brady Ayers ever say or do anything to you of</p> <p>4 a sexual nature that you thought was</p> <p>5 inappropriate or that was unwanted on your</p> <p>6 part?</p> <p>7 A. Just complimented on looks.</p> <p>8 Q. Now, as far as, you know, the women</p> <p>9 that you've mentioned who were rumored to have</p> <p>10 some involvement with Brandi Ayers, that being</p> <p>11 Judy Owens, Mandy Murphy, Wendy Siegel, and</p> <p>12 Phyllis Whaley, was the rumor that he had some</p> <p>13 sort of sexual relationship with these females</p> <p>14 or just that he would spank these females as</p> <p>15 part of some type of spanking fetish?</p> <p>16 MS. ROBERTSON: Object.</p> <p>17 MS. MCGOWAN: We're just objecting</p> <p>18 to the form. Do you understand that?</p> <p>19 Q. (By Mr. Ayers) Are you saying that</p> <p>20 he had some kind of affair, sexual</p> <p>21 relationship, romantic affair, or something</p> <p>22 another with these four females?</p> <p>23 A. I think the fetish that you talked</p>

12 (Pages 45 to 48)

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FREEDOM COURT REPORTING

Page 49	Page 51
<p>1 about is the way that I understood it.</p> <p>2 Q. All right. So, your understanding</p> <p>3 was that Brandi Ayers derived some sort of</p> <p>4 sexual excitement or satisfaction --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- out of spanking --</p> <p>7 A. Young ladies.</p> <p>8 Q. -- young ladies; is that right?</p> <p>9 A. That's correct.</p> <p>10 Q. Okay. And you learned that from</p> <p>11 John Chiles; is that right?</p> <p>12 A. And Jo Wilson, Judy Owens' sister.</p> <p>13 Q. I thought Judy Owens' sister was Jo</p> <p>14 McDonald.</p> <p>15 A. Well, she got remarried. She was Jo</p> <p>16 McDonald, and then she remarried, and it was</p> <p>17 Jo Wilson.</p> <p>18 Q. Anyone other than John Chiles and Jo</p> <p>19 Wilson give you any information about Brandi</p> <p>20 Ayers' sexual interests, pursuits, fetishes,</p> <p>21 and so forth?</p> <p>22 A. It was just -- no. It was just</p> <p>23 general knowledge of the Star.</p>	<p>1 some girl over there, maybe a young German</p> <p>2 girl or something.</p> <p>3 Q. What was James Finley's position?</p> <p>4 A. He was like a circulation -- maybe a</p> <p>5 district manager or something.</p> <p>6 Q. When did you hear about the lawsuit</p> <p>7 maybe involving a German girl or something</p> <p>8 like that?</p> <p>9 A. Uh-huh. Me just guessing off the</p> <p>10 hip, possibly in the '90s.</p> <p>11 Q. And how did you come to learn about</p> <p>12 that or hear about that?</p> <p>13 A. Well, one thing Mr. Sanguinetti told</p> <p>14 me -- when he asked me who I thought was the</p> <p>15 best manager, and I told him Pat Taylor, and</p> <p>16 he said we had 13 EEOC charges against us</p> <p>17 during that time.</p> <p>18 Q. I'm just asking you how did you come</p> <p>19 to learn that Mr. Finley may have been</p> <p>20 involved with the German girl there in the</p> <p>21 1990s?</p> <p>22 A. General conversation of the Star</p> <p>23 from, you know, rumor mill. People talk about</p>
Page 50	Page 52
<p>1 Q. Okay. Any other facts or</p> <p>2 circumstances that you claim are general</p> <p>3 knowledge at the Star involving Brady Ayers'</p> <p>4 sexual interests, pursuits, or fetishes,</p> <p>5 interests and so forth other than what you've</p> <p>6 told me?</p> <p>7 A. That's all I can think of at the</p> <p>8 moment.</p> <p>9 Q. Okay. Okay. Any other officers</p> <p>10 other than Mr. Ayers and Mr. Fowler that you</p> <p>11 contend had some sexual involvement with</p> <p>12 employees at the Star?</p> <p>13 A. That's all I can think of.</p> <p>14 Q. All right. Now, let me ask you</p> <p>15 about managers and directors at the Star. You</p> <p>16 already told me about Hershel Victory and June</p> <p>17 Fulmer. Any other managers or director at the</p> <p>18 Star that you contend had sexual relationships</p> <p>19 with employees of the Star during the time</p> <p>20 that you were there?</p> <p>21 A. I had heard that James Finley was in</p> <p>22 the circulation department, and he -- that</p> <p>23 there was a suit that came up over there about</p>	<p>1 what goes on there.</p> <p>2 Q. Okay. Was there ever a time or</p> <p>3 occasion that you felt like a manager,</p> <p>4 director, or officer of the Anniston Star was</p> <p>5 interested in being engaged in a sexual</p> <p>6 relationship of some sort with you?</p> <p>7 A. People can tell by people's actions</p> <p>8 how they are. I don't come across as</p> <p>9 somebody's that's willing to play.</p> <p>10 Q. So, does that mean your answer is</p> <p>11 no?</p> <p>12 A. My answer is no.</p> <p>13 Q. Okay.</p> <p>14 A. Dress, body language, things like</p> <p>15 that invite people to make those advances</p> <p>16 towards you.</p> <p>17 Q. So, would you agree then, that as</p> <p>18 far as the rumors that you heard of sexual</p> <p>19 relationships or occurrences between employees</p> <p>20 and managers, directors, and officers of the</p> <p>21 Star, that those have all been under</p> <p>22 circumstances where they were willing and, I</p> <p>23 guess, participants?</p>

13 (Pages 49 to 52)

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FREEDOM COURT REPORTING

Page 53	Page 55
<p>1 THE WITNESS: I don't know. 2 MS. MCGOWAN: Object to the form. 3 THE WITNESS: I don't know. 4 Q. (By Mr. Ayers) Okay. Well, as far 5 as the four circumstances that you told me 6 about with Ms. Owens, Ms. Murphy, Ms. Siegel, 7 and Ms. Whaley, I mean, did you ever hear 8 anything to the effect that whatever happened 9 between them and Brandi Ayers was forced upon 10 them or was unwanted or that they didn't 11 voluntarily participate in those activities? 12 MS. MCGOWAN: Object to the form. 13 THE WITNESS: I don't know. I just 14 know that it was common knowledge at the Star 15 that things like this was accepted. This -- 16 the Anniston Star accepted things like this. 17 That's the reason the Tricia and Ed Fowler 18 thing wasn't a big shock to them and they 19 allowed it to keep going on because this was 20 the norm. This is the history of the Anniston 21 Star. 22 Q. (By Mr. Ayers) You're saying the 23 Anniston Star accepted things like what?</p>	<p>1 all the time that I told you about Friday. 2 She called her in, pulled her in the office, 3 and told her if she had any kind of 4 relationships with anybody at the Anniston 5 Star, she would be fired on the spot. 6 Q. How did you come to learn about 7 that? 8 A. Because she told me on numerous 9 occasions. 10 Q. Ms. Hurley told you that? 11 A. Uh-huh. She's on our witness list. 12 MS. ROBERTSON: Say yes. 13 THE WITNESS: Yes. 14 Q. (By Mr. Ayers) So, what instances of 15 sexual misconduct, or what are you describing 16 as sexual misconduct? 17 A. If people had an affair at the Star, 18 if two employees had an affair at the Star, 19 they would be fired. 20 Q. I thought you just told me the 21 Anniston Star accepted that type of conduct? 22 A. Well, they did. But I'm telling you 23 what Tricia told Shelly. She singled her out.</p>
<p>Page 54</p> <p>1 A. Sexual misconduct. 2 Q. Now, if two adult people with the 3 consent of both parties engage in some sexual 4 activity, would you agree that that's not 5 sexual misconduct? 6 MS. MCGOWAN: Object to the form. 7 THE WITNESS: I don't know. But 8 what I did want to tell you was -- 9 Q. (By Mr. Ayers) Do you feel like -- 10 well, let me ask you this: I mean, do you 11 feel like adults have the right and the 12 freedom to engage in whatever private sexual 13 activities they care to engage in? 14 A. Not on the job. 15 MS. MCGOWAN: Object to the form. 16 THE WITNESS: Tricia Fowler called 17 Shelly Hurley and told her that she would be 18 fired if she had any kind of sexual 19 relationship with anybody at the Anniston 20 Star. 21 Q. (By Mr. Ayers) Who would be fired? 22 A. Shelly Hurley would be fired. She 23 was a beautiful young girl that Tricia rode</p>	<p>Page 56</p> <p>1 Q. Those aren't -- that's not my 2 question. You're answering things that I'm 3 not asking you. 4 I'm asking you about your statement 5 that you said the Anniston Star accepted 6 sexual misconduct. I'm asking you -- 7 A. I'm talking about in reference to 8 Brandi Ayers and upper management was 9 accepting it. 10 Q. Okay. What do you deem to be sexual 11 misconduct? 12 A. Spanking young girls in the office, 13 wanting to commit them to the insane asylum, 14 having affairs from 8:00 to 5:00 on the job, 15 kissing in the hall like Hershel and June did, 16 and then he gave her all my accounts. I came 17 back with zero accounts and started from 18 scratch. That's how I started going to 19 Gadsden, Talladega, Sylacauga, Pell City, and 20 Talladega. 21 Q. Listen to me. Answer the questions 22 that I ask you, and I guarantee you we'll get 23 done a lot quicker.</p>

14 (Pages 53 to 56)

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FREEDOM COURT REPORTING

<p style="text-align: right;">Page 57</p> <p>1 MS. ROBERTSON: She did. 2 Q. (By Mr. Ayers) So, the sexual 3 misconduct as far as what you include in 4 there, you include consensual sexual 5 relationships between adults; is that right? 6 MS. MCGOWAN: I'm sorry, between 7 who? 8 MR. AYERS: Adults. 9 MS. MCGOWAN: Object to the form. 10 THE WITNESS: From 8:00 to 5:00 on 11 Anniston star's time clock. 12 Q. (By Mr. Ayers) Is that what makes it 13 misconduct in your mind? 14 A. Well, if it's after hours, it's 15 their business. If they're on the Star, 16 they're on the Anniston Star's clock, and 17 they're on their rules. 18 Q. And then it would be the Star's 19 business you feel like? 20 A. Yeah. 21 Q. Okay. 22 A. Well, let me change this just a 23 little bit. James Finley worked nights, you</p>	<p style="text-align: right;">Page 59</p> <p>1 that's all consensual sexual activity between 2 adults; right? 3 MS. ROBERTSON: Well, the legal 4 standard for sexual harassment is not 5 consensual, so we object. 6 THE WITNESS: No. How many times do 7 I got to tell you no. 8 Q. (By Mr. Ayers) It wasn't consensual? 9 A. It's not appropriate for the job. 10 That's not what I want to see when I come to 11 work everyday. That's insulting me. You're 12 coming in on my invasion of privacy. I want 13 to come to work, and I want to work for the 14 Anniston Star, and I want to make them all the 15 money that I can make them, and I don't want 16 to be sidetracked on those kinds of goings on. 17 I have one other thing I got to set 18 the record straight on. 19 Q. What's that? 20 A. The computer training that we talked 21 about. You got me half cocked Friday. I had 22 three computer lessons where everybody 23 attended, that included accounting, dispatch,</p>
<p style="text-align: right;">Page 58</p> <p>1 know, to get the paper out. And I worked 8:00 2 to 5:00, but other people worked different 3 hours. Whatever their time is that they were 4 working. 5 Q. So, the type of sexual activity, 6 then, that you claim the Anniston Star 7 accepted would be consensual sexual activity 8 between adults that's carried on in the 9 workplace? 10 MS. MCGOWAN: Object to the form. 11 Q. (By Mr. Ayers) Is that what you deem 12 to be sexual misconduct? 13 A. No. 14 MS. MCGOWAN: Same objection. 15 THE WITNESS: There's others. 16 Q. (By Mr. Ayers) Well, what do you 17 deem to be sexual misconduct that occurred at 18 the Star that was accepted by the Star? 19 A. Carrying on like two dogs in heat, 20 sitting in the patio rubbing their leg. 21 Q. I understand. But that's -- 22 A. Kissing in the parking lot. 23 Q. We talked about that last time. But</p>	<p style="text-align: right;">Page 60</p> <p>1 advertising where we actually unfolded a 2 rollout on the screen and put things up on the 3 screen and looked at it. 4 The sales staff was trained for an 5 entire year before we got that new computer 6 system. It's called the PBS system. And I 7 was not allowed to go to the meetings from 8 November the 3rd, 2003, until January the 7th, 9 2005, for that many months. That's what a 10 jump they had on me on being able to do their 11 job better and sharper. 12 They had training every -- sometimes 13 they met two and three times a week. They had 14 an every Monday morning meeting, but sometimes 15 they had one Friday as well. 16 And they were trained on what to 17 expect when that new computer system got -- 18 was into play. Our whole way -- just like I 19 told you how we started off, everything that 20 we did at the Anniston Star changed with that 21 new computer system, and I was completely 22 denied to be able to come to the meetings and 23 receive that training.</p>

15 (Pages 57 to 60)

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