Transcript of the Testimony of:

Paula Deen

Date: May 17, 2013

Case: Lisa T. Jackson v. Paula Deen, et al.
4:12-CV-0139

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UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

SAVANNAH DIVISION

LISA T. JACKSON,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO:
	)	4:12-CV-0139
vs.	)	
	)	
PAULA DEEN, PAULA DEAN ENTERPRISES, LLC, THE LADY & SONS, LLC, THE LADY ENTERPRISES, INC., BUBBA HIERS, and UNCLE BUBBA'S SEAFOOD AND OYSTER HOUSE, INC.,	)	
	)	
Defendant.	)	

Deposition of PAULA DEEN, taken by counsel for the Plaintiff, pursuant to notice and agreement of counsel, under the Federal Rules of Civil Procedure, before Celeste Mack, CCR, RPR, at Oliver Maner, 218 West State Street, Savannah, Georgia, on Friday, May 17, 2013, commencing at 9:40 a.m.

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ALSO PRESENT: Shawn Screen, Videographer
Bubba Hiers, Melissa McCurry

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D I S C L O S U R E S T A T E M E N T

STATE OF GEORGIA

COUNTY OF CHATHAM

Pursuant to Article 10.B of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia, I make the following disclosure:

I am a Georgia Certified Court Reporter.

I am not disqualified for a relationship of interest under the provisions of O.C.G.A 9-11-28(c).

I am an employee of Tom Crites & Associates International, Inc. My office was contacted by Mr. Woolf to provide court reporting services for this proceeding.

Tom Crites & Associates, International, Inc. will not be taking this proceeding under any contract that is prohibited by Georgia law.

This, the 29th day of May, 2013.

_____

Celeste Mack, CCR, RPR 2738

THE VIDEOGRAPHER: This is the videotape deposition of Paula Deen taken by counsel for the plaintiff in the matter of Lisa T. Jackson vs. Paula Deen, et. al., held in the offices of Oliver Maner located at 218 West State Street on May 17, 2013 at the time indicated on the video screen.

Celeste Mack from Tom Crites and Associates International is the court reporter. My name is Shawn Screen, and I am the videotape specialist also in association with Tom Crites & Associates.

If counsel would now please introduce themselves and the parties they represent, starting with the party noticing this deposition.

MR. BILLIPS: Matthew C. Billips, representing the plaintiff.

MR. WOOLF: Wesley Woolf, representing the plaintiff.

MR. FRANKLIN: Bill Franklin

BILLIPS - DEEN

representing Paula Dean, Paul Deen Enterprises, Lady & Sons. Maybe somebody else in there.

MR. WITHERS: Tom Withers, representing Bubba Hiers and Uncle Bubba's Seafood & Oyster House, Inc.

MR. FRANKLIN: And there's my son Bubba Hiers sitting down at the end of the table.

THE VIDEOGRAPHER: Please swear in the witness, please.

PAULA DEEN,

having been produced and first duly sworn as a witness, testified as follows:

EXAMINATION

BY MR. BILLIPS:

Q Please state your full legal name.

A Paula Hiers Deen.

Q And, Miss Deen, what is your present home address?

A 818 Wilmington Island Road, Savannah, Georgia.

Q How long have you lived there?

A Three and a half years.

BILLIPS - DEEN

Q Who resides there with you?

A My husband and his son.

Q And what are their names?

A Michael Anthony Groover, Sr. and Jr.

Q Where did you live prior to 818 Wilmington Island?

A 121 Dogwood.

Q These are both in Savannah?

A Yes.

Q And did you say 121 Dogwood?

A Yes.

Q And who -- how long have you lived at that address?

A I think maybe five years.

Q Who lived there with you?

A My husband and our son, his son.

Q All right. That's Mr. Groover?

A Yes.

Q Okay. Where did you reside prior to that?

A Turners Cove, 73. Gosh, I can't remember the name of my little street.

Q 73 Turners Cove?

A Yes, number 73 Turners Cove.

BILLIPS - DEEN

Q And how long were you there?

A Probably three years.

Q Is that a house or an apartment?

A It's a row house.

Q Okay. And who lived there with you?

A Just myself.

Q Where were you prior to that?

A I lived on Abercorn Street. I don't -- I can't remember the street number.

Q Okay. For how long did you live on Abercorn?

A I think I was there probably around three years.

Q And who lived there with you?

A Just me and my animals.

Q Where did you live prior to that?

A 622 East 60th Street.

Q For how long?

A Oh, my gosh. Probably five or six years.

Q And who lived there with you?

A When the house was first bought, it was my first husband and our children.

Q Okay. And what was your first husband's

BILLIPS - DEEN

name?

A Jimmy.

Q And his last name?

A Deen.

Q No relation to the sausage?

A No.

Q Okay. And did anyone -- you said when it was -- you first moved in that's who lived there with you. Did anyone else live there during the time period that you lived at that house?

A Yes. Yes, my sons' girlfriends chose to move to Savannah and they lived there with us. My nephew Jay Hiers lived there with me for a while when he needed a place to stay. And this was during my divorce, so.

Q Okay. Anyone else?

A No.

Q Okay. Do you know if those girlfriends are still in the Savannah area?

A No, they're not.

Q Okay. What are their names, if you remember?

A Sheri Bottenfield and Jennifer McCook.

Q Where did you live prior to 60th Street?

BILLIPS - DEEN

A Albany, Georgia.

Q Okay. Was there an address?

A It was North Davis Street. I can't remember the house number.

Q That's fine. Who lived there with you?

A My family, my husband and children.

Q How long were you there?

A I don't remember.

Q Was it more or less than five years?

A I would say less.

Q Okay. Did anyone live there other than your husband and children?

A No.

Q Okay. Prior to that where did you live?

A My husband moved us around a good bit. I think in 27 years of marriage he probably moved us 23 times, so it's hard for me to remember.

Q Okay. Were you still -- of those 23 times, how many of them were in Albany?

A Oh, my gosh.

Q In other words, did you move to other places besides Albany and Savannah?

A He moved us to Columbus, Georgia one time.

BILLIPS - DEEN

Q Okay.

A He moved us to Dawson, Georgia one time. He moved us to Werner Robbins one time.

Q And what was the purpose of these moves, if you know?

A Job.

Q Okay.

A They were job related for him.

Q Okay. And did anyone live with you at any of these places other than you, your husband and your children?

A No.

Q Did your brother come and live with you at one point?

A Yes, he did.

Q All right. And where were you living then?

A I was living at 1500 Edgerly at the time of our mother's death. My brother was 16 at the time, and he was my responsibility to complete the job that mama and daddy started.

Q Okay. Now, do you still feel that responsibility?

A No.

BILLIPS - DEEN

Q Okay.

A No, I -- no, I don't.

Q Okay. Where -- what town was 1500 Edgerly?

A Albany.

Q Okay. Were you married at the time?

A Yes.

Q And that was to Mr. Deen?

A Yes.

Q For how long did Mr. Hiers live with you at the Edgerly address?

A He lived with me from the age of 16 to 21.

Q Okay. And was -- was the entire time at the Edgerly address in Albany?

A No.

Q So he moved around with y'all?

A (Witness nods head.)

Q Okay. During the period of time that Mr. Hiers was living with you, was your ex-husband, did he have a drinking problem?

A Yes.

Q Was he physically abusive?

A No.

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Q Okay. Was he abusive to Mr. Hiers?

A No, he loved him like a brother.

Q Okay. What led to your divorce from Mr. Deen?

MR. FRANKLIN: Objection, but you can answer.

(Interruption in proceedings.)

BY MR. BILLIPS:

Q Did either of your parents suffer from a drinking problem?

A No.

Q Okay. Now, your brother has -- are you aware that your brother has been in rehabilitation for alcohol and cocaine addiction?

MR. FRANKLIN: Objection, you can answer.

THE WITNESS: Absolutely.

BY MR. BILLIPS:

Q And do you recall when that occurred?

A Oh, my gosh, it was before I moved to Savannah; and to this day I'm convinced it was not his problem, but his wife's problem. But because Bubba was involved in it, I think he felt the right thing to do was to go with her.

BILLIPS - DEEN

Q Okay. And are you aware that he's currently drinking? I don't mean like right here at this second.

MR. FRANKLIN: He doesn't have a styrofoam cup.

THE WITNESS: Well, my brother is like every other man in my life, they drink socially.

BY MR. BILLIPS:

Q Okay.

A But my brother does not have a drinking problem.

Q Have you ever heard -- reported to you that your brother was showing up at work at Uncle Bubba's Seafood while intoxicated?

A No.

Q No one ever told you that --

A No.

Q -- was occurring?

Did Karl Schumacher have a meeting with you in which he told you that your brother had showed up at a function intoxicated?

A Not that I recall.

Q Okay. Did Mr. Schumacher ever tell you

BILLIPS - DEEN

that he believed Bubba had a drinking problem?

A Possibly. Possibly.

Q Okay.

A Karl had a lot to say.

Q Karl had a lot to say?

A Yes, he always does.

Q Okay. On how many occasions did he communicate to you problems that he had heard or was aware of relating to Mr. Hiers?

MR. FRANKLIN: Related to drinking, or just problems in general? What are you --

MR. BILLIPS: Problems in general, anything.

MR. FRANKLIN: Objection, overly broad, but go ahead.

THE WITNESS: A couple of times maybe. He came to me one time to say he felt like the business would be better without Bubba, and my reply was well, that's not an option, it's my brother's business. It was funded by Deen money and the business belonged to him.

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BY MR. BILLIPS:

Q Was there anything in your mind that your brother could do that would cause you to remove him?

MR. FRANKLIN: Objection to the form.

MR. WITHERS: Object to the form.

THE WITNESS: Repeat that question.

BY MR. BILLIPS:

Q Well, let me ask you, did you feel that you have the authority to remove your brother from his position of the business?

A That authority went both ways.

Q Okay. In terms of practical control, isn't it true that your brother's business owed Paula Deen Enterprises hundreds of thousands of dollars?

A That could be true.

Q Okay.

A Like I said, this was funded by Deen money.

Q Okay. Did -- when was it, if you recall, that Mr. Schumacher told you he thought the

BILLIPS - DEEN

business would be better off without Mr. Hiers?

A Oh, I don't recall.

Q Was it while Lisa Jackson was still working there?

A Oh, without a doubt, yes.

Q Okay. And did he give you reasons why he thought Mr. Hiers should not be in charge of the business?

A I'm sure he did because his ear was being filled by someone that wanted Bubba out of his business.

Q Okay. And did those reasons include allegations of sexual harassment?

A No.

Q Or racist conduct?

A No.

Q Are you aware of the -- or how much do you know about the evidence that has been obtained in this lawsuit about your brother's conduct?

A I don't know. What is the evidence?

Q Well, the deposition testimony of various employees.

MR. FRANKLIN: I'll object and instruct her not to answer anything

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that I have told her --

MR. BILLINGS: Yes, I'm not --

MR. FRANKLIN: -- about what's

going on in the litigation.

THE WITNESS: I was not here for

those, so I wouldn't know.

BY MR. BILLIPS:

Q Okay. Have you reviewed any of the depositions that have been taken in this case, read over any of them?

A If I have it's been a while.

Q Okay.

MR. FRANKLIN: I'll represent

they have not been presented to her.

BY MR. BILLIPS:

Q Okay. Are you aware -- you were here during your brother's deposition, right?

A Yes.

Q So you are aware of the things that he admitted to?

A Absolutely.

Q Okay. Did any of those things cause you any concern with regard to him continuing to operate the business?

BILLIPS - DEEN

MR. WITHERS: Objection.

MR. FRANKLIN: Objection. You can answer. That's just lawyers talking, you can answer.

THE WITNESS: One more time --

BY MR. BILLIPS:

Q Did any of the --

A -- ask that question.

Q Did any of the things that your brother admitted to doing, including reviewing -- reviewing pornography in the workplace, using the N word in the workplace, did any of that conduct cause you to have any concerns about him continuing to operate the business?

A No. My brother and I, 25 years ago, quite by accident, each started a business and we each had $200 to start that business. My brother built the most successful long-service business in Albany, Georgia with his $200. My brother is completely capable unless he's being sabotaged.

He sold his business the first day it came up for sale in Albany to move over here and help me with a business that was growing so fast I could not do it alone. He sold his home, his rental

BILLIPS - DEEN

property and his business the first day.

My brother had almost every commercial account in Albany, Georgia, because these people knew he would -- he had integrity. And just because he's got a sense of humor does not make him a bad person or incapable --

Q Okay.

A -- of running a business.

Q Now, does his sense of humor include telling jokes about matters of a sexual nature?

MR. FRANKLIN: Ever, or what are you --

BY MR. BILLIPS:

Q Sure.

A We have all told off-colored jokes.

Q Okay. Does his sense of humor include telling jokes of a racial nature?

A I'm sure those kind of jokes have been told. Every man I've ever come in contact with has one.

Q Okay. Miss Deen, have you told racial jokes?

A No, not racial.

Q Okay. Have you ever used the N word

BILLIPS - DEEN

yourself?

A Yes, of course.

Q Okay. In what context?

A Well, it was probably when a black man burst into the bank that I was working at and put a gun to my head.

Q Okay. And what did you say?

A Well, I don't remember, but the gun was dancing all around my temple.

Q Okay.

A I didn't -- I didn't feel real favorable towards him.

Q Okay. Well, did you use the N word to him as he pointed a gun in your head at your face?

A Absolutely not.

Q Well, then, when did you use it?

A Probably in telling my husband.

Q Okay. Have you used it since then?

A I'm sure I have, but it's been a very long time.

Q Can you remember the context in which you have used the N word?

A No.

Q Has it occurred with sufficient

BILLIPS - DEEN

frequency that you cannot recall all of the various context in which you've used it?

A No, no.

Q Well, then tell me the other context in which you've used the N word?

A I don't know, maybe in repeating something that was said to me.

Q Like a joke?

A No, probably a conversation between blacks. I don't -- I don't know.

Q Okay.

A But that's just not a word that we use as time has gone on. Things have changed since the '60s in the south. And my children and my brother object to that word being used in any cruel or mean behavior.

Q Okay.

A As well as I do.

Q Are you aware that your brother has admitted to using that word at work?

A I don't know about that.

Q All right.

A I'm not sure about that.

Q Are you aware of employees, or former

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employees, of Uncle Bubba's who have testified that he frequently used the N word to refer to staff?

MR. WITHERS: Objection.

MR. FRANKLIN: Objection, that mischaracterizes the testimony, the word frequently.

(Interruption in proceedings.)

THE VIDEOGRAPHER: Time is 10:06 a.m. We're off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 10:15 a.m. This is the beginning of DV tape two. We're back on the record.

BY MR. BILLIPS:

Q Miss Deen, you made reference to someone -- that your brother was perfectly capable of operating a restaurant as long as someone wasn't sabotaging him.

A Yes.

Q Do you have any reason to believe that Sara Copeland would want to sabotage your brother?

A I don't know who that is.

Q Okay. What about Lindsay McCoy, do you

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know her?

A No.

Q Do you have any reason to believe that she would want to sabotage your brother's operation of the restaurant?

A I have no idea. Since I don't know her, I wouldn't have a clue.

Q Okay. What about Laura Campbell, do you know who she is?

A Yeah, she's a painter here in town.

Q Okay. And do you know of any reason she would have to want to sabotage your brother or any of the businesses that are -- that are -- which you're associated?

MR. FRANKLIN: Objection to the extent I don't know how she's going to know what somebody else is thinking.

BY MR. BILLIPS:

Q Do you have any reason to believe, any basis on which to suspect that these people might want to sabotage you or sabotage your brother?

A Not to my knowledge, but as -- as my success grew, I realized that people can experience an emotion called jealousy.

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Q Okay. Do you think jealousy would cause Sara Copeland to testify that your brother used the N word?

A I don't know Sara, so I can't -- I can't predict what she's thinking.

Q Okay.

(Interruption in proceedings.)

BY MR. BILLIPS:

Q Miss Deen, among the things that Mr. Schumacher told you about, did he include any mention of Mr. Hiers displaying pornography to or including the female subordinate employees?

A No, I was not aware.

Q Okay. Did he ever tell you about Mr. Hiers coming in and putting some pornographic pictures down on the table at the beginning of the manager's meeting for everyone's --

A I heard -- I heard that Lisa Jackson had made a copy of some kind of pornographic picture for the meeting as a joke.

Q Okay. You heard that it was Lisa Jackson?

A Yes.

Q And that Miss Jackson brought those

BILLIPS - DEEN

pictures in?

A Yes.

Q Okay. Are you aware Mr. Schumacher testified yesterday that it was Mr. Hiers --

A No.

Q -- who brought those pictures in?

A I wasn't here yesterday.

Q Okay. And from whom did you hear that it was Miss Jackson?

A I don't remember.

MR. FRANKLIN: And objection, don't talk about anything you got confused in listening to me about it.

BY MR. BILLIPS:

Q Now, Mr. Schumacher told you about Mr. Hiers taking money from the restaurant without recording or telling anyone what he was doing, correct?

A Yes.

Q And Mr. Schumacher actually used the word stealing?

A Yes.

Q Now, the corporation that actually operates Uncle Bubba's is a -- there is a corporate

BILLIPS - DEEN

entity that operates that restaurant; is that correct?

MR. FRANKLIN: If you know.

BY MR. BILLIPS:

Q Do you know?

A I don't know.

Q Are -- are you a 50% owner of the corporation?

A Yes.

Q Okay. Does the corporation have meetings, board meetings? Have you ever had a meet -- a board meeting of a corporation?

A No.

Q Okay. Is that true of all of the corporations that which you were involved that y'all don't have board meetings?

A No, no.

Q Did there -- have you ever seen any board minutes of any of the -- of anything that the corporations have decided to do?

A Not that I recall.

Q Okay. And to your knowledge, there's never been a single official board meeting for Paula Deen Enterprises, or --

BILLIPS - DEEN

A Oh, yes, for Paula Deen Enterprises.

Q You have official board meetings?

A Yes.

Q Okay. What about for Uncle Bubba's Seafood and Oyster House, Incorporated?

A No. They have -- I think they have a weekly meeting on Thursdays, but my job is no longer -- is no longer in the restaurant.

Q Okay.

A You know, I -- I've hired capable people to do their job and I don't micromanage, I allow them to do their job. I know that they're human and not every decision they make will be good, but that's the risk of doing business.

Q Other than yourself, is there anyone on the board of directors of Paula Deen Enterprises?

A Yes.

Q Who?

A Both of my sons.

Q Okay. And do they have any ownership interest in Paula Deen Enterprises?

A No.

Q Was it ever brought to your attention that Lisa Jackson had complained to anyone about

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racial harassment or racist comments by Mr. Hiers?

A No.

Q Okay. Did Miss Jackson ever complain to you about Mr. Hiers on -- with regard to anything?

A Not -- not that I recall. I -- I didn't have much contact with her.

Q Okay.

A But no.

Q Was there any formal mechanism for people to complain to you if your brother acted inappropriately?

A I knew Karl would come to me. He was -- he was -- would have been my earpiece.

Q Okay.

A Or Bubba.

Q Did Mr. Hiers report to you that he had engaged in racially or sexually inappropriate behavior?

A No.

Q Okay. Now, if you had learned of Mr. Hiers engaging in racially or sexually inappropriate behavior in the workplace, what, if any, actions would you have taken?

MR. WITHERS: Objection, vague.

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MR. FRANKLIN: Objection. I think you have to describe what you consider sexually inappropriate. There's a whole gambit of things from mild to over the top. It's overly broad, the question.

BY MR. BILLIPS:

Q You can answer.

A I certainly would have addressed it.

Q Have you ever addressed Mr. Hiers' racially or sexually inappropriate conduct?

MR. FRANKLIN: Objection, because there's been no testimony that she was ever made aware of any.

MR. BILLIPS: Is your objection as to the form?

MR. FRANKLIN: I think you heard my objection.

BY MR. BILLIPS:

Q You can answer.

A No.

Q And you are aware of his -- him admitting to engaging in racially and sexually inappropriate behavior in the workplace in his

1 BILLIPS - DEEN
2 deposition in this case, correct?
3 MR. WITHERS: Object to form.
4 MR. FRANKLIN: Object.
5 BY MR. BILLIPS:
6 **Q** Do you think it's inappropriate to --
7 MR. FRANKLIN: Let her answer the
8 question you asked.
9 THE WITNESS: Ask that question
10 one more time, please.
11 BY MR. BILLIPS:
12 **Q** Are you aware of Mr. Hiers admitting
13 that he engaged in racially and sexually
14 inappropriate behavior in the workplace?
15 MR. FRANKLIN: Objection, she's
16 aware of what?
17 MR. BILLIPS: Let her answer.
18 THE WITNESS: Just what -- what's
19 being said, that's --
20 BY MR. BILLIPS:
21 **Q** Okay. What he said during his
22 deposition?
23 **A** I guess.
24 **Q** Okay.
25 **A** If I was sitting here I would have heard

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it.

Q Okay. Well, have you done anything about what you heard him admit to doing?

A My brother and I have had conversations. My brother is not a bad person. Do humans behave inappropriately? At times, yes. I don't know one person that has not. My brother is a good man.

Have we told jokes? Have we said things that we should not have said, that -- yes, we all have. We all have done that, every one of us.

Q Have you had any conversations with your brother about his conduct in the workplace and that he should not engage in such conduct in the future?

A Yes.

Q Okay. When -- when you first -- when did you first -- strike.

You said you have had such conversations with him. When did you do so?

A Oh, my goodness, Mr. Billips.

Q Over the years, or recently, or what?

A When Karl told me he was stealing, I addressed that with Bubba.

Q And as a result of Mr. Hiers stealing, he received a pay increase and the money he had

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taken was recharacterized as wages; is that correct?

A I -- I don't know how it was settled. I know that Karl was paying Lisa Jackson more than my brother was being paid; so if there was a salary increase, it would have been long overdue.

Q Okay. Did Karl set Lisa Jackson's salary?

A I would say yes.

Q Okay. And Mr. Hiers did not have any involvement in setting that salary?

A I would not know.

Q Okay.

A I would not know that.

Q Did Karl generally set salaries for managerial employees at the restaurants?

A Yes.

Q Okay.

A My -- my answer would be yes on that. Whether he collaborated with Bubba or either of my children, I -- I wouldn't know the answer to that.

Q Okay. But it was within his ballywig to actually set the salary?

A Yes, yes.

Q Did you ever feel like -- did you ever

BILLIPS - DEEN
feel that Karl Schumacher was trying to sabotage Mr. Hiers?
MR. FRANKLIN: At what point in time? Any point in time?
BY MR. BILLIPS:
Q Ever.
A You know, hindsight is 20/20. When Bubba and I opened Uncle Bubba's Oyster House, he and I debated about giving Karl Schumacher a percentage of the business, just to have a third party, and Karl was aware of this.
And Bubba and I continued to have conversation about it, and Bubba and I decided that there was -- we would not need a third party, that he and I could come to terms with anything that we disagreed on, so we opted not to give Mr. Schumacher any percentage, and I think Karl always resented that. And like I said, this is me looking back.
Q When did you first come to that conclusion?
MR. WITHERS: Objection.
MR. FRANKLIN: Objection.
MR. WITHERS: I don't think she was finished.

BILLIPS - DEEN

BY MR. BILLIPS:

Q Oh, I'm sorry, I thought she was.

A Karl is the most judgmental person I know. And out of every team member on our team, he is certainly the most prejudice.

Q Prejudice against who?

A You name it.

Q African-Americans?

A Gays, you name it. If you drink, you're a bad person. If you use four letter words, you're a bad person. If you don't think like he thinks, you're a bad person.

Q Is he --

A He is a one-man jury.

Q Is he prejudice against African-Americans?

A I -- no, I don't -- no. I would say the answer to that one would be no.

Q What about women, does he feel like women should not be in the workplace?

A No, I don't think he feels that way.

Q So --

A Morally he's very judgmental.

Q Okay.

BILLIPS - DEEN

A And who's without sin cast that first stone.

Q Did you ever talk to Mr. Hiers about inappropriate behavior other than stealing?

A No.

Q Okay.

A Because I was not aware of it.

Q All right. Now -- and if -- and it's your testimony that Mr. Schumacher never brought to your attention Mr. Hiers displaying pornography in the workplace?

MR. FRANKLIN: Asked and answered.

BY MR. BILLIPS:

Q Is that correct?

A I don't recall him ever.

Q Okay. Were you ever aware from any other -- other source prior to -- or excuse me, or during Miss Jackson's employment that Mr. Hiers was viewing pornography in the workplace?

A No. I know that men are really, really guilty of sending inappropriate jokes to each other. My husband would be under the jail if that were a sin right now.

BILLIPS - DEEN

Q Do you understand that there is some conduct that one can engage in outside the workplace that is not appropriate to inflict on your subordinate employees in the workplace?

A One more time, please.

Q Are you aware that there is some conduct that is allowed under the law outside the workplace that supervisors and managers cannot inflict on their subordinates employees inside the workplace?

A Yes. I think I understand what you're asking, and yes.

Q Okay. And are you aware that Mr. Hiers, in addition to receiving these pornographic images and sexual jokes, would display them to his subordinate employees?

MR. WITHERS: Object to form.

MR. FRANKLIN: Objection. You can answer, Paula.

THE WITNESS: I know that that computer's in the office and anybody can come in and snoop. What I know about a computer, Mr. Billips, you could slip through an eye of a needle because I think when people sit at

BILLIPS - DEEN

that keyboard they become rich, brave and invisible, and it's just a situation that I never wanted to put myself in.

BY MR. BILLIPS:

Q Did -- now, did you hear of an incident involving an employee referred to as Big Will?

A Oh, yes.

Q And as you -- the incident was first described to you, it involved a -- essentially an attack on Mr. Frazier?

MR. FRANKLIN: Objection.

MR. WITHERS: Objection.

MR. BILLIPS: I'm sorry?

MR. WITHERS: Objection.

BY MR. BILLIPS:

Q Did it, as first described to you, involve what was described as an attack on Mr. Frazier by Mr. Hiers?

A No. The first time I heard about the story Bubba relayed it to me.

Q Okay.

A And he said, you know, you're not going to believe this.

BILLIPS - DEEN

Q Okay.

A And he relayed it to me.

Q And what did he relay to you?

A He relayed to me that Miss Jackson told Karl that Karl -- that Bubba went into the kitchen and put his hands on Big Will and shook him and said vile things to Big Will. And Karl was walking into Bubba's office that morning, and Bubba could tell by the look on Karl's face that he had a problem. And Bubba said, Karl, are you all right? And he said, no, I'm not all right. Lisa just told me what your brother did. And Bubba was shocked.

Q Lisa just told me what your brother did?

A Yes.

Q Who did he say Karl said that to?

A To Bubba. No, Bubba asked Karl what was the matter. Karl said Lisa just told me what you did to Big Will. And Bubba said, what are you talking about? Karl relayed everything Lisa had said to Bubba, and Bubba said, well, Karl, that's not true. Come to the kitchen with me right now and let's go see Big Will.

Q Okay.

A And Big Will confirmed Bubba's telling

BILLIPS - DEEN

of what happened.

Q Okay.

A It was nothing like Miss Jackson said it was; but one more time she had his ear, and Karl was perfectly willing to eat up every word she said without checking.

Q Okay. So Mr. Schumacher -- this is according to what Mr. Hiers has told you at the time, Mr. Schumacher --

A Yes.

Q -- showed up at the restaurant, came up to Mr. Hiers, and said I heard -- Lisa Jackson told me what you did; and did he say to Big Will, what you did to Big Will?

A Yes.

Q Okay. And he then -- Mr. Schumacher then explained to Mr. Hiers exactly what he had heard.

A Yes.

Q And told him he had heard it from Lisa Jackson.

A Yes.

Q And that then Mr. Hiers denied it and took Mr. Schumacher with him to go and talk to

BILLIPS - DEEN

Mr. Frazier.

A Yes.

Q Okay. So the two of them went and talked to Mr. Frazier together, and Mr. Hiers told you what he had heard Big Will say to Mr. Schumacher, correct?

They went -- they went to Big Will together, right?

A Yes.

Q Mr. Schumacher asked Big Will what had happened.

A Big Will confirmed Bubba's description of what happened.

Q Okay. And --

A And Bubba put his hand on his shoulder and he said, please, Big Will --

Q Okay.

A -- I need to know if this young man indeed insulted a young woman in that way. And --

Q And my question is --

MR. WITHERS: Well, let her finish.

MR. FRANKLIN: Yeah, she's still talking.

BILLIPS - DEEN

BY MR. BILLIPS:

Q Go ahead.

A So what Lisa described as Bubba hitting and pushing Big Will, was actually a hand on Big Will's shoulder saying, Big Will, please, please, tell me the truth, this is important. And Bubba had to get to the bottom, if indeed there was verbal abuse in the kitchen.

Q Okay. So if I'm understanding correctly, Mr. Schumacher and Mr. Hiers went together to talk to Mr. Frazier?

A Ah-ha.

Q And Mr. Hiers asked Mr. Frazier to confirm what he had just said to Mr. Schumacher.

A He asked Big Will to tell Karl what happened.

Q Okay.

A And he did, and his story matched up with Bubba's.

Q Okay.

A It did not match up with Lisa Jackson's.

Q Okay. So when Mr. Schumacher talked to Mr. Frazier, Mr. Hiers was present, correct?

A Yes, the two of them went to the kitchen

BILLIPS - DEEN

because Bubba wanted to -- for Karl to hear what really happened.

Q Okay. Mr. Schumacher did not go and interview Mr. Frazier outside of Mr. Hiers presence?

A I don't think so, but again, I was not there.

Q Right. But according to what Mr. Hiers told you, they interviewed Mr. Frazier together, correct?

A To my knowledge.

Q Okay. Now, are you aware that there are cameras in the restaurant?

A Yes.

Q And the cameras would have picked up what actually happened --

MR. WITHERS: Object to form.

MR. FRANKLIN: Object to form.

BY MR. BILLIPS:

Q -- on this occasion?

MR. WITHERS: Same objection.

BY MR. BILLIPS:

Q You can answer.

A I don't know where the cameras are located in the kitchen. I know that we do have

BILLIPS - DEEN

cameras, but I don't know where they're located. And I don't know where the conversation took place, so.

Q Okay. Now, you were -- you're aware that Miss Jackson had claimed to have witnessed this incident, right?

A Yes, apparently, because that's how the story she told --

Q Right.

A -- apparently came about.

Q And did you consider confronting Miss Jackson with the videotape evidence to see -- to ask her, you know --

A No.

Q -- if it -- if it was contrary to the videotape evidence, why she would tell such a story?

A I never saw Lisa Jackson again after that point. I remember one day coming by the restaurant to see how Lisa was doing. She was out with some kind of sickness. And seems like she had been out for a while, so I dropped in to find out how she was feeling, how she was doing, and I never -- I never saw her -- she never came back to work, so I never, never saw her again.

BILLIPS - DEEN

Q Okay. Now, were you aware that there was another witness to the incident between Mr. Hiers and Mr. Frazier?

A No. No, I wasn't. I was not worried about witnesses after Big Will relaying the story. You know, there was -- there was no need to doubt his word and rely on anyone besides himself.

Q Because, of course, there's no possibility he could fear for his job?

A Oh, no, no. He's -- he's been with us. In fact, I call him handsome. He -- he is -- he's secure in his job. He does a good job.

Q He -- are you aware of a videotape of a witness to the event describing it?

A Seems like I heard something.

MR. FRANKLIN: Yeah, don't talk about anything I told you about. That's attorney/client privilege.

BY MR. BILLIPS:

Q Have you seen the videotape?

A No.

Q Okay. Now, so let me ask you something, the first you heard about this incident involving Big Will was from your brother.

BILLIPS - DEEN

A Yes.

Q So prior to your brother coming and talking to you about it, wasn't there a meeting between you and Karl Schumacher and Barry -- it's Weiner or Wiener?

A Weiner.

Q -- Barry Weiner and Jim Gerard at which you all went over what was alleged to have happened during the Big Will incident?

A Oh, my gosh, Mr. Billips, I don't recall. I stay extremely busy and I'm probably in town half a year.

Q Well, if somebody reported --

A And --

MR. FRANKLIN: Let her finish the answer.

BY MR. BILLIPS:

Q I'm sorry, go ahead. I thought she was done.

A And I have a lot on my plate, and --

Q Okay. If somebody reported to you that this valued employee, Will Frazier, had been physically shaken by your brother and that he's afraid of your brother because he thinks he'll get

BILLIPS - DEEN

fired, that's -- that's just not something you remember hearing?

A No.

MR. WITHERS: Object to --

MR. FRANKLIN: Objection.

MR. WITHERS: -- that characterization.

MR. FRANKLIN: Yeah.

BY MR. BILLIPS:

Q Okay. So -- now, we have had testimony from Mr. Schumacher and Mr. Gerard both of a meeting at which you were present, and which Mr. Weiner was present.

A Can you tell me where the meeting was held?

Q Ma'am, I don't -- I don't know that it was -- anybody said, I think at your house, at which the Big Will incident was described to you?

A I don't know, Mr. Billips, because by the time I heard about it there was no problem.

Q Okay.

A I heard about this after the fact.

Q Did Karl Schumacher ever talk to you about the Big Will incident?

BILLIPS - DEEN

A I just -- I don't recall. I don't ever recall it being a topic of conversation, but that doesn't mean that it didn't happen just because I can't remember.

Q Okay. Well, you remember when Karl came and talked to you about your brother stealing, right?

A Yes.

Q Okay. And was it -- where was that meeting?

A It was probably in my bathroom.

Q Okay. Was anyone else -- was anyone else present?

A No, just --

MR. FRANKLIN: Perhaps on the record she ought to explain, her bathroom is a little different than bathrooms in most of our houses.

BY MR. BILLIPS:

Q She can if she'd like.

A Well, my bathroom is off of my bedroom and there's a sofa and two chairs, and it's a bathroom/den combination.

Q Okay. Let me show you what has

BILLIPS - DEEN

previously been marked as Exhibit 57. It's an August 16, 2010 memo from Karl Schumacher, and ask you to read this over and tell me if you've seen it before.

A No, I have not seen this.

Q Have you seen it in preparation for your testimony?

A No.

Q Okay. So you've never seen it before at all?

A No.

Q Okay.

A No, never seen it.

Q And did -- when Mr. Hiers came and told you about the incident where he was confronted by Mr. Schumacher about allegedly assaulting Big Will, it's your testimony that it was a complete surprise to you that that allegation had been made, correct?

A Yes. That would -- that would surprise me --

Q Right.

A -- if someone said my brother physically assaulted someone, yes.

Q Okay. And you had never heard that

BILLIPS - DEEN

allegation prior to your brother coming to you.

A No.

Q Okay.

A No. I've never known -- I'm 66 years old, I'm seven years older than my little brother, and to my knowledge he has never been in a physical fight in his life.

Q Okay. Have you -- on how many occasions, if at all, have you met with Jim Gerard, Karl Schumacher and Barry Weiner to discuss problems relating to your brother's conduct or alleged conduct?

A None that I know of.

Q Okay. Now, did you ever suggest having Big Will out to your house, or did he ever -- has Big Will ever come out to your house?

MR. FRANKLIN: Objection, compound question.

BY MR. BILLIPS:

Q Has Will Frazier ever come to your house?

A Not while I was there.

Q Okay. Has he ever come there, to your knowledge, when you weren't there?

BILLIPS - DEEN

A Not to my knowledge, no.

Q Okay. Have you ever invited him?

A No.

Q Okay. Now, do you recall the incident involving Dustin Walls and Ray Parrish?

A Yes.

Q Okay. And did you --

A I'm aware of that.

Q All right. And Mr. Walls was found to have called Mr. --

A Allegedly.

Q -- Parrish --

A I was not there, so.

Q Right.

A Mine is through hearsay.

Q And the investigation that was conducted by Mr. Schumacher of that incident, he found that Mr. Walls had, in fact, called Mr. Parrish a monkey, you're aware of that?

A I'm aware of that accusation. I was never given a tape or any proof of what exactly was said, but when Karl called that to my attention, my words to Karl was we're not going to tolerate name calling, and so to handle it. Write him up, do

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something.

Q Did you suggest bringing Mr. Parrish out to your house to massage him or make him feel better?

A Absolutely not, no.

Q Okay. And I don't mean physically massage.

A I wouldn't physically or mentally do either.

Q Have you ever used that term as a way of describing making someone feel better, to massage them?

A No, I massage my meat and I massage my husband sometimes, but that's about the only time I use that word.

Q Okay. Now, did you ever have a discussion with Theresa Feuger about Miss Jackson or Miss Jackson's truthfulness?

A I would say yes.

Q When was that, while she was still employed or afterwards?

A It was probably afterwards.

Q Okay. And --

A Yeah, Theresa -- Theresa told me that

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she found, in trying to work with Lisa, that she always blew things up, and when Theresa would go out there, it was -- would be like nothing.

Q Did she give any examples?

A No. I just remember Lisa (sic) telling that she'd take a little grain of the truth and then she would write her own story --

Q Okay.

A -- to it --

Q Okay.

A -- is what I was told.

Q And you can't recall any specific incident to which she was referring?

A No, I just remember Theresa saying that.

Q Okay. Did you talk to any of the other employees at Uncle Bubba's about Miss Jackson, either during her employment or afterwards?

A No. I would not do that, but I have had a lot come up to me. I met a young woman Friday night at dinner, and she introduced herself and she said she used to work at Uncle Bubba's. And she said I was actually a manager, but Lisa fired me. She said there was just no getting along with her.

Q What was her name?

BILLIPS - DEEN

A You know, I don't remember. I could find out through my daughter.

MR. FRANKLIN: We are trying to locate her.

THE WITNESS: I just said, well, I'm sorry, we're finding that out a lot now, but she's gone so you can come back and apply.

BY MR. BILLIPS:

Q Okay.

MR. FRANKLIN: Do you want to take a break for a second?

THE VIDEOGRAPHER: The time is 11:04 a.m. We're off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 11:16 a.m. This is beginning of DV tape 3. We're back on the record.

BY MR. BILLIPS:

Q Miss Deen, I'd like to show you what has previously been marked Exhibits 54 and 55.

A Okay.

Q And ask you, first of all, where were those pictures taken?

BILLIPS - DEEN

A This was at South Beach Food and Wine. Robert Irvine is a good friend of mine, and I was on stage and he -- he usually comes out.

Q Okay. And was it in front of a live audience?

A Yes.

Q All right.

A Eighteen and older, no children allowed.

Q Why is that?

A Because it's a food and wine.

Q Okay.

A It's alcohol --

Q All right.

A -- involved, and it's for charity.

Q Have you made appearances in front of live audiences that were not 18 and older?

A On occasion.

Q Okay. Have you ever had any -- received any complaints about your conduct being inappropriate?

A I haven't, but I'm sure that some have been made because I found out that I am not capable of pleasing everyone all the time.

Q Okay. Well, I'm -- I'm talking more

BILLIPS - DEEN

about allegations or complaints that your use of obscenities and off-color jokes were considered inappropriate for the children who were in the audience?

A No. I wouldn't -- I wouldn't do that around children. I wouldn't -- I wouldn't tell some jokes around children.

Q Okay. Would complaints about your appearances come directly to you, or would they go to someone else?

A They would probably -- excuse me, they would probably go to my corporate office.

Q Okay. And who -- to whom would they be directed once they arrived at your corporate office? Karl?

A Probably.

Q Okay. Now, you indicated a moment ago that you have come to the conclusion that Karl, I forget exactly how you phrased it, but that he was jealous or resentful of the fact that he was not a part owner of Uncle Bubba's.

A Like I said, that's -- that's my conclusion in hindsight, Mr. Billips. I had never thought that up until recently in -- in looking back

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and trying to figure out why he was so resentful of Bubba on every turn.

Q Okay. And what made you draw that conclusion recently?

A Well, it's the only thing that makes sense to me.

Q No. I mean, what -- did some new information come to you that caused you to draw that conclusion?

A No. No, not new information, just -- just --

Q Did he do something different?

MR. FRANKLIN: Let her --

MR. WITHERS: I object to you continuing to cut her off when she stops with an interjection.

BY MR. BILLIPS:

Q Go ahead.

A It -- it's just the only conclusion I can come to that makes any kind of sense.

Q Okay.

A You know, I just -- it's the only thing that makes sense. It's the only thing that I can come up with that can make any semblance of sense in

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my mind as to why he would --

Q Why he would what?

A Why he would be so quick to believe things.

Q What things?

A That was reported to him about Bubba.

Q Like what?

A Well, like, didn't he say Bubba was a drunk? Didn't he say he was a thief? Didn't he say he didn't have sense enough to run a business? Why would he say those things? Why would he be so willing to fall for somebody's lies only because that's what he wanted to believe.

Q Whose lies?

A Lisa's.

Q Okay. Are you -- now, y'all hired a consulting firm to come in and evaluate the --

A Oh, yes, we did.

Q Okay. And do you think they did a good job?

A No, I do not.

Q Do you think they were jealous or resentful?

A No, I do not. I know for a fact that

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Lisa and Karl had their ear.

Q Okay.

A Every information they got was from Karl and Lisa, the two people that wanted to see my brother out of his very own business.

Q Okay. So --

A Do I believe a word they said? No, I do not.

Q Okay. So they were conspiring with Karl and Lisa?

A Listen, they -- they -- they fell for everything Lisa and Karl told them.

Q Okay.

A Spent very little time with my brother and almost none with me.

Q Okay. Well, were you available to spend time with them?

A For something that important, I make time.

Q Okay. Well, what do you mean for something that important?

A Well, we were spending a lot of money hiring this company.

Q Okay. So did you make time to come out

BILLIPS - DEEN

and meet with them?

A I met with them at the very, very end.

Q Okay. And did you hear their report when they made their report?

A I don't know that I read it, Mr. Billips. I knew that they had been massaged into what Lisa and Bubba wanted them to -- I mean, Lisa and Karl wanted them to think.

Q Ma'am, how much time had you spent at your brother's restaurant in the year preceding the conclusion of the MackWorks first consultant?

A I don't know. I felt real bad because I was there the first six weeks of the opening of our business in the kitchen, and then I had to start filming or it was book tours, I don't remember, but I had to leave -- I had to leave and I felt so guilty and so bad about having to -- to leave my brother in this new business.

And it's funny how people think if they can cook, they can be in the restaurant business, and that's as far from the truth as you can get. It's one of the hardest ways that a person could choose to make a living because of people that are available to work.

BILLIPS - DEEN

Q Do you remember my question?

A No. Did I not answer it?

Q No, ma'am.

MR. FRANKLIN: You had a question?

THE WITNESS: Okay.

BY MR. BILLIPS:

Q In the year prior --

A Oh, oh yes, so I will finish trying to answer your question.

Q Okay.

A So I have not worked in Uncle Bubba's since the first six weeks of opening the business.

Q Okay. So were you even present in Uncle Bubba's throughout the time period that MackWorks was performing --

A No.

Q -- the consulting work?

A No, sir.

Q Okay. And you were present for MackWorks, kind of the wrap up where they gave their report?

A Right. I remember Tonya coming out to my house and meeting with me, yes, sir.

BILLIPS - DEEN

Q Okay. And you recall that in that report one of the things they said was that Miss Jackson probably had foddered for her own EEOC charge, do you recall that?

A You know, I didn't find out that until way after the fact, but I could certainly understand how they would come to that opinion because it was Lisa's mouth that was doing the talking, so I'm sure that they would come to that conclusion.

Q Okay. You were given a copy of the report by Miss Mack, correct?

A Probably.

Q Okay. And in order to determine that it was the opinion of these high-priced consultants that Miss Jackson had been the victim of discrimination sufficient to give her cause to file an EEOC, all you would have had to do was read that report, correct?

MR. FRANKLIN: Objection. You can answer.

THE WITNESS: I knew she had -- by this time I knew that -- I didn't read the report.

BY MR. BILLIPS:

BILLIPS - DEEN

Q By this time what, you knew that she had been complaining about sexual harassment?

A No, I didn't know about that.

Q What did you know?

A I'm embarrassed to say, but not a lot.

Q Okay. The report was put in front of you, Miss Mack came to your house and she verbally gave you a report, correct?

A We spent about 15 minutes together.

Q Okay. And during that time, did she tell you about the issues that Miss Jackson was alleging that she was suffering from --

A No.

Q -- at the restaurant?

A No, no, I don't recall that.

Q And she -- but she handed you your own copy of the report.

A I can't -- I can't say she did that day. It may have been left at corporate.

Q Okay.

A So I would be guessing.

Q You certainly had every opportunity to read it if you so desired, correct?

A Yes. In my spare time, yes.

BILLIPS - DEEN

Q Okay. And what, if any, investigation have you done to determine if it is your brother who is lying, as opposed to Miss Jackson and Mr. Schumacher and the people at MackWorks?

A I've never said Mr. Schumacher was a liar.

Q Okay.

A What I'm saying is he has been very gullible.

Q He's been gullible, okay.

A Yes.

Q What, if any, investigation --

A I'm --

MR. FRANKLIN: Let her answer.

BY MR. BILLIPS:

Q I'm sorry, I thought she was done.

A I'm sorry, I'm getting old, I'm slow.

I know my brother. I know his character. If I ask him something, he would not lie to me, nor would I to him. There was nothing to investigate.

Is he perfect? No. Am I perfect? No. Could somebody out there run my business better than myself? Absolutely, but it's my business.

BILLIPS - DEEN

Q Prior to Mr. Hiers' deposition, had you ever asked him if he had engaged in the use of racial slurs in the workplace?

A No.

MR. FRANKLIN: Objection.

MR. WITHERS: I'm going to object, by the way, to the characterization that you have represented to the witness that she was present for his deposition. You know, I don't have that deposition in front of me, but I do not recall the deponent being present for Mr. Hiers's deposition.

MR. BILLIPS: I believe she was present for part of it. I think she came in late. But whether she was or not, I was putting a time frame on whether she had asked him a question prior to the deposition. I was not implying that she was present by my question.

BY MR. BILLIPS:

Q Prior to his deposition, did you ever

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ask him if he had engaged in sexually harassing conduct in the workplace?

A No, because he -- he -- he's not that kind of person. He may kid and joke and --

Q Okay.

A But no.

Q And the kidding and joking, do you know whether the kidding and joking included sexually explicit jokes?

A I wouldn't know --

Q Do you know if --

A -- having not been there.

Q Do you know if it included showing pornographic videos on the computer and asking women to come in and watch them?

MR. WITHERS: Objection.

MR. FRANKLIN: Objection.

MR. WITHERS: You can answer.

THE WITNESS: I would not know because I was not there.

BY MR. BILLIPS:

Q Okay. Well, did you ever ask him if he had engaged in any of that kind of conduct?

MR. FRANKLIN: Asked and answered

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several times.

BY MR. BILLIPS:

Q You can answer.

A No, that -- no, it just --

Q Would you see anything wrong with him doing that? I mean, since it's his business?

A You know, each situation can -- can be different. It's not black and white. There's a lot of gray in that.

Q So if Mr. Hiers was showing pornographic videos to his subordinate staff, would you consider that to be appropriate workplace conduct?

A I would not --

MR. FRANKLIN: Objection.

MR. WITHERS: Objection to form.

BY MR. BILLIPS:

Q Go ahead.

A I would not recommend that.

Q Okay. Is that something that you would consider consistent with the Bubba Hiers that you know?

MR. FRANKLIN: Is what consistent?

BY MR. BILLIPS:

BILLIPS - DEEN

Q Showing pornographic videos in the workplace?

A No.

Q Okay.

A No.

Q And you've never asked him if he's done that?

MR. FRANKLIN: Asked and answered. You can answer.

BY MR. BILLIPS:

Q Right.

A No, no. I -- I know all the men in my family at one time or another they'll tell each other, look what so and so sent me on my phone, you know. It's just men being men.

Q When you and Mr. Hiers started Uncle Bubba's Seafood, was a decision made to hire only whites to work in the front of the restaurant?

A No.

Q Okay.

A Bubba and I, neither one of us, care what the color of your skin is or what is between your legs, it's what's in your heart and in your head that matters to us.

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Q Okay. And do you have any reason, and if you don't, that's fine, but do you know of any reason why an employ -- a former employee named Lindsay McCoy would falsely testify that Bubba told Lisa Jackson in her presence to keep the front light when hiring --

MR. FRANKLIN: Objection.

BY MR. BILLIPS:

Q -- and looked at her and told her she didn't hear that?

MR. FRANKLIN: Objection.

MR. WITHERS: Object to form. By the way, I'm just going to go ahead and object to this continuous line of questioning about what one witness thinks about what another witness may say as an improper form of question and format of question.

BY MR. BILLIPS:

Q Do you have any facts, any knowledge, any reason at all to -- that would indicate a reason for Miss McCoy to lie?

A I don't know who that is.

Q Okay. Now, I was asking you earlier

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about why you believe that Karl Schumacher, and I forget exactly how you said it, is jealous or resentful of the fact that he's -- he was not given a part ownership in Bubba's, and you indicated that is something that -- that's an opinion you've come to recently, did I understand you correctly?

A I've tried to make sense of it in my head, Mr. Billips.

Q Okay.

A And that's the only thing I can come up with. It's --

Q Is there -- what, if anything, has caused you to re-examine Mr. Schumacher's attitude toward Mr. Hiers or toward you that caused you to come to that conclusion?

MR. FRANKLIN: And I would object to the extent that it may call for her to divulge attorney/client -- matters protected by the attorney/client privilege.

MR. BILLIPS: Okay.

BY MR. BILLIPS:

Q You can answer.

MR. FRANKLIN: In other words,

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you can't talk -- say anything that you and I talked about. Outside of that, if there's anything, I think that's what he's entitled to.
THE WITNESS: Well, just it's things that have come to light that Karl has said about my brother.
BY MR. BILLIPS:
Q You mean like some of the emails?
A Yes.
Q Okay.
A I know he's very judgmental, but --
Q How did --
A Karl is very loyal to me, to me. He had incredible value to my business.
Q And do you feel that Karl was attempting to protect you from your brother -- to protect your business from your brother?
A I don't know, possibly.
Q Okay.
A I don't know, but I -- I don't -- in looking back I don't think Karl's ever really liked Bubba. And the only thing that makes sense to me is maybe because we -- we had talked about giving him a

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percentage and did not. I don't -- I don't know what he -- what he feels.

Everything would be speculation on my part, but like I said, when people behave in certain ways, I try to look at it from their side, what would make them think and say. I try to make it make reason --

Q Okay.

A -- in my head, and I -- I just -- I don't know.

Q You said Karl was very judgmental.

A Yes.

Q In what ways has he shown judgmental behavior in your presence?

A Well, his body language.

Q Okay.

MR. FRANKLIN: Let her finish.

THE WITNESS: You know, you can look at someone when they're judging somebody.

BY MR. BILLIPS:

Q Okay. Well --

A And he's made it clear how he feels about gays and pornography. You know, he's just

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made it clear.

Q Okay. And in -- in what context was he exhibiting this body language that made you feel he was judgmental? What was happening when he would do this?

A Well, gosh, I have been affiliated with Karl for 22 years.

Q Okay.

A So after that many years, you -- you about know what a person is thinking.

Q Right. Is this -- are you talking about behavior, for example, when somebody would tell an off-color joke, or when someone --

A Yes, it could be that, or a comment made.

Q What kind of comment?

A He had some things to say about my personal assistant, who I love like he's my child, and he's gay.

Q And what did Karl say about that?

A I -- I don't -- I don't know. I'm not sure, but.

Q Did he say it to you?

A No.

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Q Okay. Who did he say it to?

A I don't know. I think it was in an email, I don't -- I don't know.

Q Okay.

A I don't know, but --

Q Has Karl ever expressed to you --

A -- in my eyes it's not acceptable.

Q Has Karl ever expressed to you this kind of bigotry? I mean, like actually said it to you personally that he is --

A Like I said, after 22 years of being with someone, if you had paid any attention at all to that person, you know.

Q Okay. I'm not questioning that, but I am asking whether he has ever made a statement directly indicating bigotry against gays?

A I'm sure he has.

Q Okay.

A I'm sure he has at some point. Karl does most of his conversing on that thing.

Q Via email?

A Yes.

Q Okay. Does Karl email to you?

A No, I don't know how to get an email.

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Q Okay.

A I would never answer him.

Q Other than being judgmental against gays, is there any other way in which -- and pornography, is there any other way in which Karl has displayed this judgmental conduct?

A Yes. Like I said, if you drink, if you curse. You know, he's the judge and jury in his -- in his mind. Is Karl a good man? Yes, he's a good man. But we -- it's my opinion that we have to be very tolerant of the fellow men that we live with because none of us are perfect.

Q Okay.

A And as fine a Christian man as he is, he -- he is not perfect either.

Q Okay. He -- Mr. Schumacher has criticized you for gambling.

A Oh, he's criticized everybody for everything. It's his job. He's the judge, he's the jury.

MR. BILLIPS: I'll tell you what, this is a good time to take a break. Why don't we go ahead and take a lunch break?

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THE VIDEOGRAPHER: The time is 11:47 a.m. we're off the record.

(Recess.)

(Attorney Kelin Murphy enters room.)

THE VIDEOGRAPHER: The time is 12:57 p.m. This is the beginning of DV tape four. We're back on the record.

BY MR. BILLIPS:

Q Miss Deen, earlier in your testimony you indicated that one of the things that you had tried to -- that you and your husband tried to teach your children was not to use the N word in a mean way, do you recall that testimony?

A Yes.

Q Okay. And could you give me an example of how you have demonstrated for them a nice way to use the N word?

MR. FRANKLIN: Objection.

BY MR. BILLIPS:

Q Or a non-mean way?

MR. FRANKLIN: Objection.

THE WITNESS: We hear a lot of

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things in the kitchen. Things that they -- that black people will say to each other. If we are relaying something that was said, a problem that we're discussing, that's not said in a mean way.

BY MR. BILLIPS:

Q What about jokes, if somebody is telling a joke that's got --

A It's just what they are, they're jokes.

Q Okay. Would you consider those to be using the N word in a mean way?

MR. FRANKLIN: Objection. Depends on how it's used in a joke.

MR. WITHERS: Object to form, vague.

BY MR. BILLIPS:

Q You can answer.

A That -- that's -- that's -- pardon?

Q He was talking to me, go ahead.

A That's -- that's kind of hard. Most -- most jokes are about Jewish people, rednecks, black folks. Most jokes target -- I don't know. I didn't make up the jokes, I don't know. I can't -- I don't

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know.

Q Okay.

A They usually target, though, a group. Gays or straights, black, redneck, you know, I just don't know -- I just don't know what to say. I can't, myself, determine what offends another person.

Q Okay. Well --

A I can feel out that person pretty good on what would offend them, but I'm not sure, Mr. Billips, what -- what the question even means.

Q Well, if you were sitting around at home just with you and your family, would you feel any hesitation in telling a joke that you thought was funny if it had the N word in it?

A I don't tell jokes, not at my house. That's --

Q Do the other members of your family tell jokes at home?

A Yes.

Q Okay.

A Yes.

Q And they told jokes using the N word?

A I'm sure they have. My husband is

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constantly telling me jokes.

Q Okay. And have -- are you offended at all by those jokes?

A No, because it's my husband.

Q Okay. What about your brother, does he tell those jokes?

A I'm sure he has. Bubba's not good at joke telling, but I'm sure he's tried to repeat some.

Q Okay. He just does it badly?

A Yeah, he don't -- he doesn't tell 'em good.

Q Okay.

A Barry Weiner will ruin a funny joke. You know, some people can tell jokes in a funny way and some can't.

Q Okay. And would you consider telling jokes, racial jokes, to be an example of using the N word in a way that's not mean?

A Not for me personally. It would not --

Q It wouldn't be mean for you personally?

A No, it wouldn't -- I wouldn't tell it.

Q Okay.

A I mean, that's -- that's not my style of

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joke.

Q Okay. Your style of joke generally has some sexual component to it; is that fair?

A Yeah, lots of times.

Q Okay.

A I poke fun at myself and other women.

Q Now, do you have, in your own mind, any kind of a working definition of what sexual harassment in the workplace would mean?

A I think I do.

Q Okay. Tell me what your definition of sexual harassment would be.

A I would think coming on to a person. I would think holding one back because of their sex.

Q You mean holding them back in their job?

A Yeah.

Q Okay.

A Oh, no, that -- that would be discrimination. But I would think just coming on to someone or -- I don't know.

Q Okay.

A I've never experienced it in my business. I've never been the recipient or the giver of it, so I just think I know in my head.

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Q Okay.

A I think I would recognize it if I saw it.

Q What about racial harassment?

A We don't tolerate that.

Q Okay. Well, what is it in your mind?

A I would think that -- racial discrimination, was that the question?

Q Harassment.

A Harassment. I would think that that would be picking out a certain race and never cutting them any slack. I don't know, verbally abusing them maybe, I'm not sure.

Q Okay. Using racial slurs in a workplace, would you --

A To them. If you were doing it against a Jewish person and constantly talking about -- bad mouthing Jews or lesbians or homosexuals or Mexicans or blacks, if you continually beat up on a certain group, I would think that that would be some kind of harassment.

Q Okay.

A I don't know. We don't -- we don't do that, I don't know.

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Q Did you consider what Dustin Walls was accused of doing to constitute racial harassment?

A I understand -- I understand the pressure that goes along with the restaurant business. When that dinner bell rings at 11:00, it's like you and your team go to war. You're fighting a war to get everybody fed, every customer happy, and I know in the heat of the moment you can say things that would ordinarily not be said. The restaurant business is just so stressful, so stressful.

Q Okay. Do you recall my question?

A Yes.

Q Okay.

A No. Maybe.

MR. FRANKLIN: All of the above.

BY MR. BILLIPS:

Q My question was, would you consider what Dustin Walls was accused of to constitute racial harassment?

A Yes.

Q Okay. Earlier you had indicated that you felt that the -- that the MackWorks people had not -- that they had been misled by Lisa Jackson and

BILLIPS - DEEN

Karl Schumacher. When did you first come to that conclusion?

A I felt like that while they were there.

Q During their audit you felt that way?

A Ah-ha.

Q Before they had any results whatsoever?

A Ah-ha. I knew that --

Q What made you feel that way?

A Well, I knew that the voices that they were -- that they were hearing every day was the voices of two people.

Q Well --

A Mainly two people.

Q What makes you believe that?

A Because those were the two leaders in the business at Uncle Bubba's.

Q Well, they're also at Lady & Sons, right?

A Yes, yes.

Q Okay.

A And they would have probably spent a lot of time with Dus -- no, they didn't spend much time with Dustin. Who did they spend most of the time? Could have been Cookie Espinoza.

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Q They did spend some time with Dustin.

A Not long.

Q Okay.

A Not long, but I think a little.

Q How do you know?

A Because I was told.

Q By Dustin?

A No.

Q By who?

A I think Tonya.

Q Okay. That she didn't spend much time with Dustin?

A No, they felt like the source of our problems were at Uncle Bubba's.

Q Okay.

A So that's what they were -- I think they were mainly hired to concentrate on Uncle Bubba's.

Q Okay.

A The best memory serves me.

Q All right. And what were the problems that they felt y'all had at Uncle Bubba's that needed to be fixed?

A I don't know. This is -- I think Karl made arrangements. Like I said --

BILLIPS - DEEN

Q Was one of the problems that they felt needed to be fixed the fact that Mr. Hiers had operational influence at the restaurant?

MR. FRANKLIN: Had what kind of influence?

BY MR. BILLIPS:

Q Operational. That he actually had decision making authority at the restaurant?

A Yeah, I think they had a problem with that. They both had a hard time understanding that the sign said Uncle Bubba's Oyster House, it didn't say Karl Schumacher's House or Lisa Jackson's House. And like I said, those two were --

Q Did -- did they also, as you understand it, speak to the employees at the restaurants?

A Lisa gave strict instructions that no one at Uncle Bubba's was allowed to talk with Karl, Bubba or me.

Q My question was about Tonya Mack and David Beroset. Tonya Mack and David Beroset spoke to the employees at Uncle Bubba's.

A Yes, I know that they interviewed people.

Q Okay. And they interviewed them about

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whatever problems they felt might exist, correct? Is that your understanding?

A That would be my understanding.

Q Okay. And did Miss Mack tell you what those employees told her first about Lisa Jackson?

A I don't remember.

Q Okay.

A I don't remember.

Q Miss Mack has testified that the employees, that the primary complaint about Miss Jackson was that she worked very hard and expected everyone else to work at the same level. Does that refresh your recollection?

A Yes, you know, I understand, because I've -- that was my original thought as well.

Q Okay. And that's what Miss Mack told you she had heard from the employees at the restaurant; is that correct?

A You know, I just can't say, Mr. Billips, because I don't remember.

Q Well, who was it during the course of their -- of their visit, when they're doing their audit, for want of a better word, who was it that was coming to you and telling you what was going on?

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A You know, I don't -- I don't -- I don't remember. I'm not involved on a daily basis in either restaurants.

Q Well, my question is you indicated that you felt during their -- the time they were working there, before they issued their report, that they were -- seemed to have some kind of bias.

A I know that there was two people feeding them information on a daily basis --

Q Okay.

A -- while they were here.

Q And at the time they were here, you felt that Lisa Jackson was an excellent employee, right, at that time period?

A I thought -- I thought she had good intentions.

Q Okay.

A I thought she had good intentions.

Q Okay. So the fact that they were getting their information from Lisa Jackson, would not have given you any concerns about their reliability, would it? Not at that time?

A You know, I just -- it was not my idea to call these people in and I didn't -- I'm so busy

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working outside those restaurants that --

Q Well --

A -- you know, I just wasn't sure about anything. But --

Q I'm still trying to get to what it was that made you feel that they were unreliable during the time they were doing the audit, and from what source you were getting information that led you to come to that conclusion?

A Apparently it was -- excuse me for interrupting. Apparently it was something that Karl had relayed to me.

Q Okay.

A That they had said.

Q Okay. And do you recall what that was?

A That all the problems were -- was Bubba.

Q Okay. And that's something they relayed to you after they had -- or excuse me, relayed to Karl --

A Yes.

Q -- while they were doing their audit?

A Yes, I think so.

Q Okay.

A I think that's the way it happened.

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Q And this is, as you understand it, after they had interviewed the employees at Uncle Bubba's and spoken to Lisa and Karl?

A I'm -- I'm assuming so.

Q Okay. So everybody on the scene who would have information about what the problems were at Uncle Bubba's had been interviewed by the MackWorks people, so far as you know?

A I would not know who they interviewed.

Q Okay. You do know they were interviewing employees other than Lisa Jackson and Karl Schumacher?

A Oh, of course, yes.

Q And they came to the conclusion that the problem at the restaurant was Mr. Hiers, correct?

MR. FRANKLIN: Object to the form.

MR. WITHERS: Object to the form.

MR. FRANKLIN: The report speaks for itself.

BY MR. BILLIPS:

Q I'm talking about what Karl told you. Karl told you that they -- the MackWorks people had come to the conclusion that the problem was Bubba.

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A Yes.

Q Okay.

A Yes, I think -- I think that would be fair.

Q Okay. And that's before the report came out? Before Tonya Mack had her meeting with you out at your house?

A Yes, I would say it would be. She came to my house right before she was flying out.

Q Okay. And the reason that -- strike.

Did you ever consider the possibility that they were correct?

MR. WITHERS: Well --

MR. FRANKLIN: Objection.

MR. WITHERS: -- I object to the form because that's based upon an improper premise.

BY MR. BILLIPS:

Q Did you ever consider the possibility that what the MackWorks people had told Karl, that the problem at the restaurant was Bubba Hiers, that they were correct in that assessment?

MR. WITHERS: Same objection.

MR. FRANKLIN: Same objection.

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THE WITNESS: Am I supposed to respond?

MR. FRANKLIN: Yeah. No, you can respond, I'm sorry.

THE WITNESS: Okay. And let me see if I got your question correctly in my mind. Did I ever think that maybe they were right?

BY MR. BILLIPS:

Q Yes.

A No. Did I think Bubba was doing everything spot on? No. No, I didn't think that. But was he as bad as what they were trying to make out? No, I know my brother better than that.

Q You hadn't been in that restaurant in nearly five years?

A I know it, but I've known my brother for 66 years.

Q Right. And during --

A That goes a lot deeper.

Q During the time you've known your brother, he spent time in rehab for alcohol and cocaine addiction?

A Absolutely.

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MR. WITHERS: Objection.

MR. FRANKLIN: Objection, asked and answered.

BY MR. BILLIPS:

Q Correct?

A You know, absolutely.

Q Did you know he was using cocaine before he went into rehab?

A No, I did not.

MR. FRANKLIN: Objection.

BY MR. BILLIPS:

Q Okay. So that's one thing you didn't know about your brother that he was doing.

A No. I knew something was wrong, but I didn't know what it was.

Q Okay. And over the past five years or so, you've been a lot busier --

A Yes.

Q -- than back in those days, right?

A Ah-ha.

Q And your business has expanded greatly.

A Yes.

Q And it has taken you into where you film --

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A Other arenas, yes.

Q Okay.

A I film here in Savannah.

Q And you travel a lot, right?

A Ah-ha.

Q You need to say yes, rather than --

A Louder?

MR. FRANKLIN: Yes or no?

BY MR. BILLIPS:

Q You have to say yes or no, rather than --

A Yes, I travel a lot.

Q Okay. Rather than ah-ha or huh-uh.

A Oh, sorry.

Q Everybody does it, don't worry about it. If I point to my mouth, that will remind you.

A Okay.

Q The -- so you have had less -- you've been around your brother less over the last five years than you had before then; is that true?

A Well, I was with him every day the first six weeks that we opened --

Q Right.

A -- but no. My family gets together

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every -- every weekend. We are a very close knit family.

Q Okay.

A But I was not in the restaurant working.

Q Right. And he wasn't in your restaurant working?

A No.

Q Okay. Now, did he ever come on the road with you or come with you to -- to various events?

A Yes.

Q Okay. Did any of the employees at Uncle Bubba's ever come and watch you when you were filming?

A No, it's -- my -- it's a closed set.

Q Okay.

A Just --

Q Did Karl Schumacher come ever?

A He might have popped in if he had papers for me to sign or something like that; but no, it's just me and the production company.

Q Okay. Did Mr. Schumacher ever speak critically of your use of colorful or sexual innuendo -- colorful language or sexual innuendos to Barry Weiner?

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A I don't know.

Q Okay.

A If he would have said it to Barry Weiner, Barry would have been the one privy to that. Karl's never said anything to me directly, but I have heard that he has said to others through emails.

Q Okay. And to whom has he said those kind of things?

A I -- I don't know. I guess whoever would pick up and read it.

Q Okay.

A I don't know who he was talking to.

Q Okay. Have you ever spoken to Karl about that?

A I don't remember.

Q Okay.

A I remember it shocking me.

Q Well, you knew he was judgmental.

A Yeah.

MR. WITHERS: Objection --

MR. FRANKLIN: Objection.

MR. WITHERS: -- Mr. Billips to continuously interrupting her. I know

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that she, like some of us, talks slower.

BY MR. BILLIPS:

Q I'm sorry, Miss Deen, I did not intend to interrupt you.

A That is all right, Mr. Billips.

MR. FRANKLIN: It's not all right.

BY MR. BILLIPS:

Q You knew he was judgmental.

A Yes.

Q So it wasn't that much of a shock to find out that he was --

A I was -- sorry, now I'm interrupting you.

MR. FRANKLIN: It's asked and answered anyway.

BY MR. BILLIPS:

Q It wasn't that much of a shock to find out that he disapproved?

A No, that was not a shock. What I find a shock is that you would discuss something like that outside of our team. That shocks me.

Q Okay. And who -- who was it outside the

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team that he was discussing it with?

A I don't know.

Q Okay. Tell me who the team is and maybe I can figure it out that way.

A The team is PDE, Uncle Bubba's Oyster House and The Lady & Sons.

Q Okay. Does that include all the employees thereof?

A Well, we're -- we're supposed to all be on the same team, so yes, I refer to anybody that gets paid by PDE, Uncle Bubba's Oyster House, or The Lady & Sons to be a team member.

Q Okay. Well, was it -- did he discuss it with MackWorks?

A I don't know.

Q Okay. I'm just trying to figure out who it was that -- because you indicated he sent emails to somebody.

A I heard he sent an email out.

Q Okay. Who did you hear that from?

A I don't know because it's been years.

Q Okay. Do you -- sitting here today, do you think that it was a mistake to hire MackWorks?

A I think it was unnecessary.

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Q Okay. Do you think that it was a mistake to bring in a human resources director?

A No.

Q Okay.

A No.

Q Why do you feel that a human resources director was necess -- or is necessary?

A We realized that we had so many employees and they needed a place to take a grief to, because there is just no way that I can listen to all of the problems, or Bubba, or Rance Jackson, who is the GM at The Lady & Sons. There's no way, we're not qualified to give them the proper ear that they need.

Q Okay. Especially if somebody had a grievance about Bubba, for example, at Uncle Bubba's, they would need somebody they could go to --

A Right.

Q -- other than him?

A Right.

Q And the only other person would be either Karl Schumacher, who doesn't have any authority over Mr. Hiers, or yourself; is that

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correct?

A Ah-ha. Yes.

Q Now, there -- did you feel that both Tonya Mack and David Beroset had a bias against your brother?

A I think they got a -- I think they formed their opinion on the information that was given to them.

Q Okay. And did you ever seek to find out exactly what information was given to them? What they were told by, for example, the employees at the restaurant?

A Repeat, please.

Q Did you ever try to find out what they were told by the employees other than Lisa Jackson?

A We discussed that maybe a little bit.

Q Okay.

A But I can't remember --

Q Okay.

A -- you know, exactly what was said.

Q All right. And you're talking about in this meeting with Tonya Mack --

A Yes.

Q -- you discussed it? Okay.

BILLIPS - DEEN

A Like I said, I knew that different people had different opinions. There was some complaints about Lisa, there was some complaints about Bubba. I don't know if there was complaints about Karl or not, I don't remember that, but I think these people were allowed to speak anonymously, so.

Q Were you aware that when Miss Jackson met with Miss Mack and was given an opportunity to discuss what was going on at Uncle Bubba's, that she broke down in tears?

A Yes, but that was not unusual.

Q It was not unusual for Miss Jackson to break down in tears?

A Yeah. I think she --

Q Why do you say that?

A Well, because we realized over time that that was the way she operated.

Q When -- did you realize that before or after she left?

A I was coming to realize that she blew everything way out of proportion while she was still there.

Q Okay.

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A I didn't realize though just how extremely good she was at it until after she left.

Q Okay. Can you give me any examples of anything that Miss Jackson blew out of proportion?

A No, I can't give you exact examples. I think I testified earlier that Theresa Feuger had told me that, you know, she would go out there, and come to find out it was, like, very, very minute.

I know when I would go to Uncle Bubba's, I would always go look for Lisa and speak to her and see how she was doing and thank her. I thanked her for everything she was doing. I thanked her. How absurd --

Q How often --

A -- on my part.

Q How often did you go out to Uncle Bubba's?

A I -- I don't know. There's no set time. When I'd have a minute I would pop in. I know I popped in one day just to check on Bubba and the restaurant and Lisa, because Bubba told me that she was out sick. And I knew this was becoming well over a period of time.

And I stopped by to see about 'em, and

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Bubba said she's still out, Paula, she's still out. And he said I don't -- I don't know when she's coming back. So, like I said, I saw her no more. I don't -- I don't know.

Q Okay. And this is at the end of Miss Jackson's employment?

A Yes.

Q Okay.

A After -- after that day I stopped by to check on everybody, she never did come back.

Q Okay.

A I think she finally called Bubba and told him over the phone that she wasn't coming back.

Q All right. Can you give me a number of times after that six weeks that you popped in and said hello to Lisa? Five? Ten? Fifteen? After the first six weeks that you worked at the restaurant, after she was hired, became general manager.

A Oh, I don't know. Probably a dozen times --

Q Okay.

A -- I would just stop by if I was --

Q Okay.

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A -- in the area.

Q Did she ever relate to you during any of those occasions that she was in -- having any problems with Mr. Hiers?

A No.

Q Did she ever hint at there being any problems she needed to talk to you about?

A No.

Q Okay. Do you feel or did you feel that Miss Jackson was doing a good job in running the restaurant?

A You know, I really, Mr. Billips, thought that she was. I knew that she had Bubba's trust and she eased pressure off of him, which was important to me. If I'd only been able to be there every day and work there, things would be different.

Q In what way?

A Hopefully I would have been able to see things very clear. Sometimes it takes a third party to come in and step back. When you're so close to a situation, sometimes it's the hardest to see.

Q And what do you think you would have seen if you had been there?

MR. FRANKLIN: Objection. I'm

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not sure how you can answer something like that.

BY MR. BILLIPS:

Q Go ahead.

A I think it would have been more difficult for her to say the things that she has said and behave the way she's behaved. I think I would have caught on to her --

Q Okay.

A -- if I had been there with her on a daily basis.

Q If you had been there on a daily basis, it's unlikely your brother would have been looking at pornography on the work computers too, would you agree?

A No, not necessarily.

Q Would you have a problem with it if he's sitting there at work looking at pornography?

A If somebody sent him something and he pulled it up and looked at it, no, I would not persecute him for that.

Q What if there were other employees in the office at the time that he pulled it up and looked at it?

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A You know, that's not black or white. It's -- that's -- it's not a black and white answer.

Q So it's okay sometimes to look at pornography in a workplace in the presence of other employees?

A No.

MR. FRANKLIN: Objection to form.

THE WITNESS: Now you are -- you are --

BY MR. BILLIPS:

Q Is that what you're saying?

A No, you are misinterpreting my words.

Q Well, then, please explain.

A Bubba, I don't think, would ever do that if he thought there was somebody in the room that he -- it would insult.

Q Okay. What would it take to convince you otherwise?

MR. FRANKLIN: Object to the form of that.

THE WITNESS: Bubba would never force somebody to read the crap that comes up on that computer.

BY MR. BILLIPS:

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Q Are you aware there's testimony from third party witnesses that he would regularly read the sexual jokes that were offensive to them?

MR. WITHERS: Objection.

MR. FRANKLIN: Objection.

MR. WITHERS: Object to form.

BY MR. BILLIPS:

Q You can answer. You're not aware of that?

Would it matter to you if somebody not seeking anything from your company came in under oath and swore that he read sexually offensive jokes to them when they didn't want him to on a regular basis?

MR. WITHERS: Object to form.

MR. FRANKLIN: Objection.

MR. WITHERS: Complete mischaracterization, but you can answer.

THE WITNESS: I can't imagine Bubba forcing anybody to participate in something. I just -- I just can't imagine.

BY MR. BILLIPS:

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Q Okay.

MR. FRANKLIN: Let's take just a five minute break.

THE VIDEOGRAPHER: The time is 1:40 p.m. We're off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 1:52 p.m. This is the beginning of DV tape five. We're back on the record.

BY MR. BILLIPS:

Q Miss Deen, when you first opened your business it was called The Bag Lady; is that right?

A Ah-ha.

Q And it was just you and your sons that were working there?

A It was actually -- yes. It was actually myself and my oldest son. And we went in operation a few months before Bobby decided that he -- he would come help us.

Q Okay. And then the next business was called what?

A We operated The Bag Lady exclusively for a year and a half, and then I had the opportunity to move into a space in the Best Western on Eisenhower.

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It was a turn key operation, all I had to do was bring in my groceries and pay my first and last month's rent. And thank goodness I had saved up enough money to do that.

And so in order for people to make the connection between The Bag Lady and the restaurant, I decided to call it The Lady.

Q Okay.

A The Lady worked the front door, The Bag Lady worked the back door.

Q Okay. And how long was that business in operation?

A I was there five years.

Q Okay. And then what was your next?

A My next move was to 311 West Congress.

Q Okay. And that was the Lady & Sons?

A The Lady & Sons. I put my sons name up there, and --

Q Okay. And how did you go from there to being on television, having a TV show?

A Well, I could -- I could talk to you all afternoon about that.

MR. FRANKLIN: Please don't.

THE WITNESS: But I do have

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dinner guests.

A lot of things that I can only attribute it to being miracles. The day that I took responsibility for my own self, which was June the 19th, 1989, I made a commitment to work, and work very hard to do whatever it took.

And God has not missed a day blessing me since that day. And they're only short of being a miracle as to how I came and to where I am today.

I can give you one example. There was teams of Random House here in town. Clint Eastwood was here in town filming Midnight and the Garden of Good and Evil. And like I said, a lot of people from the publishing house.

And I had saved up enough money, once we got opened downtown, to write a cookbook. I really, really wanted to have people able to take my recipes, if they enjoyed their visit

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there, and go home and repeat it. So I saved up my $20,000, I went right down to the next block and had the printing company turn it into a book for me.

It had been out two weeks and this woman and her boyfriend was walking down Congress Street, and all of a sudden the bottom fell out, so she ducked in my place to get out of the rain. And she said that I came and served them hoecakes and biscuits. I was the hoe girl that day.

And she didn't tell me who she was. And a few days later I got a call from her, and she said this is Pamela Cannon, I'm an editor with Random House in New York City. I was in your place last week and she said the food was just wonderful. Did I notice -- was I correct, did I notice a cookbook on your side board?

And I said, honey, yes, you did. It's been out two weeks and it's been

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doing so good. I probably sold 25 copies, and it was good. And she said, well, would you send me two copies?

And I didn't know who Random House was or what they was, what they were. And I went and found my oldest son and asked him if he was familiar with somebody called Random House. And I saw the color drain out of his face, and he said, yes, mama, they're one of the three big publishing houses in America. And I said, well, son, they want copies of our cookbook.

And within 20 minutes he had those books charged to the credit card that she had given him -- or given me and had those cookbooks in the mail. And three days later my son and I were sitting there, we were closed for a private group, and we was sitting there and the candlelights were lit. And I was the cook, and he was the server, there was just the two of us

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there.

And the phone rang and I answered it, and she said, hello, Paula, this is Pamela Cannon. And I said, well, hey. By then I knew who she was. And she said I just wanted to call and say congratulations. Random House feels like your cookbook has merit and we'd like to buy it.

And I remember Jamie and I getting up and dancing. We danced all over the restaurant, and hugged and cried. That's just one of the little miracles. Just one of the little miracles.

BY MR. BILLIPS:

Q How long -- how long after that was it before Uncle Bubba's was opened?

A Oh, my gosh, that was probably in -- we opened January the 8th, 1996, at 3:11. Bubba's been here probably 12 years. It was probably three years after that when Bubba moved to Savannah, and I'm not sure what year we opened Uncle Bubba's.

Q And Bubba was in Albany at the time?

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A Yes.

Q Okay. That's when he had the --

A Yes.

Q The --

A Yes.

Q -- landscaping?

A Yes, yes.

Q Had Mr. Hiers ever worked in a restaurant, to your knowledge?

A No, he was just like me, he had never worked in a restaurant. I had never been inside a professional kitchen until I moved into the Best Western, only in my grandmother's restaurant as a little girl.

Q Okay.

A And that's the closest we ever came.

Q Your grandmother had a restaurant?

A Ah-ha.

Q Where was that?

A Well, the first one was in Hapeville, Georgia, out by the airport, in the '40's. It was called Hapeville Sandwich Shop.

Q Okay.

A And they sold that and they moved to

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Albany and opened a restaurant called the White House that sat next to the Black Cat. And my father came in for a meal and my mother was his waitress.

Q Is that restaurant still there?

A Oh, no. No, neither the White House or the Black Cat. And then they went on to build River Bend.

Q What is River Bend?

A It was a motel, cabin, skating rink, swimming pool and restaurant.

Q Okay.

A And the whole family lived there in the business.

Q Okay, all right. When you moved -- when did you first hire employees other than family members?

A I was probably in business two years.

Q Okay.

A Because I -- I didn't have money for employees in order for me to save up money to give myself choices. I, you know -- I was the only person I knew that would work for free, so I did it.

Q Okay. And that was still at The Bag Lady, or --

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A The Best Western.

Q The Best Western, okay.

Now, are you -- over the last five years or so, have you been any more active with The Lady & Sons than you have been with Uncle Bubba's?

A No.

Q Okay. For the most part, has your time been spent with the TV shows and personal appearances and --

A Books.

Q -- cookbooks and that kind of thing?

A I'm out a lot on book signings.

Q Okay.

A I go to New York and L.A. to appear on morning shows and talk shows a good bit. And my business takes me out of town a good bit, just -- just on business.

Q Has your business continued to grow?

MR. FRANKLIN: Which business?

THE WITNESS: Yeah, which one?

BY MR. BILLIPS:

Q Well, your -- your business as a whole, taken all -- taken together?

A Absolutely. That's why we have the

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problems that we do because of growing pains.

Q Okay. Do you know approximately how much Paula Deen Enterprises was able to net last year?

A I wouldn't have a clue.

Q Okay.

A I would not have a clue. I have not taken -- drawn a penny out of The Lady & Sons in probably eight years because we pay our people very, very, very well. And if I drain that business, we wouldn't be able to pay them what we pay them.

So I have no income from that, and naturally I have no income from Uncle Bubba's. As long as I can get out and scratch me out a living in other areas, I will not deplete the monies.

Q And Paula Deen Enterprises has brought in millions of dollars a year?

A I would say that's fair.

Q Okay.

A Fair.

Q Now, when you were working at The Lady & Sons, what -- was there anything that was your -- that you considered to be your primary job?

A Everything. Everything. If the toilets

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needed working on, I did that. If the chicken needed frying, I would wash my hands and do that.

Q Okay. And did -- I mean, obviously you knew how to cook, so you could --

MR. FRANKLIN: That's the only thing we've agreed on in this litigation, apparently.

BY MR. BILLIPS:

Q You could cook at the restaurant.

A Yes.

Q Were you essentially the general manager or did you have a general manager working for you?

A No. I was basically where the buck stopped.

Q Okay.

A We did hire or we -- we all -- we always hire from within, and we would -- we finally, I think, took two servers, and we may have rotated it, I can't remember, but made them day leaders, day shift leaders, so that there would be somebody besides me or my children to bring their problems to.

Q Okay. Now, when Uncle Bubba's was first started, was it -- did it initially have a general

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manager?

A No, I don't recall, or maybe we did. I don't recall.

Q And was there a general manager who was -- in the early days who was fired from Uncle Bubba's because he was having a relationship with --

A Yes --

Q -- a server?

A An underage server.

Q An underage server?

A Yes.

Q Okay. And there's a quote attributed to you in the Complaint about that.

A Yes.

Q Is that quote accurate?

A That is, absolutely. Out of all of the accusations I can say that's the only one --

MR. FRANKLIN: Well, which quote? There are about three in that paragraph. I know the one you're talking about, but let's make sure the record is clear.

THE WITNESS: There is one sentence.

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BY MR. BILLIPS:

Q Okay, what sentence is that?

A You don't have that in front of you?

Q I'm looking for it.

MR. FRANKLIN: I do. Do you want me to show it to her?

MR. BILLIPS: Sure.

THE WITNESS: I said that first sentence that's in quotes. I certainly did. I said it that day and I would say it again today if it applied.

BY MR. BILLIPS:

Q Okay. Would you -- could you read --

A That other nonsense I did not say.

Q Could you read for me the part that you did say?

A Yes.

MR. WITHERS: What paragraph is that, just for the record?

THE WITNESS: 17. If you think I have --

MR. FRANKLIN: It depends which Complaint we're looking at. It's -- I

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think that might be the first Complaint, and on the amended Complaint it's the 20th paragraph.

THE WITNESS: "If you think I've worked this hard to lose everything because of a piece of pussy, you better think again."

That young man's sexual control was out of control, and no way was I putting our business in that kind of jeopardy.

BY MR. BILLIPS:

Q Okay. Who was the young man?

A His name was -- oh, gosh. Can somebody help me?

MR. WITHERS: No.

THE WITNESS: No?

MR. FRANKLIN: I would but I can't remember.

THE WITNESS: Join the club. I don't remember. But when you've worked 16 and 20 hours daily, seven days a week for 15 years, and because a young man couldn't keep his zipper

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up, no way.

BY MR. BILLIPS:

Q And the girl in question was underage you said?

A That's what I was told.

Q Okay.

A But the rest of that nonsense I did not say.

Q Okay. Who was present during that meeting?

A I don't -- I don't recall.

Q And who did you replace him with?

A I think having said that, I probably walked out and left.

Q Okay. Who replaced him as general manager?

A I don't remember.

Q Was it Miss Jackson?

A I don't think so. I -- I don't -- I just don't remember, Mr. Billips, I'm sorry.

Q Okay. Was there anything else that was in the -- in the Complaint that you did actually say?

A No.

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Q Well --

A Not that I see here.

Q There's a reference in some notes from Mr. Schumacher that you had told him that you had made the statement that the Paula Deen family of companies was, quote, one in the same business, and that I owe just as much on this fucking restaurant as I do --

A Yes.

Q -- on that fucking restaurant?

A Absolutely, I said that.

Q Okay.

A The money was coming from the same pot of both restaurants.

Q Okay. And the money has continued to support Uncle Bubba's -- there have continued to be loans from other companies of which you were a part owner; is that correct?

A I'm sorry, I didn't hear you.

Q There have -- you have continued to make loans to Uncle Bubba's Seafood and Oyster House in order to keep it afloat?

A I'm sure Karl has lent money from one business to another.

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Q Okay.

A As they need it.

Q Now, did Lisa Jackson have any role in either the planning or execution of your brother's wedding?

A Well, my assistant Brandon Branch -- Brandon is a very, very talented young man, and he -- Brandon has been in charge of all of the weddings that's taken place in our family, and I think -- I think Brandon worked with Lisa on the food.

Q Okay. So was Lisa ever present when you discussed with Brandon what kind of wedding you'd like to have?

A I don't recall that. I recall -- I do recall, once again, in my bathroom at that house, and why we would have been in the bathroom, I was probably filming and changing clothes, that's the only reason why we would have been in that bathroom, they must have run out during my lunch break or something from filming, and I remember us talking about the meal.

And I remember telling them about a restaurant that my husband and I had recently visited. And I'm wanting to think it was in

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Tennessee or North Carolina or somewhere, and it was so impressive. The whole entire wait staff was middle-aged black men, and they had on beautiful white jackets with a black bow tie. I mean, it was really impressive.

And I remember saying I would love to have servers like that, I said, but I would be afraid that somebody would misinterpret.

Q The media might misinterpret it?

A Yes, or whomever --

Q Okay.

A -- is so shallow that they would read something to it.

Q Were they dressed in white shorts and bow ties?

A No, they were dressed in white jackets.

Q White jackets?

A Dinner jackets.

Q And a bow tie?

A And a bow tie and black trousers, and they were incredible.

Q Okay. And you said something --

A These were men that had made their living off of service and people in a restaurant.

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Q Right.

A It was -- I was so impressed.

Q Okay. And they were all black men?

A Yes. Professional servers and waiters.

Q And when you described it to Miss Jackson, did you mention the race of -- well, you had to have mentioned the race of the servers --

A Of course I would --

Q -- because that's the part that --

A -- because that's what we just experienced.

Q Right. Do you know what word you used to identify their race?

A I would have used just what I just told you.

Q Black or African-American?

A Black. I would use the word black.

Q Okay.

A I don't usually use African-Americans.

Q Okay.

A I try to go with whatever the black race is wanting to call themselves at each given time. I try to go along with that and remember that.

Q Okay. So is there any reason that you

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could not have done something just like that but have people of different races?
A Well, that's what made it.
MR. FRANKLIN: Objection.
MR. WITHERS: Object to form.
BY MR. BILLIPS:
Q You can answer.
A That's what made it so impressive. These were professional. I'm not talking about somebody that's been a waiter for two weeks. I'm talking about these were professional middle-aged men, that probably made a very, very good living --
Q Okay.
A -- at this restaurant. They were trained. The -- it -- it was the whole picture, the setting of the restaurant, the servers, their professionalism.
Q Is there any reason you couldn't have found middle-aged professional servers who were of different races?
MR. FRANKLIN: Objection, relevance.
THE WITNESS: Listen, it was not important enough to me to even fight,

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to reproduce what that restaurant had. I was just simply expressing an experience that my husband and I had, and I was so impressed.

BY MR. BILLIPS:

Q Did you describe it as a -- that that would be a true southern wedding, words to that effect?

A I don't know.

Q Do you recall using the words "really southern plantation wedding"?

A Yes, I did say I would love for Bubba to experience a very southern style wedding, and we did that. We did that.

Q Okay. You would love for him to experience a southern style plantation wedding?

A Yes.

Q That's what you said?

A Well, something like that, yes. And --

Q Okay. And is that when you went on to describe the experience you had had at the restaurant in question?

A Well, I don't know. We were probably talking about the food or -- we would have been

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talking about something to do with service at the wedding, and --
Q Okay. And it was just you and Brandon and Lisa Jackson?
A I couldn't -- I couldn't tell you who all was in there because the only reason I would have -- they would have come to speak to me in my dressing room is because I was in between takes.
Q Okay.
A Changing clothes and getting hair and makeup --
Q Okay.
A -- prepped.
Q Is there any possibility, in your mind, that you slipped and used the word "nigger"?
A No, because that's not what these men were. They were professional black men doing a fabulous job.
Q Why did that make it a -- if you would have had servers like that, why would that have made it a really southern plantation wedding?
MR. FRANKLIN: Objection.
Relevance.
BY MR. BILLIPS:

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Q You can answer.

A Well, it -- to me, of course I'm old but I ain't that old, I didn't live back in those days but I've seen pictures, and the pictures that I've seen, that restaurant represented a certain era in America.

Q Okay.

A And I was in the south when I went to this restaurant. It was located in the south.

Q Okay. What era in America are you referring to?

A Well, I don't know. After the Civil War, during the Civil War, before the Civil War.

Q Right. Back in an era where there were middle-aged black men waiting on white people.

A Well, it was not only black men, it was black women.

Q Sure. And before the Civil War -- before the Civil War, those black men and women who were waiting on white people were slaves, right?

A Yes, I would say that they were slaves.

Q Okay.

A But I did not mean anything derogatory by saying I loved their look and their

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professionalism.

Q But you knew that if you did something like that, the media would pick up on it and have something to say?

A I didn't -- no, not necess --

MR. FRANKLIN: Objection. Asked and answered.

BY MR. BILLIPS:

Q Correct?

A Not necessarily the media.

Q Okay.

A But people around us.

Q Okay.

A No, I knew the media was not covering Bubba's wedding.

Q Okay.

A But just people around. It just wasn't worth -- it just wasn't worth it.

Q Okay.

A If I could have brought the restaurant there I would have done that, but I could not afford to do that.

Q What did you -- what do you mean, if you could have brought the restaurant there?

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A If I could have hired that restaurant to come here --

Q Oh, that restaurant --

A -- to cater it.

Q -- I see.

A Yes, I would have, but I couldn't afford.

Q Okay. I thought you were talking about your own restaurant --

A No.

Q -- bring it out --

A No.

Q -- and it was like -- it just totally confused me.

A No.

MR. BILLIPS: Give us just a few minutes. I need to talk to co-counsel about something.

THE VIDEOGRAPHER: The time is 2:29 p.m. We're off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 2:38 p.m. We're back on the record.

BY MR. BILLIPS:

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Q Miss Deen --

A Yes, sir.

Q -- other than with respect to lining up your public appearances and shows and photo opportunities, things like that, which I understand Barry Weiner is in charge of.

A Barry is my agent.

Q Okay.

A Sarah Meghan does all my scheduling.

Q Okay. Other than those items, with regard to the remainder of the operation of your -- of the various corporations of which you are an owner or part owner, would Karl Schumacher have day-to-day control of those corporations?

A Yes.

Q Okay.

A Pretty much, yes.

Q Okay. And prior to hiring a human resources director, he would have been the person who had the day-to-day personnel management control?

A Yes.

Q Okay.

A Yes.

Q All right. And for all of those

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companies, he is the person who would have made decisions regarding employee pay for the employees of the companies?

A Yes. He -- he sets -- he sets, like, raises and I -- I review them and say yea or nay.

Q Okay. And then with regard to -- okay.

So for the -- for example, for raises at the restaurants for the general managers, he would set a proposed raise and you would either approve it or disapprove it, or reduce it or increase it.

A Yes, but that was more at The Lady & Sons. I really didn't get involved with Uncle Bubba's.

Q Okay. The -- what was Theresa Feuger's job with regard to the restaurants?

A Well, we've all worn so many hats. My core team from PDE. At one time I think she was the liaison between corporate and Uncle Bubba's.

Q Okay. Did she have any operational -- was she -- was she Lisa Jackson's supervisor at one point?

A I don't know that she would be her supervisor. I think she might, would call Theresa, if, you know, she needed help with something.

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Q Okay. And did you consider these various components of the operation, I believe you described them previously as being one in the same business.

A When I said that, I meant there's one pot funding both of those restaurants. I owe, I owe, it's off to work I go. I go to work for The Lady & Sons and I go to work for Uncle Bubba's to bring business into this town for both restaurants, I owe.

Q So you expected them to work together to --

A If --

Q -- help each other to bring in money?

A If one place was booked for a banquet, or they needed help for a special event, yes, I told them to call on each other. If you couldn't do it here, don't forget we have Uncle Bubba's sitting out here with a lot of space. You send the business to Uncle Bubba's before you just turn them out on the street to anybody. Both restaurants are to do whatever they can to service groups.

Q Okay. If one restaurant needed -- say they were -- they were slammed and didn't have

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enough employees, would you expect the other restaurant to send somebody to help?

A I think we did that maybe on one occasion for Uncle Bubba's at the very start when we were just shorthanded.

Q Okay.

A Yes, I'm sure I would have called somebody from the restaurant and say "help".

Q Okay. Now, I have asked you previously about some things that's been alleged that your brother has done, and you've indicated that you could not imagine him doing them. I want to ask you about another one.

Can you imagine your brother speaking to a female employee who had just gotten dentures, that I'll bet your husband is going to like that?

A I can imagine several men in my life that would have said something similar.

Q Okay. Is that something that you think is funny?

A It depends on the person. If you're comfortable enough with that person, it depends on that relationship.

Q Okay.

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A I certainly wouldn't go out or recommend any of y'all go out to some lady on the street and say that, but it just -- sorry, Bill, I know that shocks you. But it just depends on what kind of friendship.

Q Okay. And is that something that you would think would be appropriate for an owner of a company to say to a female employee?

A There again, it goes back to what kind of comfort zone that -- that friendship or relationship is in.

Q Okay. Is -- you're also running the risk of offending anyone else who may hear it who's not that comfortable with it, would you agree?

A Could be. It depends on, you know, who is there.

Q Okay.

MR. BILLIPS: Do we have any progress on those --

MR. FRANKLIN: You're not going to get them today. Bill's not here and we'll just --

MR. BILLIPS: Is there -- is there no one else capable of reading

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the court's order and--

MR. FRANKLIN: Well, there's several people capable but you're not going to get them today.

MR. BILLIPS: The court's order required that those documents be produced. Are you --

MR. FRANKLIN: Well, I think that what we have there is privileged.

MR. BILLIPS: I think that what you have there is an email --

MR. FRANKLIN: Well, look, I'm not going to argue with you.

MR. BILLIPS: -- that is squarely within the scope of the court's order.

MR. FRANKLIN: I'm not going to argue with you.

MR. BILLIPS: I showed you on a privilege log where it shows --

MR. FRANKLIN: I'm not going to argue with you.

MR. BILLIPS: -- the email was copied to David Beroset.

MR. FRANKLIN: You know, I'm not

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going to argue with you.

MR. BILLIPS: You're just going to disobey the court's order --

MR. FRANKLIN: We're not disobeying the court's order. I think it's privileged. Bill Hunter is working on it. He's not here. He's in transit and that's what it is. I'm not going to sit here and debate it with you. I know what your position is.

MR. BILLIPS: May I ask the basis for your --

MR. FRANKLIN: You can ask whatever you want.

MR. BILLIPS: -- opinion that it's privileged?

MR. FRANKLIN: I'm not being deposed. I'm not going to discuss it with you during this deposition.

MR. BILLIPS: Well, we believe that those documents would have information that would be useful for the purpose of this deposition.

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MR. FRANKLIN: With all due respect, you can believe whatever you want, I'm not going to give them to you right now. I'm not trying to be difficult, I'm not going to give them to you.

BY MR. BILLIPS:

Q Miss Deen, in, I think it was May or June of 2010, did Miss Jackson approach you about having a different opportunity or creating a different opportunity for herself within your company?

A Seems like she drew up some kind of proposal about closing Uncle Bubba's down and turning it into a banquet hall, or I don't know. I don't know.

Q Okay.

A I didn't -- I didn't agree with her.

Q Why did you not agree?

A Because it would have been a bad business move.

Q Well, what would have been bad about it?

A All of our daily money would have been gone.

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Q Okay.

A You don't close a business and make money.

Q Well, has Uncle Bubba's made money?

A Well, it's done all right. It's managed to keep its doors open.

Q Well, how much money does it owe Paula Deen Enterprises right now?

A I don't know. I don't know.

Q Would it surprise you that it, according to Mr. Schumacher, it's about $300,000?

A No, that wouldn't surprise me.

Q Okay. Would Uncle Bubba's have been able to remain open if you had not been infusing cash into it from Paula Deen Enterprises?

MR. WITHERS: Objection. During what period of time are we talking about?

BY MR. BILLIPS:

Q Throughout its --

A That's why I work. I work for those restaurants.

Q Okay. Now, when you were actively involved in the restaurants, was there a rule about

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one group of employees using one entrance and another group of employees using the back entrance?

A No.

Q Okay.

A I always came through the kitchen door.

Q Okay. What about the restrooms, were they --

A We -- I used the restroom that was off of our little gift shop and cash register. We had an employee's bathroom. We had two bathrooms back there for the employees and that's the ones that we all used.

Q At Uncle Bubba's, do you know whether the front of the house employees were allowed to use the customer restroom?

A I don't know. I don't know why they would when it -- when our bathrooms were right there. But I'll tell you, there's nothing more distasteful than being in a restroom and seeing a cook come out covered in flour and buttermilk and all of that. I mean, you just -- that -- those bathrooms are reserved for your paying guest, not for us working in the kitchen.

Q Now, do you recall or were you involved

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sufficiently at this point to know that Miss Jackson was asked to draft an employee handbook for the companies to use?

A I don't know. The Lady & Sons had a handbook. I don't know how they handle that at Uncle Bubba's.

Q Okay. Were you aware that she was -- that she was working on a draft that was, at least during her employment, never put into place?

A No. Like I said, I -- I know nothing concerning that.

Q Okay. Now, was there a rule that prohibited management from -- or managers from having relationships with the servers?

A Is there any rules?

Q Yes, was there a rule at Lady & Sons or Uncle Bubba's?

A No, there were -- there were no written rules --

Q Okay. Was --

A -- to my knowledge.

Q Okay. Do you recall an occasion when a manager, I think his name was Brandon, had a relationship with a server, and I believe Mr. Walls

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called you and asked what to do?

A I don't recall that.

Q Okay.

A Brandon, would he have been in the front of the house, the kitchen, where?

Q Ma'am, I don't know.

A I don't -- I don't know either.

Q Okay.

A You know, it's -- people spend so many -- so much of their lives on jobs, especially in a restaurant, oftentimes that's who their closest friends become.

MR. BILLIPS: Give us five minutes. We may be getting ready to wrap up.

THE VIDEOGRAPHER: The time is 2:59 p.m. We're off the record.

(Recess.)

THE VIDEOGRAPHER: The time is 3:15 p.m. We're back on the record.

BY MR. BILLIPS:

Q Miss Deen, do you have personal knowledge of any of the orders or requirements or any of the things the court has done in this case,

BILLIPS - DEEN

or are you simply relying or your lawyers to handle all that?

A Yeah, pretty much.

MR. BILLIPS: Then what we're going to do at this point is suspend the deposition subject to subsequent production of the additional court ordered documents, and reserve the right to resume if there's anything in those documents that we feel would prompt additional questions for Miss Deen.

THE WITNESS: Okay.

MR. FRANKLIN: I'm not going to agree to that.

MR. BILLIPS: I'm not asking you to agree to it, I'm simply stating my position.

MR. FRANKLIN: Gotcha.

THE VIDEOGRAPHER: The time is 3:16 p.m. This deposition is suspended. We're off the record.

(The deposition adjourned at 3:16 p.m.)

A T T E S T A T I O N

I, the undersigned, have read the foregoing transcript, and, with the exception of any corrections specified on the attached correction sheet, attest it constitutes a true and correct transcription of my testimony given at the time and place specified therein.

(Signed):_____
Paula Deen

WITNESS:_____

DATE:_____

CM

ERRATA SHEET

STATE OF GEORGIA)
) SS.
COUNTY OF CHATHAM)

I wish to make the following changes for the following reasons:

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(Signed) _____
Paula Deen

CM

C E R T I F I C A T E

G E O R G I A :

CHATHAM COUNTY :

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing Pages 1 through 148 represent a true and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 29th day of May, 2013.

_____
Celeste Mack, CCR, RPR, 2738