

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

IN RE COMMUNITY CHAPEL and BIBLE)
TRAINING CENTER, a nonprofit) 88-2-05272-7
corporation organized under the)
laws of the State of Washington.)

DEPOSITION UPON ORAL EXAMINATION

OF

DAVID MOTHERWELL

ORIGINAL

Taken at 315 2nd Avenue South
Seattle, Washington

DATE TAKEN: April 20, 1988

REPORTED BY: LEANNE DAVIS

THIS DEPOSITION FILED

May 4, 1988

AND FORWARDED TO

3 DAY OF June, 1988

ROUGH & ASSOCIATES, INC.
Court Reporters, (206) 682-1427

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A P P E A R A N C E S

FOR PETITIONER:

JAMES G. LEACH
Leach, Brown & Anderson
4040 First Interstate Center
Seattle, WA 98104

FOR RESPONDENT DONALD
BARNETT:

RODNEY G. PIERCE
The Duncan Building
315 Second Avenue South
Seattle, WA 98104

* * * * *

1 SEATTLE WASHINGTON; WEDNESDAY, APRIL 20, 1988

2 10:37

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5 DAVID MOTHERWELL, witness herein, having been
6 first duly sworn on oath,
7 was examined and testified
8 as follows:

9

10 E X A M I N A T I O N

11 BY MR. PIERCE.

12 Q. Would you give us your full name?

13 A. David Motherwell.

14 Q. And your residential address?

15 A. 15208 24th Avenue Southwest, Seattle, 98166.

16 Q. Are you employed?

17 A. Yes.

18 Q. Where are you employed?

19 A. Community Chapel in Burien.

20 Q. In what position are you employed there?

21 A. I'm a staff counselor.

22 Q. And your supervisor is who?

23 A. Chris Matthews.

24 Q. Are you married?

25 A. Yes.

1 Q. Your wife's name?

2 A. Rebecca.

3 Q. Motherwell?

4 A. Yes.

5 Q. And she resides with you at that same
6 address?

7 A. Yes.

8 Q. How long have you been a staff counselor at
9 Community Chapel and Bible Training Center?

10 A. Three and a half years.

11 Q. Prior to working at Community Chapel, where
12 were you employed?

13 A. Self-employed.

14 Q. What was the name of your business?

15 A. Motherwell Services.

16 Q. What period of time were you self-employed
17 as Motherwell Services?

18 A. 1976 on.

19 Q. Is that to the present time?

20 A. I still do that a little bit.

21 Q. What does Motherwell Services do?

22 A. Building maintenance.

23 Q. What is building maintenance?

24 A. Cleaning.

25 Q. You mean like office cleaning?

1 A. Yeah.

2 Q. For businesses?

3 A. Yeah.

4 Q. It helps if you can expound your answer so
5 she can --

6 A. Sure.

7 Q. If you say yes. She can't get the nod if
8 you go like this.

9 A. Yes.

10 Q. She's watching me.

11 Q. Can you tell me what your educational level
12 is?

13 A. High school education and four years of
14 theological training.

15 Q. When did you graduate from high school?

16 A. '71.

17 Q. Excuse me, where?

18 A. Where? Kent, Washington.

19 Q. Is that Kent High School?

20 A. No. What was it called, Kent Meridian? No,
21 Kentridge.

22 Q. That was in 1971?

23 A. Yes.

24 Q. And then you had some Bible training?

25 A. Yes.

1 Q. Where was that at?

2 A. Community Chapel Bible College.

3 Q. Was that education that you had at
4 Community Chapel Bible College?

5 A. Was it education?

6 Q. Yes, I mean were you enrolled in there as a
7 student?

8 A. Yes.

9 Q. Was that to achieve a certain degree?

10 A. Yes, and no. It was to learn the Bible.

11 Q. And is there a degree that's --

12 A. Yes.

13 Q. awarded for the completion of the program?

14 A. Yes, there are degrees available through
15 that college.

16 Q. Did you earn a degree?

17 A. No.

18 Q. Did you obtain a degree from Community
19 Chapel Bible Training College?

20 A. No.

21 Q. What educational courses did you take with
22 regards to counseling?

23 A. I've taken -- at the Bible college?

24 Q. Wherever you have taken them.

25 A. I've taken their class on counseling there.

1 Q. Any other training rather than on-the-job
2 training?

3 A. Institute of Biblical Counseling.

4 Q. Where is the Institute of Biblical
5 Counseling?

6 A. Its headquarters are in Winona Lake,
7 Indiana.

8 Q. How long a period of time were you at the
9 Institute of Biblical Training?

10 A. They hold seminars throughout the country,
11 educational seminars, and I've attended their six-day
12 seminar.

13 Q. And that was for purposes of training and
14 counseling?

15 A. Yes.

16 Q. When was that that you went through this
17 six-day program?

18 A. In January of 1988.

19 Q. Are you an elder at the Community Chapel
20 Bible training center?

21 A. No.

22 Q. Can you tell me the procedure at the
23 Community Chapel Bible Training Center with regards
24 to securing of counseling files?

25 A. I'm not in charge of that.

1 Q. Do you know anything with regards to how
2 secure the files are?

3 A. They're locked up. We keep them locked up.

4 Q. How about the distribution of confidential
5 material that is in these files? How is that kept?

6 A. It only goes to the counselor of record.

7 Q. Then the counselor of record is to
8 indicate the privacy of material that's contained
9 therein?

10 A. Yes.

11 Q. Have you continued to follow that procedure,
12 maintaining the confidentiality of all of the people
13 that have come to you for counseling?

14 A. Yes.

15 Q. And let's make sure we understand what we're
16 talking about. I'm talking about not disclosing to
17 any other individuals. Do you understand what I'm
18 talking about with regards to confidentiality?

19 A. In terms of their records, are you asking?

20 Q. The information that's communicated to the
21 counselor?

22 A. Well, you asked about files. Now you're
23 asking about information. That's two different
24 things.

25 Q. Let's take a look at both of these. The

1 files are not released to anybody outside of the
2 counseling center; is that correct?

3 A. That's right.

4 Q. In the counseling center they would only be
5 authorized to an authorized counselor, would that be
6 correct?

7 A. That's right.

8 Q. Would staff individuals have access to the
9 files with regards to an individual who is coming to
10 the counseling center for counseling?

11 A. Would staff individuals?

12 Q. Yes.

13 A. You mean any staff?

14 Q. Individuals who are in the counseling
15 center and are not counselors, who work there and are
16 not counselors?

17 A. Except to file them.

18 Q. And so they would have access to them but
19 would be limited to it being in the counseling
20 center; is that correct?

21 A. As far as I know.

22 Q. Now, is there a procedure for keeping the
23 information that comes to a counselor confidential in
24 addition to protecting the file?

25 A. There's no set procedure for that.

1 Q. An individual that comes to the counseling
2 center cannot expect the information they provide
3 will be kept confidential?

4 A. It depends on many other factors.

5 Q. Well, if an individual comes to the
6 counseling center, do you tell them the information
7 they provide may not be kept confidential?

8 A. No.

9 Q. Do they expect the information will be kept
10 confidential?

11 A. As I say, it depends on many other factors.

12 Q. What other factors determine whether or not
13 the information is kept confidential?

14 A. Obviously, the first factor is whether or
15 not that individual will keep it confidential.

16 Q. Excuse me, maybe you can explain what you
17 mean by that?

18 A. If an individual comes for counsel and then
19 he or she divulges the content or any substance of
20 the counseling session to someone else, then obviously
21 that counselee no longer has confidentiality. They've
22 broken that so called confidentiality on their own.

23 Q. So what you're saying, correct me if I'm
24 wrong: If the individual says what occurred in the
25 counseling center to some third party, then the

1 counselors would not be required to keep that
2 information confidential any longer?

3 A. Well, the confidentiality is, as I
4 understand what you're saying, would be already
5 broken.

6 Q. I'm asking you if you consider it to be
7 already broken.

8 A. There's no confidentiality if it's known by
9 other parties.

10 Q. Well, I just want to make sure I have an
11 understanding with regards to what we're talking
12 about here.

13 If the information provided in the
14 counseling session is provided to some third party,
15 then you consider it as no longer confidential; is
16 that correct?

17 A. If the counselee provides that information
18 to some other third party, no --

19 Q. Let's take two --

20 A. -- because it's not confidential.

21 Q. Let's take two different events here. One
22 is --

23 MR. LEACH: I'm really curious. I'd
24 like to interpose at least a question about where
25 we're going. I thought this was a deposition in

1 the dissolution case, and I'd like some explanation
2 why what's going on in the counseling center has any
3 relevance to the dissolution case.

4 Q. It may, as I develop these questions later
5 on.

6 MR. LEACH: Well, the record should
7 note my objection to the relevance of this.

8 Q. (By Mr. Pierce) Mr. Motherwell, are you
9 represented by your own attorney at these
10 proceedings?

11 A. Yes.

12 Q. Who is representing you individually?

13 A. Jim Leach.

14 Q. Have you talked to him with regards to
15 obtaining him individually?

16 A. No. He's retained through the church.

17 Q. He represents the church?

18 A. I'm --

19 MR. LEACH: I think the church is
20 going to pay me.

21 Q. (By Mr. Pierce) The church is going to pay
22 him. You know that?

23 A. Yes.

24 Q. Have you asked him to represent you
25 individually?

1 A. I haven't been charged with anything, have
2 I? Do I need to be represented individually?

3 Q. I'm just asking him if he's representing
4 you individually?

5 A. Do I need representation.

6 Q. I'm asking you.

7 A. He's here as a knowledgeable attorney on
8 the subject to help me, I suppose.

9 MR. LEACH: Correct. We've talked.

10 Q. (By Mr. Pierce) But you have not retained
11 him as an attorney to represent you; is that correct?

12 A. Me, personally?

13 Q. Yes.

14 A. No.

15 Q. Now, information that may come to you in
16 the counseling center would generally come from the
17 individual who tells you certain events have
18 occurred?

19 A. No.

20 Q. The information that's kept confidential
21 would normally be the information that's provided by
22 the individual that comes in to see you as a
23 counselor; is that correct?

24 A. As long as that information is not given to
25 a third party by the counselee, that's correct.

1 Q. Now, the --

2 A. Or if that same information hasn't come in
3 by a third party. In other words, if the information
4 is unique between the counselee and the counselor and
5 the counselee does not divulge it to a third party,
6 then you would call that confidential.

7 Q. Now, let's say that the individual that
8 comes in to see you discloses this information to
9 some other source but still intends that the
10 information provided to you is confidential, will you
11 keep that information that's provided to you
12 confidential?

13 A. I don't know of anyone who regards that as
14 a definition of confidentiality.

15 Q. I'm not asking about that. I'm asking
16 whether or not you will keep it confidential.

17 A. Your counselees are aware, I assume, that if
18 they divulge knowledge to third parties, then it's
19 no longer confidential because confidential means
20 confidential.

21 Q. That's the communication between the
22 counselor and the counselee, isn't it, that's kept
23 confidential, not the facts that are known to third
24 parties?

25 A. If the counselee divulges to a third party,

1 the confidentiality doesn't exist by definition.

2 Q. Mr. Motherwell, are you familiar with a
3 March 13, 1988 letter directed to Donald Barnett
4 which is signed by a number of employees of Community
5 Chapel and Bible Training Center?

6 A. I signed this, I believe, yes.

7 Q. Do you know who prepared that document?

8 A. No. I don't exactly know who prepared that
9 document.

10 Q. Did you give that document to Scott
11 Hartley?

12 A. No.

13 Q. Scott Hartley indicated in his deposition
14 that he received that document to sign directly from
15 you.

16 A. It was given -- I don't know who gave it to
17 Scott to sign. I may have done that after it was, of
18 course, prepared, in that I had a couple of the
19 prepared letters with lines for people to sign.

20 Q. Do you know of anybody who would have taken
21 any action with regards to the preparation of this
22 letter?

23 A. Several people did.

24 Q. Who are those individuals?

25 A. I can't remember right at this time.

1 Q. Was this in a discussion that took place
2 with regards to this letter being prepared?

3 A. Yes.

4 Q. And when did this discussion take place?

5 A. I don't recall that.

6 Q. Where was the discussion that took place
7 with regards to the content of this March 13th letter
8 and its preparation?

9 A. I don't recall that. We had discussions
10 several places about various things at various times.

11 Q. How was Scott Hartley involved in the
12 discussions with regards to the preparation of this
13 letter?

14 A. I don't -- I don't recall the specific
15 involvement of all possible parties in the
16 preparation of that letter.

17 Q. I'm not asking about all possible parties.
18 I'm asking about Scott Hartley's.

19 A. I don't know his involvement.

20 Q. Do you remember having any discussions at
21 all with Scott Hartley prior to this letter?

22 A. Oh, I had lots of discussions prior to the
23 preparation.

24 Q. With regards to this particular letter?

25 A. I can't recall that specifically.

1 Q. Do you recall any discussions with any
2 individuals prior to the preparation of this
3 March 13th, 1988 letter with regards to the contents
4 that was going to go in there?

5 A. Not specifically about this specific
6 letter. No, I don't recall specifics. The subject
7 matter, of course.

8 Q. Now, am I correct to say that you would have
9 given the document, after you signed it, to Scott
10 Hartley?

11 A. I may have.

12 Q. Where did you receive the document from?

13 A. The printed document was finished in one of
14 the offices.

15 Q. Okay. Which office was this?

16 A. One of the offices at the Community Chapel
17 Bible Training Center.

18 Q. Which office?

19 A. I don't know the room number.

20 Q. What portion of the building? What was this
21 room used for?

22 A. East campus, it was a secretary where she
23 typed.

24 Q. Secretary in the Bible college? In the
25 accounting office? Where? In the east chapel?

1 A. Operations.

2 Q. Is that Loren Krenelka's office?

3 A. It was not in his office. It was in his
4 group of offices.

5 Q. Isn't Loren Krenelka in charge of the
6 service ministries?

7 A. Right.

8 Q. It was one of the employees in his
9 department?

10 A. Right.

11 Q. Is that the first time that you saw the
12 March 13, 1988 letter?

13 A. This letter?

14 Q. Yes.

15 A. Finished in that form, yes.

16 Q. Did you see a rough draft or some other
17 form prior to this finished document?

18 A. I may have.

19 Q. Now --

20 A. As I said we had discussions. I can't
21 recall the specifics at this time.

22 Q. Did you have any involvement with regards
23 to the preparation or revision of what came to be this
24 March 13, 1988 letter?

25 A. We discussed this matter regularly.

1 Q. You discussed this letter?

2 A. In the context of all other things I
3 suppose we did. I can't recall specifically.

4 Q. Well, my question is: Did you have any
5 involvement in the preparation or revision of this
6 particular letter, this March 13th, 1988 letter?

7 A. I may have.

8 Q. You don't recall if you had any involvement
9 with this letter?

10 A. There's many, many, many events and things
11 that happened during this particular time, and I
12 cannot recall specific involvement in specific
13 letters.

14 Q. The first time you saw this finished
15 document, this March 1988 letter, was at a secretarial
16 desk in the service ministry offices?

17 A. I believe so.

18 Q. And had somebody typed that document at that
19 desk?

20 A. Right.

21 Q. Who was the person who typed the document?

22 A. I can't remember.

23 Q. Who was the secretary that had that desk
24 there?

25 A. Boy, I don't know. I'm never down there

1 very often.

2 Q. Who handed you the document?

3 A. I can't -- Let me think, who handed it to
4 me? I don't know because I picked up Loren or Loren
5 and I met at east campus and the documents were there
6 at the office or the letter was there at the office,
7 done, and so I don't know -- laying on the desk or
8 counter or something like that.

9 Q. Who picked it up, you or Loren?

10 A. Loren.

11 Q. So Loren would know who the person who
12 typed it was because it was under his direction?

13 A. I don't know. It was done in his office
14 complex. I don't know if he'd know or not.

15 If you look at your calendar, I
16 believe that's a Sunday or a Monday, and so it was
17 not a normal work day.

18 Q. March 13, 1988 was a Sunday. Is that the
19 day you were in the service ministries office?

20 A. That's the day that I met Loren, and we
21 picked up -- he picked up the finished letter, yeah.

22 Q. Did you go to that office to pick up this
23 March 13, 1988 letter or discuss it with Loren?

24 A. Oh, of course, I discussed it with him. He
25 signed it as well.

1 Q. So we know you had a discussion with Loren
2 Krenelka with regards to the letter?

3 A. It was discussed with everybody that signed
4 the letter. Of course everybody that signed the
5 letter read it. You have 80 out of 99 employees
6 that signed the letter.

7 Q. I'm just talking about you. One of them
8 was Loren Krenelka. Do you recall anyone else that
9 you had a discussion with prior to it's execution by
10 individuals?

11 A. Well, the entire eldership discussed the
12 letter.

13 Q. I assume this was at some time prior to
14 March 13, 1988, which was a Sunday?

15 A. No, I can't recall that.

16 Q. Was it --

17 A. It was at least on March 13th. Now, whether
18 it was prior, I don't recall that at all.

19 Q. Now, on March 13, 1988 there were Sunday
20 services for the elders group on the east campus
21 chapel; is that correct?

22 A. You'd have to check the records on that.
23 We had services in the west campus, and I don't know
24 if it was that weekend or the following or the --

25 Q. I'll tell you that the date that the judge

1 signed the restraining order was March 11. That's the
2 date Judge Johnson signed the restraining order, and
3 it was a Friday, and I believe Pastor Barnett was back
4 into the west campus on that date. Does that ring a
5 bell when you may have started on the east campus?

6 A. Yeah, I can't recall the dates that
7 accurately, but if you do, fine.

8 Q. Was it common for worship services on
9 Sundays to be at two different times during the day?

10 A. Yes.

11 Q. Would there be morning service hours and
12 evening service hours?

13 A. Right.

14 Q. What were the times for the services?

15 A. 10:00 o'clock and 7:00 o'clock. 10:00
16 a.m., 7:00 p.m.

17 Q. How long did the morning service generally
18 last?

19 A. Two hours, roughly, plus.

20 Q. And the evening services?

21 A. Same.

22 Q. So approximately 10:00 a.m. to noon and
23 approximately 7:00 p.m. to 9:00 p.m.

24 A. Yeah, at a minimum.

25 Q. Sometimes they ran longer. They might be

1 cut short, but generally at least two hours; is that
2 correct?

3 A. Right.

4 Q. You went to the service ministries office at
5 some point in time around the services that were
6 being conducted at the east chapel on the 13th; is
7 that correct?

8 A. Yeah.

9 Q. Was it between the services, before the
10 services?

11 A. Between them.

12 Q. Was there an eldership meeting between
13 these services on Sunday March 13th?

14 A. I believe there was.

15 Q. Was this letter discussed at the elders'
16 meeting?

17 A. I cannot recall. We discussed many, many,
18 many things.

19 Q. Did you and Loren go from the service
20 ministries office to the eldership meeting on March
21 13th?

22 A. I don't know. I don't know. I can't recall
23 exactly where we went, where we went and when we went
24 there and all that sort of thing.

25 Q. Was the eldership meeting after you went to

1 the service ministries office?

2 A. No. I don't know. I don't know. I can't
3 recall the exact, you know, here and then there and
4 here, then there. It was all --

5 Q. So we know you went to the service
6 ministries office in between these Sunday services,
7 is that correct, to get this --

8 A. Yes.

9 Q. -- March 13th letters?

10 A. Yes.

11 Q. So the first opportunity for any
12 individuals, staff members of the church, to see this
13 would have been in the evening services on Sunday,
14 March 13th; is that correct?

15 A. I suppose that would be sequential.

16 Q. I mean do you know if they saw it prior to
17 the evening service on Sunday, March 13th?

18 A. I don't know.

19 Q. Did you transfer it to anyone prior to or
20 did you provide the information in this March 13th,
21 1988 letter to any individual prior to you receiving
22 the document from the service ministries office in
23 between the services on Sunday, March 13th?

24 A. I didn't understand what you asked.

25 Q. Did you provide a rough draft or a copy of

1 this document to any employees or other individuals
2 prior to your receiving the document from the service
3 ministries office, the final document?

4 A. Did I -- I still don't understand what
5 you're asking.

6 Q. Did you give a copy of this letter or a
7 rough draft of this letter to any individual or
8 employee of the Community Chapel prior to your going
9 to service ministries office between the services on
10 March 13th when you got the original final document?

11 A. I gave a copy of this to sign after it was
12 done when Loren and I picked it up and gave it to
13 other elders and people were eager to sign the
14 letter.

15 Q. Was this at the worship services in the
16 evening of March 13th or was this prior to the
17 worship services?

18 A. There was, I think, a few people that signed
19 it prior to the worship services.

20 Q. Who were those individuals that signed it?

21 A. They would have been elders probably.

22 Q. Was this at a meeting of the elders?

23 A. We had a meeting that afternoon.

24 Q. So after you went to the service ministries
25 office and picked up the original letter, you had an

1 eldership meeting at which time some of the elders
2 signed the document?

3 A. I believe that's correct.

4 Q. Was there an eldership meeting prior to
5 your picking this document up from service ministries
6 at which time the context of this information was
7 discussed?

8 A. I don't recall that. I don't recall that
9 order of events.

10 Q. Do you know who --

11 A. See, I came in in the middle of the
12 eldership meeting.

13 Q. With this document you mean?

14 A. Well, right, because it was late in the
15 afternoon.

16 Q. That's on March 13th?

17 A. Right.

18 Q. I'm talking prior to your picking the
19 documents up, which was earlier in the day?

20 A. Right.

21 Q. Prior to your picking those documents up,
22 did you have a discussion with other elders, either in
23 a meeting or otherwise, with regards to the content of
24 this information?

25 A. The general information that this letter

1 pertains to? Of course we discussed it.

2 Q. I'm talking about the contents of this
3 letter, that there would be a letter?

4 A. I can't recall specific -- I mean this
5 general subject was a subject of discussion for
6 weeks.

7 Q. Did you request that this letter be typed up
8 in its final form?

9 A. No.

10 Q. Did you bring the final draft of the
11 document into service ministries to have it typed up?

12 A. I don't recall.

13 Q. Did you give the final draft of the
14 document to any individual to have it typed up?

15 A. I gave the final typed version to the
16 eldership after Loren and I picked it up.

17 Q. I'm asking you about a draft of it or rough
18 copy of it before the final was printed. Did you give
19 that rough draft of that document to any individual
20 to have it typed up?

21 A. I don't recall. I don't recall that order
22 of events.

23 Q. Did you talk with Loren Krenelka at all
24 with regards to having the document typed up in the
25 service ministries office?

1 A. I don't recall that. He's in charge of the
2 service ministries and the secretaries and the
3 typewriters and the offices.

4 Q. And you don't recall a request being made by
5 you to have this document typed up?

6 A. I don't have the authorization to request
7 that.

8 Q. Did you have any discussion with Loren
9 Krenelka with regards to having this document typed
10 up, this March 13th letter?

11 A. Repeat that question.

12 Q. Did you have any discussion with Loren
13 Krenelka with regards to the typing of this March 13,
14 1988 letter?

15 A. Well, when it was done, we said, "Well,
16 we'll go get the letter and take it to the eldership
17 meeting."

18 Q. Prior to its being done, did you have any
19 discussion with Loren Krenelka with regards to the
20 typing of this letter?

21 A. I don't know. I may have. Obviously we had
22 the intention of having a letter typed, I should say
23 the eldership committee did, and so I'm certain that a
24 lot of us discussed it.

25 Q. Who was on the eldership committee that

1 discussed having this letter typed?

2 A. All 15 men, 16.

3 MR. LEACH: I don't know how many.

4 Q. (By Mr. Pierce) You're not part of the
5 elder meeting?

6 A. No, I'm not an elder.

7 Q. You came into the elders' meeting to
8 discuss this letter?

9 A. I have been in the elders' meeting for
10 awhile.

11 Q. You said there was an eldership meeting,
12 excuse me, eldership committee that discussed the
13 preparation of this March 13th letter?

14 A. Yeah, the elders discussed it.

15 Q. We're talking there's no specific group of
16 the elders who are designed or that were formed to
17 just handle this particular letter, though?

18 A. No.

19 Q. There's no --

20 A. Subcommittee?

21 Q. -- subcommittee or specified group --

22 A. No.

23 Q. -- that was assigned to handle this letter?

24 A. No.

25 Q. This letter and preparing this letter was

1 discussed by all of the members of the eldership?

2 A. Well, we were in an untenable position
3 with the state trying to ensconce a pastor that we
4 had disfellowshipped by way of his offices, corporate
5 president and corporate -- We could not separate the
6 corporate presidency from the pastorship. No state
7 can appoint a pastor, so we were just addressing the
8 situation as it was. He's not the pastor of the
9 church, as I say. No state, no matter what country,
10 can appoint a pastor, or no court.

11 Q. This is part of the matters that were
12 discussed at the eldership meeting?

13 A. Right.

14 Q. Was a decision made at that time by the
15 elders to have this letter prepared?

16 A. I'm sure they decided to prepare it, yes.

17 Q. Were you present at the time they decided to
18 do it?

19 A. I can't recall I was not present the entire
20 time of the meeting.

21 Q. Are you referring to a meeting on March
22 13th?

23 A. Yes.

24 Q. We already knew this letter had already been
25 prepared when you went to that eldership meeting?

1 A. Well --

2 Q. You had already gone to service ministries
3 earlier in the day and picked up the letter and went
4 to the meeting?

5 A. Right.

6 Q. Someone had to make a decision with regards
7 to having this letter prepared.

8 A. I don't know who did.

9 Q. Were you present at any meeting prior to
10 March 13th, prior to the afternoon of March 13th at
11 which time the contents of this letter were prepared
12 or discussed?

13 A. The general theme at which this letter
14 addresses, of course.

15 Q. I'm not asking about the general theme. We
16 know it talks about the fact --

17 A. I can't recall specifics where the general
18 theme narrows down to.

19 Q. I'm talking about the fact of somebody
20 making a decision "We're going to send a letter to Don
21 Barnett"?

22 A. We had sent several letters to Don Barnett.
23 It's just one of them.

24 Q. I know. It happens to be the March 13th
25 letter to be signed by all employees, and there's only

1 one letter like that, isn't there?

2 A. I don't know.

3 Q. Have you sent another letter to Don
4 Barnett?

5 A. Yes.

6 Q. As an employee of the company?

7 A. Yes.

8 Q. When was this?

9 A. I signed -- there was two letters that went
10 to him I believe on March 4th, 1988.

11 Q. As an employee of the corporation?

12 A. Well, I don't know. I don't know if you
13 would regard it as an employee.

14 Q. Let's talk about a group letter. Do you
15 know of any group letter that was intended to be sent
16 to Don Barnett other than this letter?

17 A. I don't know of any.

18 Q. For the record I don't know of any either,
19 so I'm not trying to mislead you or hide anything
20 from you. Was there a discussion in the eldership
21 meeting about sending a group letter by all the
22 employees to Donald Barnett prior to your going
23 to service ministries to pick this letter up on
24 March 13th?

25 A. I don't recall. You're asking me a

1 specific, and I can't give you a specific answer to
2 that specific question. The general theme -- of
3 course, we discussed the general theme a lot.

4 Q. The general theme of sending a group letter
5 by all the employees?

6 A. No, the general theme of the untenable
7 situation, the church and corporation and all the
8 courts and all that.

9 Q. You have no other information with regards
10 to the preparation or discussion or input into this
11 group letter by all the employees to Donald Barnett
12 except what you've told us already; is that correct?

13 A. None that I can recall.

14 Q. Is there any way your memory could be
15 refreshed to --

16 A. I don't know.

17 Q. Is there any documents you would review to
18 assist you in determining whether or not you discussed
19 this --

20 A. I don't know.

21 Q. Where did you sign this March 13th, 1988
22 letter?

23 A. I believe I signed it at the eldership
24 meeting late that afternoon.

25 Q. Do you recall any discussion that took

1 place at the eldership meeting in the afternoon of
2 March 13th?

3 A. Do I recall any discussion?

4 Q. Yes.

5 A. I recall the general theme, sure.

6 Q. Can you tell me what was discussed at the
7 eldership meeting?

8 A. What was discussed was the untenable state
9 impasse that the church was in by a disfellowship
10 pastor taking the corporation to court to try to
11 retain his position, so on and so on. So all the
12 trouble that that created, you know, all the various
13 types of trouble that created, we discussed.

14 Q. Do you remember anybody talking and making
15 any statements at this eldership meeting on
16 March 13th?

17 A. Everybody, just everybody talked.

18 Q. Do you remember any elders not present at
19 the eldership meeting?

20 A. No, I don't.

21 Q. To the best of your memory were all of the
22 elders present?

23 A. Most of them were.

24 Q. Was Jack Hicks there?

25 A. I don't recall.

1 Q. I'll tell you March 14th is the day he
2 resigned as vice president and general manager, so
3 maybe that helps you remember if he was there at the
4 previous day at this elders' meeting?

5 A. As I say he may have been. High
6 probability he was there because most everybody was
7 there.

8 Q. Do you recall if Jack DuBois was there?

9 A. I don't recall specifically if he was
10 there, but again a high probability he was.

11 Q. Was Scott Hartley there?

12 A. I believe he was.

13 Q. Who brought up this March 13th, 1988 letter
14 for discussion at the elders' meeting?

15 A. I don't recall. I've already answered that.

16 Q. Did Mr. Krenelka bring that letter into the
17 meeting, physically have possession of it when you
18 went into the meeting, or did you have it?

19 A. I believe so.

20 Q. He and I drove to the eldership meeting
21 with the letter. He may have had -- there's various
22 pages here of signed pages, and so he may have had
23 some, and I may have had some. We just passed them
24 out to various members of the eldership committee
25 that were there, and they signed it.

1 Q. You passed out the signature pages?

2 A. Yeah.

3 Q. Did they know what the content of this
4 letter was?

5 A. I assume they did, if they signed it. You'd
6 have to ask them.

7 Q. Was this letter read to the elders at the
8 meeting so everyone could know what it was, or did
9 each individual read it himself?

10 A. I don't know. I assume each person knows
11 the contents of this letter. Whether they heard it
12 by reading or what, I don't know.

13 Q. You don't recall it being read at the
14 elders' meeting?

15 A. This here?

16 Q. Yes.

17 A. I don't recall. It was discussed. Whether
18 it was read individually or by a group, I can't
19 recall.

20 Q. Did you read it to the elders, the contents
21 of this March 13th letter, at the elders' meeting on
22 March 13th?

23 A. This sitting before me, no.

24 Q. Did you read something else?

25 A. Oh, I'm sure I read lots of things.

1 Q. With regards to the content of this letter?

2 A. With the general theme, of course.

3 Q. With the content of this letter?

4 A. See, that's a specific, again, and I can't
5 recall specifics as to what when and how, the I's
6 that were dotted and T's that were crossed, I --

7 Q. You said you drove to the meeting. Where
8 was the meeting at?

9 A. It was at a house.

10 Q. Greg Thiel's house?

11 A. Yeah.

12 Q. And so we know Greg Thiel was at the
13 meeting don't we?

14 A. Well, some meetings at Greg's house, Greg
15 wasn't there. I assume yes, he was.

16 Q. Tell me which individuals you recall seeing
17 at Greg Thiel's house on March 13th for this
18 eldership meeting?

19 A. Well, Jim was there.

20 Q. By Jim you mean Jim Leach?

21 A. Yes, for part of it.

22 Who else?

23 Q. Yes.

24 A. Specifically -- see, not everybody attended
25 every meeting all the time, but there was a high

1 probability that most of them were there. And so I
2 can't answer you accurately as to who was there for
3 the entire meeting because the meetings have all
4 blended one to another, but suffice to say there's a
5 high probability almost all that were involved in the
6 meetings were there at that meeting.

7 Q. Tell me who you recall seeing at Greg
8 Thiel's house on March 13th besides Jim Leach?

9 A. Scott Hartley.

10 Q. Anyone else?

11 A. Specifically -- Did you get my last answer?

12 Q. Oh sure, I understand.

13 A. See, I can't photographic memory each
14 meeting, all right. And so I can't give you an
15 accurate answer. I just -- most of them were there.

16 Q. [Well, we know that Jim Leach, Scott
17 Hartley, Loren Krenelka and David Motherwell were
18 present at this meeting, correct?

19 A. Right.

20 Q. Now, if you don't remember, that's fine. I
21 just want to know if there are any other individuals
22 that you recall being at this March 13th elders'
23 meeting at Greg Thiel's house?

24 A. I'm assuming most of the rest of the
25 eldership committee was there.

1 Q. Just who you remember being there. If you
2 don't remember, just say.

3 A. You're asking me a specific date, and so on,
4 like that. I cannot recall specific names. I've said
5 that three times.

6 Q. Is there a particular reason that Scott
7 Hartley stood out in your memory as being at that
8 meeting? Did he say something in particular?

9 A. No. He was at -- He was involved working
10 with Jim on -- Jim Leach, on the problems that we
11 found ourselves in because of Don Barnett's
12 disobedience.

13 Q. Did Jim Leach say anything at this
14 March 13th, 1988 meeting?

15 A. I assume he did.

16 Q. Can you tell us what he said at this
17 meeting?

18 A. No.

19 Q. You don't recall anything?

20 A. No, you know, I mean, I can't recall.

21 Q. How many meetings have you had with Jim
22 Leach?

23 A. Many.

24 Q. Can you tell me when these occurred?

25 A. Oh, they started back in March, April,

1 last year.

2 MR. LEACH: October.

3 A. October, was it? Yeah, October of last
4 year.

5 Q. (By Mr. Pierce) Subsequent to the articles
6 of incorporation being amended by the board of
7 senior elders, do you recall when that occurred?

8 A. No.

9 Q. Do you recall the date that Pastor Barnett
10 was disfellowshipped?

11 A. I believe it was March 4th.

12 Q. And subsequent to March 4th, 1988 how many
13 meetings have you had with Jim Leach?

14 A. I can't -- a handful. More than a
15 handful.

16 Q. Tell me which meetings you do recall
17 occurring since March 4, 1988?

18 A. Was it in October?

19 MR. LEACH: Since March 4th you want,
20 right.

21 Q. Since March 4th?

22 A. Since March 4th, oh, oh. Oh, you know, I
23 can't recall. I can't count. I don't keep track that
24 way. I don't keep a record book of how many times I
25 met with Jim. A lot of times.

1 Q. Since March 4, 1988?

2 A. I had lunch with him yesterday.

3 Q. Did you discuss the content of your
4 testimony at this deposition?

5 A. No.

6 Q. No discussion about this deposition at all?

7 A. Well, we discussed we're going down to
8 Rodney's office and having a deposition and probably
9 about the dissolution, and that was about the long and
10 short and medium of it.

11 Q. Does he represent you individually with
12 regards to any proceedings?

13 A. He did.

14 Q. Does he at the present time?

15 A. No.

16 Q. What was your discussion with Jim Leach
17 about?

18 A. Yesterday?

19 Q. Tuesday, April 19th, 1988.

20 A. Mainly about the ungodly actions of Don
21 Barnett and the unfortunate consequences those have
22 resulted in.

23 Q. Anything else discussed?

24 A. No. That was the basic.

25 Q. Have you discussed with anybody during the

1 year 1988 the formation of a new corporation?

2 A. Oh, of course.

3 Q. Who did you discuss it with?

4 A. The entire eldership has discussed it. Not
5 much, though.

6 Q. Was this at an eldership meeting that it was
7 discussed?

8 A. Yes, I believe.

9 Q. Other than at the eldership meeting, did you
10 discuss a new corporation to be formed with any
11 individuals?

12 A. I can't recall, I mean --

13 Q. Do you recall when the eldership meeting
14 occurred?

15 A. No.

16 Q. Was it prior to this March 13th, 1988
17 eldership meeting with regards to the group letters
18 by the employees to Donald Barnett? [

19 A. I can't recall.

20 Q. Did you have a meeting with the elders to
21 discuss the dissolution of the corporation?

22 A. Of course.

23 Q. Was a new corporation discussed at that
24 time?

25 A. Probably in the context of a dissolution, I

1 would have to assume.

2 Q. I'm asking if you recall.

3 A. I mean I can't recall the specific content
4 of the meeting. I mean just logically I think it was.

5 Q. All I want to know is the facts. You don't
6 have to guess.

7 A. Well, I am guessing, but I'm guessing an
8 educated guess, yes.

9 Q. That doesn't do us any good if you guess.
10 Just tell us what you know.

11 A. Okay.

12 Q. Did you discuss with any individuals what
13 would happen with corporate assets of Community
14 Chapel if the corporation was dissolved?

15 A. Of course.

16 Q. Who did you discuss it with?

17 A. The entire eldership has discussed it.

18 Q. And was this at a meeting?

19 A. You're asking if I discussed it?

20 Q. Yes.

21 A. I participate in meetings, so --

22 Q. Well, we know you discussed it at an
23 elders' meeting. Did you discuss it with any other
24 individuals at any other time?

25 A. No.

1 Q. How many times did you discuss it at an
2 eldership meeting?

3 A. I don't remember.

4 Q. More than once?

5 A. Probably, yeah.

6 Q. Do you recall what those discussions were?

7 A. We just discussed the matter and --

8 Q. Have any duties been assigned to you with
9 regards to the Community Chapel by the senior elders
10 or the elders since March 4, 1988?

11 A. I'm at my same post that I was prior to
12 that, doing basically my same tasks.

13 Q. Which is counseling?

14 A. Yes.

15 Q. Have you volunteered to take any steps for
16 the benefit of Community Chapel or the members of the
17 Community Chapel other than counseling, since March
18 4th?

19 A. Well, I've volunteered -- Well, I
20 volunteered to preach out in the Kirkland church.

21 Q. Okay.

22 A. Actually I was asked to, and I said I would.

23 Q. And did you go out there as a minister or
24 just to provide information to individuals?

25 A. Oh, as a minister.

1 Q. Are you an ordained minister?

2 A. Licensed.

3 Q. Is there a difference? Maybe you can tell
4 me what the difference is.

5 A. I don't know, semantics, I guess. I don't
6 really exactly know. I don't recall.

7 MR. LEACH: The ministers, licensed
8 ministers are licensed for a temporary period of time
9 or a specific period of time and ordained people are
10 for life.

11 Q. (By Mr. Pierce) Does that sound right to
12 you?

13 A. Yeah. I don't keep track.

14 Q. When did you go out to the Kirkland church?

15 A. I haven't gone out yet.

16 Q. Who asked you to go out there?

17 A. The Kirkland church.

18 Q. Was there a representative?

19 A. The secretary did.

20 Q. Who is the secretary?

21 A. I think her name is Nola.

22 Q. Do you know who referred you to Nola?

23 A. No. I know a lot of people in the church,
24 the pastor and assistant pastor.

25 Q. What's the name of the Kirkland church?

1 A. Kirkland Community Chapel.

2 Q. Is this the church that Jack Hicks now
3 attends?

4 A. I don't know. You'd have to ask him.

5 Q. You don't know where he is now attending?

6 A. No. Well, he has attended that church.
7 Many people in our church have, just visited it.
8 He's visited it.

9 Q. Have you made any plans to be employed
10 outside of Community Chapel?

11 A. No.

12 Q. Do you recall an eldership meeting held to
13 discuss the dissolution of the corporation?

14 A. You asked me that.

15 Q. I'm asking you if you recall an eldership
16 meeting.

17 A. Well, we've discussed the dissolution at
18 eldership meetings.

19 Q. Prior to the dissolution occurring, the
20 petition to dissolve the corporation occurring?

21 A. I'm sure we did discuss it.

22 Q. Do you know if anybody was opposed to
23 dissolving the corporation?

24 A. No, I don't know.

25 Q. Do you recall anyone discussing not

1 dissolving the corporation?

2 A. We discussed the pros and cons, positives
3 and negatives.

4 Q. Do you recall anybody indicating that they
5 thought the church should not be dissolved?

6 A. I don't recall, no.

7 Q. Did you discuss anything at the eldership
8 meeting prior to the petition for dissolution on
9 March 21 with regards to whether or not the church
10 should be dissolved or not?

11 A. Did I?

12 Q. Yes.

13 A. Of course.

14 Q. What information did you provide?

15 A. I mean I just -- as I said, I participate in
16 the meetings, and I just share my views and what, you
17 know.

18 Q. What views did you have with regards to
19 dissolution of the corporation that you shared with
20 the elders?

21 A. Oh, I cannot recall specifically, I mean, as
22 I say, along the lines of the general problem of
23 impasse between the corporation and the court imposed
24 president, so I just shared my views as I always have
25 on that.

1 Q. Can you tell us what views you have with
2 regards to the church of Community Chapel being
3 dissolved?

4 A. Well, because of Don Barnett's implacable
5 position, he has put us in deadlock.

6 Q. What do you mean deadlock?

7 A. Well, he's not bending or yielding to the
8 church authority and church discipline and has
9 insisted on going to court to retain and maintain his
10 position, and that puts the corporation and the board
11 of directors, of which he's a member, puts them in a
12 deadlock.

13 Q. Let me see if I can get this right? The
14 board of directors is in deadlock because Donald
15 Barnett has not agreed to follow the directions with
16 regards to restrictions on his personal life?

17 A. That's correct.

18 Q. I don't understand why that means there's a
19 deadlock, though. Can you explain that further?

20 A. Well, that is part of the problem
21 downstream. He's taken the corporation to court and
22 to seek a restraining order on the church discipline
23 that the eldership enacted, and so he has -- his
24 actions have put the church in deadlock.

25 Q. Do you have any other information with

1 regards to deadlock?

2 A. I -- Well, no. Yes and no I mean.

3 Q. What other facts do you know about deadlock
4 of the corporation?

5 A. Deadlock is when you have two immovable
6 sides, and that's what there is here.

7 Q. You said deadlock of the board of
8 directors. Earlier you said that?

9 A. Yes.

10 Q. What deadlock of the board of directors is
11 there at the present time?

12 A. That the two remaining board of directors
13 will not move from their position of him being -- Don
14 Barnett being disfellowshipped, and Don Barnett will
15 not move from his position as insisting on not being
16 disfellowshipped at the point of a judge's order.

17 Q. Okay. Any other facts that you have?

18 A. No specific facts. I mean there's a lot of
19 miscellaneous, you know. I mean he just feels that
20 way, and they feel that way, and I agree with, of
21 course, the two senior elders.

22 Q. Any other facts regarding deadlocks?

23 A. No, no specific facts.

24 Q. You said that Barnett has sought a
25 restraining order regarding the church discipline

1 enacted?

2 A. Yes. I have not read the restraining order
3 that -- he sought a restraining order that in effect
4 canceled or in effect countermanded the church
5 discipline.

6 Q. The church discipline you're talking about
7 is the disfellowship?

8 A. Yes.

9 Q. When did the disfellowship take place?

10 A. March 4th.

11 Q. Was that approximately 7:30 p.m. on
12 March 4th?

13 A. No more like 8:30, 9:00 o'clock p.m.

14 Q. And you realized he was in court seeking a
15 restraining order prior to that time before he was
16 disfellowshipped. Did you know that?

17 A. I know he was in court. I don't know
18 exactly what he was doing.

19 Q. He had filed a complaint and filed a
20 request for a restraining order in the afternoon of
21 March 4th. Did you know that?

22 A. I didn't, no. I said I didn't know exactly
23 why he was in court.

24 Q. Did you know some other action that was
25 taken by Donald Barnett with regards to seeking

1 restraining orders with regards to the church
2 discipline that was enacted which would have been the
3 evening of March 4, 1988?

4 A. What are you asking?

5 Q. Do you know of some other action that was
6 taken by Donald Barnett after March 4, 1988 to seek
7 another restraining order?

8 A. No, I don't. I don't know.

9 Q. Do you have any documents that are in
10 response to the request for production of documents
11 that was -- excuse me --

12 A. No.

13 Q. You were served with a subpoena duces tecum
14 to bring documents to this deposition.

15 A. Right.

16 Q. Did you review that subpoena duces tecum
17 and the attachments to it and see whether any of those
18 documents were under your control?

19 A. Yes.

20 Q. Do you have any documents that would be
21 responsive to that subpoena?

22 A. No.

23 Q. Did you receive that subpoena seven days
24 ago?

25 A. I believe so.

1 Q. Did you talk with any individuals with
2 regards to the documents that were identified in that
3 subpoena?

4 A. Jim, briefly.

5 Q. Excuse me?

6 A. Jim Leach, I spoke with briefly.

7 Q. Was that yesterday?

8 A. Yeah.

9 Q. You did discuss the documents that were
10 requested?

11 A. Yeah.

12 Q. And you indicated I assume that you didn't
13 have the documents?

14 A. Right.

15 Q. Do you have a copy of this March 13th, 1988
16 letter?

17 A. No.

18 Do I have a copy?

19 Q. Yes.

20 A. No.

21 Q. Do you keep records of the things that
22 have transpired in the elders' meetings, somewhere in
23 your office?

24 A. No.

25 Q. Do you have notes of these events that have

1 taken place?

2 A. A few.

3 Q. Where are those notes located at the present
4 time?

5 A. I don't know. Honestly, I don't know.

6 Q. Where would you go to look for them if you
7 had to go back and try to find notes of the elders'
8 meetings?

9 A. Someone picked up some of my notes and took
10 them where I don't know.

11 Q. Who picked up your notes?

12 A. One of the other elders.

13 Q. Who is that?

14 A. Ron Myrick (phonetic).

15 Q. Why did he take your notes?

16 A. Because I didn't have a secure place to
17 keep them even though I don't have -- I have copies
18 of the letters that I wrote to Don, the letters that
19 the eldership wrote to Don, and I don't have those
20 in my possession.

21 Q. Are those in the possession of Mr. Myrick?

22 A. I don't know. I have not asked him.

23 Q. Well, have you got the subpoena? You knew
24 Ron Myrick had picked up your documents; is that
25 correct?

1 A. Yeah.

2 Q. Did you ask Ron Myrick where the location
3 of these documents were?

4 A. No, I didn't. To the best of your
5 knowledge is Ron Myrick still in possession of those
6 documents?

7 A. I don't know.

8 Q. Last time you knew he had the possession of
9 those documents; is that correct?

10 A. I believe so, right.

11 Q. Did he inform you that he put them in some
12 particular location or give them to a particular
13 person?

14 A. No. I just needed someone to take them, and
15 he did, and I haven't gotten back with him.

16 Q. Is he holding those for your benefit?

17 A. Yeah, I don't use them. They're not
18 something I use as a rule. I'm not a meticulous
19 record keeper.

20 Q. If I called Ron Myrick and asked him
21 for those notes, would you approve of my seeing
22 them?

23 A. No, of course not. They're my personal
24 notes.

25 Q. I want those notes brought, counsel.

1 [MR. LEACH: What notes?

2 Q. (By Mr. Pierce) He's got notes with regards
3 to the elders' meetings?

4 MR. LEACH: He says he doesn't have
5 those.

6 Q. (By Mr. Pierce) He's got them in possession
7 or through control of Ron Myrick.

8 (Discussion off the record.)

9 Q. After our discussion off the record,
10 Mr. Motherwell -- Let me ask you do you have any
11 notes, personal notes or business notes of any of the
12 events that occurred in these proceedings here which
13 would have been prepared after March 3, 1988?

14 A. No.

15 Q. This includes -- You don't have any notes of
16 any elders' meetings that would have been maintained
17 in which you were present?

18 A. No.

19 Q. And the documents you indicated earlier,
20 transferred to Ron Myrick, only related to the
21 January 25, 1988 eldership meeting regarding
22 disfellowshipping or sanctions to be imposed upon the
23 pastor?

24 A. Correct.

25 Q. Now, I'm going to tell you I've listened to

1 a number of the worship services by the senior elders
2 and I have on occasion heard you speak. Is that
3 fairly common for you to do that?

4 A. I wouldn't say common.

5 Q. Now, how many times have you spoken at the
6 worship services after March 4, 1988?

7 A. I have no idea.

8 Q. Would it be more than ten?

9 A. No.

10 Q. More than five?

11 A. I don't know.

12 Q. You spoke at a meeting, a question and
13 answer session, on April 13th, 1988; is that correct?

14 A. Yes.

15 Q. And at that time you brought with you
16 documents that you used to be able to answer questions
17 of individuals; is that right?

18 A. No.

19 Q. What do you use for cross-referencing
20 events that have taken place and statements being
21 made by Donald Barnett which you answer and respond
22 to inquiries about?

23 A. If I remember it, I remember it. If I
24 don't, I refer to someone else that either has that
25 information or can remember it.

1 Q. In other words, you keep no notes,
2 memorandums or documents of any type as defined in
3 that subpoena duces tecum with regards to any of
4 these events after March 3, 1988?

5 A. I didn't see anything in there that I had
6 in my possession, no.

7 Q. Do you have any documents that you maintain
8 with regards to the Community Chapel activities other
9 than counseling center records? After March 3, 1988?

10 A. I've written some papers on the definition
11 of agape, love. I've written a paper on fear, trust
12 and response. I've written a paper on blame,
13 accusation and condemnation. I have those.

14 Q. This is basically items that, based upon
15 your experience as a counselor and your position as a
16 minister, that you use this information, your
17 knowledge to prepare these documents?

18 A. Right.

19 Q. Other than those documents, do you have any
20 other documents that would have been defined in this
21 subpoena duces tecum that was served upon you which
22 would relate to any of the proceedings involving any
23 of the meetings after March 3, 1988?

24 A. I did not have in my possession any
25 documents that were outlined in the subpoena that

1 you're referring to.

2 Q. Now, do you know if anybody else has
3 possession of your documents that would have been, or
4 any other documents that you've transferred to those
5 individuals, that would relate to these proceedings?

6 A. I don't have any documents past March 3 or 4
7 or whatever it is, so, no, I know that no one else
8 does either.

9 Q. Okay, that's fine. Have you made any
10 inquiries with regards to the formation of a new
11 nonprofit corporation, with any individual after
12 March 3, 1988?

13 A. Of course.

14 Q. Who did you make inquiries with?

15 A. The entire eldership inquired among
16 themselves.

17 Q. Other than the elders' meeting?

18 A. No.

19 Q. You have not talked with any individual?

20 A. No.

21 Q. Now, other than in an eldership, have you
22 discussed this matter with elders outside of the
23 eldership meeting?

24 A. Perhaps.

25 Q. You don't recall any?

1 A. I don't recall specific conversation, dates
2 times and subject matter.

3 Q. Are you familiar with a committee of four
4 that's been set up by the elders?

5 A. No.

6 Q. Mr. Motherwell, is there any reason why
7 Mark Yohurst (phonetic) would have stated that you had
8 this March 13, 1988 letter to Donald Barnett which is
9 Exhibit 116 to this deposition?

10 A. Same one here?

11 Q. Same one as there.

12 A. Is there any reason he would what?

13 Q. Why he would have said you were the one
14 that had the letter to the pastor?

15 A. I have already said I came into the room
16 with the letters finished.

17 Q. You had possession of the letter?

18 A. Of course. I said that when Loren and
19 I came from the meeting, he and I had possession of
20 the letter and the lines to sign it.

21 Q. Excuse me, I misunderstood. I thought Loren
22 picked it up and took it into the meeting?

23 A. Loren picked it up because it was in his
24 office. I went into the meeting with Loren and with
25 the letter.

1 Q. Loren gave it to you at some point in time?

2 A. I don't recall who walked into the meeting
3 with the letter with just the letter or just the
4 signature pages, but it was either he or I or both, I
5 mean, because there was more than one copy so more
6 than one person could read it at once.

7 Q. Did Loren Krenelka discuss this letter with
8 you at all on your trip over to the elders' meeting on
9 March 13th?

10 A. Of course.

11 Q. What did he have to say?

12 A. He said he would sign it.

13 Q. What else did he say?

14 A. I don't recall. He'd sign it because it was
15 the facts of where we were at.

16 Q. That's what he said?

17 A. Sure.

18 Q. Do you recall anything else he said?

19 A. No.

20 Q. Did you say anything prior to his statements
21 which would have elicited that response?

22 A. I don't recall.

23 Q. Let me show you what has been marked as
24 Exhibit 112, which appears to be an exhibit to Loren
25 Krenelka's deposition, and on there there is listed

1 three categories of individuals. Do you see those?
2 Item No. 1 being those individuals who have already
3 resigned as employees, Item No. 2 are those who have
4 submitted resignations, and Item No. 3 being
5 employees who have resignations pending if Donald
6 Barnett remains the pastor and president?

7 A. I see that.

8 Q. And your name is listed under the third
9 category. Do you see that?

10 A. I do.

11 Q. Have you represented to anybody that you
12 would resign if Donald Barnett remains as the
13 president of Community Chapel?

14 A. I believe that the eldership has discussed
15 leaving the corporation if the courts insist on his --
16 insist on upholding his action to stay corporate
17 president, so in that framework, yes.

18 Q. You have told somebody that you would
19 resign if he remains as corporate president?

20 A. I never used the word resignation. I said
21 I'd leave.

22 Q. And also --

23 A. The corporation.

24 Q. And also the members of the board of elders
25 indicated that to you?

1 A. Yes.

2 Q. Do you recall that meeting that took place?

3 A. No, I don't recall the specific meeting, no.

4 Q. Do you recall -- I want to see how well your
5 memory is here -- do you remember anything that's been
6 said at any of these eldership meetings since March 4,
7 1988 and who said it?

8 A. You'd have to ask specifics. No, I can't
9 remember. I'm just -- I remember of course the
10 general theme that we've been in the whole time. I
11 know that well. It's a day and night thing, but as
12 far as he said, she said, no, I don't recall.

13 Q. I have seen you at the worship services
14 where you respond and say Donald Barnett did this,
15 Donald Barnett did that; he said this, he said that.

16 A. Of course.

17 Q. How can you have such a good memory of what
18 was said by Donald Barnett, but you can't remember
19 anything when it comes to --

20 A. You'd have to bring up specific examples
21 because I do remember specific things that Don
22 Barnett said to me.

23 Q. Do you recall anything that was said to you
24 by Scott Hartley with regards to a new corporation?

25 A. Nothing specific, no.

1 Q. Do you remember anything said by Scott
2 Hartley to where the assets would go if the
3 corporation was resolved?

4 A. Nothing specifically.

5 Q. Do you recall anybody discussing --

6 A. Yeah, it goes to receiver.

7 Q. Who mentioned that?

8 A. Jim Leach has. Scott Hartley has. Jack
9 DuBois has.

10 Q. Let's start with Jack DuBois. What did he
11 say to you with regards to the assets going to an
12 individual or where they would go after the
13 corporation is dissolved?

14 A. Jack DuBois has never spoken to me
15 one-on-one.

16 Q. Tell me what Jack DuBois said then?

17 A. He said if the corporation went into
18 dissolution, that the assets would go to receiver.

19 Q. Do you recall anything else he said?

20 A. Not specifically.

21 Q. What did Scott Hartley say about the
22 distribution of the assets when the corporation is
23 dissolved?

24 A. They would go to a receiver.

25 Q. Anything else you recall him saying?

1 A. No. Just possibilities as to what the
2 receiver might do.

3 Q. Would one of those be distributing them to
4 a church formed by the elders?

5 A. If that's lawful, of course.

6 Q. I'm asking if any discussions took place
7 with regards to that.

8 A. Yeah, just took place, but you know I -- we
9 -- just assets can go to the Mormon Church, the
10 Jehovah's Witnesses, the Catholic Church, the United
11 Pentecostal, the Boy Scouts, any nonprofit
12 organization.

13 Q. That's what was discussed at the elders'
14 meetings?

15 A. That's the law of the state, of course,
16 state law.

17 Q. I'm not asking that.

18 A. State law was discussed at the elders'
19 meeting.

20 Q. Was a discussion made that the assets may
21 go to the Mormons, to the Catholics, to Pentecostal --

22 A. Yeah, right.

23 Q. Who discussed that?

24 A. Everybody did, everybody that knew the law.

25 Q. Who discussed the possibilities of the

1 assets going to the Catholic Church, for example?

2 A. Jim did, in reciting to us what the law
3 reads, and Scott Hartley because he's had talks with
4 Jim.

5 Q. Did the elders approve of these assets
6 being distributed to the Mormons or to the Catholics?

7 A. Did they approve?

8 Q. Yes.

9 A. No.

10 Q. Did they indicate their disapproval in any
11 manner?

12 A. Oh, we -- Of course, but it's not the
13 elders prerogative to distribute them. It's the
14 receivers' prerogative.

15 Q. I understand that. I'm asking whether or
16 not this is something they wanted to have happen?

17 A. Of course they don't want that to happen.
18 They said if Don Barnett would yield to the
19 fellowship, we wouldn't have to worry.

20 Q. Did they express their disapproval of the
21 assets going to the Catholic Church or the Mormons?

22 A. Of course.

23 Q. How did they do it?

24 A. We would not like the assets to go to the
25 Catholic Church. We would like it to go to someone of

1 like faith as the existing church.

2 Q. Who said that at the elders' meeting?

3 A. All the elders did.

4 Q. You said it?

5 A. Of course. It's just reasonable.

6 Q. Was there some way of insuring that it
7 could go to a church of like faith as Community
8 Chapel?

9 A. There's no way -- no. To my knowledge
10 it's all up to the receiver.

11 Q. Sure we know everything is going to be
12 decided by the receiver, but was there a discussion
13 to aid the receiver or provide a vehicle to the
14 receiver to distribute the assets?

15 A. No, other than the fact that we assumed
16 he'll discuss the -- I mean it's a natural assumption
17 the receiver will discuss dissolution and
18 distribution of assets with all interested parties.

19 Q. I assume that this was a matter that was
20 discussed at the elders' meeting?

21 A. Oh, yeah.

22 Q. Okay and --

23 A. Wouldn't you think that would be the case,
24 I mean to discuss it with each side of the deadlock?

25 Q. Was there a matter that was brought up at

1 the elders' meeting that potentially the receiver
2 would discuss it with --

3 A. Each side of the deadlock?

4 Q. Sure. And was there a particular individual
5 who was to discuss the matter with the receiver?

6 A. Not that I know of.

7 Q. Was it reserved for a later time?

8 A. What reserved?

9 Q. The discussion with the receiver, who
10 would discuss it with the receiver.

11 A. I don't know.

12 Q. Are there different views with regards to
13 church policy?

14 A. Of course, there's been for years.

15 Q. And the only thing that the elders are
16 really united about is their opposition to Donald
17 Barnett?

18 A. No. We're united on other things as well,
19 but that's a notable source or point of unit.

20 Q. The elders are not agreeable with regards
21 to what is spiritual connections, for example; is that
22 correct?

23 A. You'd have to ask each elder.

24 Q. Do you know?

25 A. No, I don't. You'd have to ask each elder.

1 Q. Do you know Mark Yohurst's position with
2 regards to spiritual connections?

3 A. Somewhat.

4 Q. Is that in line with all of the other
5 elders?

6 A. Of course not.

7 Q. Then you do know they're not in line with
8 each other with regards to spiritual connections?

9 A. You didn't ask me a specific person. I said
10 you'd have to ask each of them individually.

11 Q. You think the elders are not in one vise
12 with regards to spiritual connections; is that
13 correct?

14 A. Never have been.

15 Q. How many hours are you spending in the
16 counseling center at the present time?

17 A. Forty-five a week.

18 Q. How do you keep records of your time of your
19 work performed in the counseling center?

20 A. We keep a time sheet.

21 Q. And those time sheets are turned into the
22 accounting department for at least for yours of your
23 work performed there?

24 A. Sure.

25 Q. Does that reflect the amount of time you've

1 performed counseling services?

2 A. Counseling and counseling-related, yeah.

3 Q. Does that show date, number of hours, the
4 individual that you assisted?

5 A. No.

6 Q. What information is provided?

7 A. Date and hours.

8 Q. Does it show where those hours are used?

9 A. At the counseling center.

10 Q. So the records that go to accounting do not
11 have all of the information as to where you performed
12 your work; is that correct?

13 A. Right.

14 Q. So at the counseling center they maintained
15 records with regards to what works you actually did?

16 A. I guess.

17 Q. Now, do you mark down on a time slip the
18 performance of work at the time you complete it?

19 A. No.

20 Q. At the end of the day?

21 A. No.

22 Q. How do you prepare time slips?

23 A. I just -- when I go to work, go to lunch,
24 come back from lunch, leave to go home.

25 Q. How does somebody know, your supervisor for

1 example, that you spent eight hours of work in the
2 counseling center?

3 A. Looks at the time sheet.

4 Q. And the time sheet would show where you're
5 supposed to be at or what work you actually did?

6 A. No.

7 Q. How does he know you did work?

8 A. I sit there, answer the phone, talk to
9 people, help people out the whole time I'm there.

10 Q. So it's by physically viewing you on-site
11 is the only way that --

12 A. I've worked there for three and a half
13 years. I've worked as a volunteer for eight years
14 prior to that, and so I am not -- I don't know what is
15 the words -- I don't have my own watchdog.

16 Q. But if somebody was going to come in to
17 maintain and see that you're actually performing
18 those services, is there a way of taking a look at any
19 documents you prepare other than to physically watch
20 you be at the counseling center?

21 A. I don't know. I mean yeah, you can sit
22 there where the secretary sits and watch me come and
23 go in the door and the phone ring and people coming
24 and go.

25 Q. Do you keep an appointment calendar?

1 A. My secretary does.

2 Q. Do you keep your own personal calendar?

3 A. No, she does.

4 Q. So the only calendar of future events you
5 keep is the one your session has?

6 A. Right.

7 Q. You have no personal calendar?

8 A. No.

9 Q. How do you keep track of future --

10 A. She keeps --

11 Q. How do you keep track of future elders'
12 meetings?

13 A. We don't have any planned meetings.

14 Q. At the end of one elders' meeting don't you
15 set up a new one?

16 A. Not necessarily, no.

17 Q. Isn't that the general policy?

18 A. No.

19 Q. Mark Yohurst indicated to me in a
20 deposition yesterday that it was the procedure at the
21 end of one meeting you would set up the next meeting?

22 A. You're asking if it was a general policy.
23 Yes, we've done that, but as a general policy, I can't
24 say, that is, I don't know that it is. I'm not one
25 that sets the meetings, times, dates and places.

1 Q. You recall that does occur at the elders'
2 meetings, they will set another meeting?

3 A. Of course.

4 Q. Do you put that down in some notes or
5 records of where the next meeting is going to be held
6 and what time and date and place?

7 A. I just let my secretary know. My secretary
8 keeps track of the elders' meetings for all the
9 elders.

10 Q. Why would she keep track of the elders'
11 meetings for all the elders?

12 A. She knows when they were.

13 Q. Because you've told her?

14 A. Either I or another elder.

15 Q. Who is your secretary?

16 A. Debbie Irwin.

17 Q. How do you spell her last name?

18 A. I-r-w-i-n.

19 Q. This record would have all of the meetings
20 of all the elders that are scheduled?

21 A. I don't look at them. She just leaves on
22 my desk a daily, my daily itinerary.

23 Q. Somewhat saying, "David, you've got to be
24 here, here and here. You've got to meet these people
25 here. You've got this meeting"?

1 A. Yeah.

2 Q. So she keeps a master calendar for you; is
3 that right?

4 A. Right.

5 Q. You've delegated the responsibility of
6 keeping track of all of the elders' meetings to her?

7 A. I haven't delegated it to her, no, but she
8 let's me know that other elders let her know when they
9 are.

10 Q. How do other elders let her know?

11 A. She answers the phone for other elders on
12 occasion, and other elders say, "We're having a
13 meeting. Make sure David comes," so on.

14 Q. Is there a person who normally sets up
15 these elders' meetings?

16 A. Oh, probably Scott Hartley. I mean,
17 although I don't -- I don't know if he sets them
18 all up.

19 Q. But predominantly most of the meetings are
20 communicated by Scott to all the other elders or
21 interested persons who would be attending?

22 A. I think so.

23 Q. Have these elders' meetings been attended by
24 other nonelders of Community Chapel?

25 A. Yes.

1 Q. Who are other nonelders who have attended
2 these meetings since March 4, 1988?

3 A. John Burgen (phonetic) since --

4 Q. Since March 4, 1988?

5 A. John Burgen, Chris Matthews, Loren Krenelka,
6 Drake Pesce.

7 MR. LEACH: He's not an elder?

8 A. Drake Pesce. And, oh, and him, Jim Leach.
9 Larry Walkemeyer has attended one or two.

10 Q. (By Mr. Pierce) Are these elders' meetings
11 held in such a fashion that it is identified who the
12 nonelders are?

13 A. Everybody knows.

14 Q. No reason to say?

15 A. No.

16 Q. Is there any tape recordings of these
17 elders' meetings?

18 A. No.

19 Q. Are you sure?

20 A. There were of Mark Yohurst when he spoke
21 about his -- I don't know what you would call it --
22 position.

23 Q. Merits?

24 A. Agape, yeah.

25 Q. Any other recordings?

1 A. No.

2 Q. Is there somebody who takes notes of these
3 meetings?

4 A. Others may.

5 Q. Have you gotten copies of notes or
6 transcripts?

7 A. No.

8 Q. Or memos about what's happened?

9 A. No.

10 Q. Just everybody knows what's going on?

11 A. Pretty much.

12 Q. Who kept notes of the January 25 to March 3
13 elders' meetings regarding Donald Barnett?

14 A. Who did?

15 Q. Yes.

16 A. There were -- elders took notes. Whether
17 they kept them or not, you'd have to ask each
18 individual.

19 Q. Was there a specific person in charge?

20 A. No.

21 Q. You indicated that Drake Pesce had attended
22 the elders' meetings. What did Drake Pesce indicate
23 at the elders' meeting in which he did attend?

24 A. What did he indicate?

25 Q. What did he say?

1 A. I don't have any idea.

2 Q. This is the first opportunity that I heard
3 Drake Pesce had been there, so it sounds unusual for
4 Drake Pesce to be at an elders' meeting?

5 A. It is unusual. He's not an elder, and he's
6 not involved in ministerial matters.

7 Q. He's not a minister. He's not an elder, so
8 it was out of the usual Drake Pesce would be at the
9 elders' meeting, so that is why I ask why was he there
10 and what did he say?

11 A. He's another capable individual that's on
12 staff and in the congregation, and I know that at
13 least we wanted him to know of the general theme of
14 the eldership meetings. You want an individual like
15 that to know the basics of what
16 you're doing, so outside of that I don't know why he
17 was there.

18 Q. Did he say anything at the elders' meeting?

19 A. I don't recall at all.

20 Q. Did he go over any figures from the
21 accounting office at the elders' meeting?

22 A. I don't recall.

23 Q. That would be pretty unusual for him to
24 discuss or for anybody to have the figures at the
25 eldership meeting wouldn't it?

1 A. We discussed very, very few figures. I
2 can't recall specific discussions of figures at any
3 -- except attendance figures.

4 Q. I'm talking dollar figures.

5 A. I know you are. I'm saying that's a
6 subject that very rarely comes up. I don't recall
7 specifics.

8 Q. Do you recall any discussions with regards
9 to the financial condition of the corporation
10 discussed at the elders' meeting?

11 A. Some.

12 Q. What do you recall occurred?

13 A. About the financial?

14 Q. Yes.

15 A. That because of Don Barnett's implacable
16 position, that if we were to -- he was putting us
17 into a spot that could bankrupt the church. Not
18 bankrupt it, but run us out of reserve funds because
19 of he tying up the corporation in court and hauling
20 them down to depositions and court appearances and
21 all that sort of thing at the threat of a point of a
22 gun, practically, you know criminal prosecution and
23 all the rest, like he's threatened. And so because of
24 that the -- we were spending money that we wished
25 that we weren't, and that really -- that we didn't

1 really have an excess to spend in that fashion.

2 And I say point of a gun figuratively
3 speaking, but whatever you threat, even criminal
4 prosecution, and have the police out in front of the
5 church, well, that's what I mean.

6 Q. Did you discuss Don Barnett's telephone
7 service with any individuals?

8 A. No.

9 Q. Did you discuss his payroll with any
10 individuals?

11 A. I was present at meetings which his payroll
12 was discussed. Not his payroll, his --

13 Q. His paycheck or salary, benefits that would
14 be going to him?

15 A. Yeah.

16 Q. Do you recall what was discussed?

17 A. Well, we discussed that if he would
18 be submitted to the authority of the church, that he
19 would be paid a benevolence for an indefinite period
20 of time.

21 Q. What's an indefinite period of time?

22 A. For as long as he submitted -- I mean.

23 Q. If he was submitted for five years, he would
24 get paid for five years?

25 A. As long as the church could pay him, yes.

1 That's my understanding. Or ten or twenty.

2 Q. Did you ever see the petition for
3 dissolution of the corporation?

4 A. I have, but I didn't read it.

5 Q. Who provided you with a copy of that?

6 A. It was some moustached young man that drove
7 up in my driveway last week.

8 Q. It came to you with the subpoena?

9 A. Yeah, I think that's what it is. I just
10 read the respondent, whatever it is in the front, and
11 the first sentence, and I haven't read the rest of it.

12 Q. As soon as you got it, you called your
13 attorney?

14 A. No. I, as soon as I got it, I put it on my
15 porch and continued to fertilize the lawn, with my
16 son.

17 Q. Prior to last week when you got the
18 petition with the subpoena, had you ever seen that
19 petition to dissolve the corporation?

20 A. No.

21 Q. Did you discuss the need to dissolve the
22 corporation with Scott Hartley?

23 A. In the general eldership committee meetings
24 we all discussed it among ourselves.

25 Q. Do you recall anything that Scott Hartley

1 said with regards to the need to dissolve the
2 corporation?

3 A. Yes.

4 Q. What did he say?

5 A. Because of Don Barnett's implacable
6 position, the deadlock was a reality and deadlocked
7 corporations are prime candidates for dissolution in
8 the assets going to receiver.

9 Q. You've used this word "implacable"
10 throughout your deposition and everybody is saying
11 this. Are they all using this word, or is it just
12 your own word?

13 A. Just my own word.

14 Q. Can you tell me what Scott Hartley said, if
15 you can recall?

16 A. No, just the general theme that was
17 discussed about dissolution, as I've stated.

18 Q. You don't recall anything Scott Hartley
19 said?

20 A. No, nothing specific just because Don
21 Barnett is stubborn, unwilling, unbending,
22 unyielding, unmovable, self-willed, et cetera, we
23 were in a deadlock.

24 Q. Now, you've expressed opinions to everyone
25 else with regards to those characteristics; isn't that

1 correct?

2 A. No, not everyone.

3 Q. Well, to all the elders haven't you?

4 A. Some, some I have.

5 Q. To the church congregation?

6 A. Some.

7 Q. Well at worship services?

8 A. Some.

9 Q. I mean some of those characteristics or
10 some of those people?

11 A. Some of the characteristics.

12 Q. Has anybody indicated to you that they
13 agree with your characterization of Donald Barnett?

14 A. Many.

15 Q. Give me a name of any of the senior elders
16 who agree with your characterization?

17 A. Both Jack Dubois and Scott Hartley.

18 Q. What did Scott Hartley say?

19 A. He agrees.

20 Q. That's all you recall?

21 A. I don't recall specifics. He just agrees
22 with my general view of Don Barnett.

23 Q. And did Jack Dubois make any statements
24 to you?

25 A. Yes.

1 Q. What did he say?

2 A. He agrees.

3 Q. Was this in a conversation that took place
4 on a specific date?

5 A. No, just over the months and in the various
6 many meetings. I don't recall him specifically
7 having a meeting specifically about Don Barnett and
8 specifically saying I agree with you, no. In fact,
9 no, we haven't had that specific one-on-one meeting
10 about that specific subject.

11 Q. If Donald Barnett remained at Community
12 Chapel, would you be seeking employment in some other
13 corporation or business -- I mean some other church or
14 business?

15 A. I haven't even decided. I don't know. I'd
16 have to seek employment, of course. If I was no
17 longer employed there, obviously I'd have to seek
18 other employment.

19 Q. Does that mean that if he remains as the
20 pastor, you will terminate your employment?

21 A. With that corporation, yes.

22 Q. Have you looked at any other churches to
23 be --

24 A. No.

25 Q. -- to become connected with?

1 A. No.

2 Q. Have you ever been involved in the
3 discussion or main planning for any worship services
4 after March 1, 1988?

5 A. Yes.

6 Q. Can you tell me what the procedure is for
7 planning for a worship service?

8 A. Well, there is a director of the service
9 that's designated. And there is, if necessary, or if
10 indicated, a preacher, someone with a sermon, that's
11 designated, and outside of that -- and I believe a
12 designated music minister, but I'm not positive on
13 that.

14 Q. How is your involvement incurred in the
15 planning for the worship services?

16 A. If either the director of the service or the
17 designated preacher feel they would like me to
18 contribute in some way, they would come to me and
19 discuss that with me.

20 Q. That has occurred on a couple of occasions
21 since March 1, 1988?

22 A. Yeah, yeah.

23 Q. Who has approached you to contribute to the
24 worship services?

25 A. Who did?

1 Q. Yes.

2 A. I don't recall a specific individual,
3 because the March 4th service was discussed by the
4 entire eldership for a week -- not for a week but for
5 a couple days during the week prior to that
6 particular Friday night.

7 Q. And so, at least at that time it was decided
8 that you would speak on that March 4th?

9 A. Right.

10 Q. Other than that March 4th, who has
11 approached you with regards to speaking?

12 A. Well, Nola at Kirkland, the Kirkland
13 Community Chapel,

14 Q. I'm talking about Burien.

15 A. No one has, I don't believe, specifically
16 approached me. You have to understand our services
17 have the format to where if anyone has something short
18 to say, they can speak without giving prior notice
19 to anyone, and so I have done that, and I've done
20 that for years.

21 Q. What's your involvement with the planning
22 for these worship services?

23 A. I don't plan them. I don't know if anyone
24 plans them other than designates who directs the
25 service who preaches and is, as I say, perhaps does the

1 music. But as far as planning them, I don't know of
2 any plans. We don't have plans. I mean we don't
3 have a time and events planned for services that I
4 can think of.

5 On March 4th we did -- I was asked to
6 speak and other people were asked to speak, but it
7 was just contingent on whether we could, and so --
8 but as far as hard and fast and all of that, we don't
9 do that as a rule at all.

10 Q. How many times have you seen Jim Leach
11 present at Greg Thiel's house for the elders'
12 meetings?

13 A. Other than the one time, I don't recall
14 seeing him there.

15 Q. Has he been present at any other meeting
16 of the elders since March 1988, other than at Greg
17 Thiel's house?

18 A. Let me think -- I don't remember. Do you?

19 MR. LEACH: He's asking you.

20 A. I don't recall. One meeting? I don't
21 recall, honestly. Since March 4?

22 Q. (By Mr. Pierce) Yes.

23 MR. LEACH: How about before March 4?

24 A. No, not at an eldership meeting. I've met
25 with Jim many times prior to March 4.

1 Q. We're talking subsequent to March 4.

2 A. No, not to my recollection.

3 Q. Do you recall where any other meetings of
4 the elders have occurred, other than at Greg Thiel's
5 house?

6 A. Yes, at the music room, music studio, at a
7 room behind operations, and --

8 Q. Post March 1988?

9 A. Oh, post March 1, yeah those two places.

10 Q. Any place else?

11 A. I recall a meeting at another guy's house.
12 I think it was John Harold's.

13 Q. Okay. Was there a particular reason why
14 you had to move off campus for your meetings?

15 A. Yes, someone told me that they overheard
16 Don Barnett discussing with Brian Brookbank
17 (phonetic) about wiretapping or bugging the music
18 room.

19 Q. That must have been shocking to hear that
20 that would occur?

21 A. Not really shocking, no.

22 Q. Why do you think Donald Barnett would stoop
23 that low?

24 A. Donald Barnett is desperate like few other
25 men I've known.

1 Q. So you thought this was a potential, and you
2 should advise everybody of this?

3 A. No. Other people heard of the same
4 so-called rumor.

5 Q. Who told you of this?

6 A. It may have been Chris Matthews, I think, who
7 told me.

8 Q. Are you sure of that?

9 A. No, I'm not sure. I'm just -- I think so.
10 We all discussed it briefly at one of the eldership
11 meetings.

12 Q. What was discussed about it?

13 A. Just that rumor was that he's tried to put
14 an electronic eavesdropping device in the room and
15 that there was a rumor to that effect and just
16 -- that's about it.

17 Q. Are rumors running rampant down there at the
18 present time?

19 A. I don't know.

20 Q. Do you know of any private investigators
21 employed by you or any other members of the senior
22 elders or the elders?

23 A. No.

24 Q. Did you ever hear any rumors to that
25 effect?

1 A. Actually, no.

2 Q. That's all I have.

3 (The deposition concluded at
4 12:30 p.m.)

5 (By agreement between counsel
6 and the witness, signature
7 was waived.)

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C E R T I F I C A T E

STATE OF WASHINGTON)
)
 COUNTY OF KING)

I, the undersigned officer of the Court under my commission as a Notary Public in and for the State of Washington, hereby certify that the foregoing deposition upon oral examination of the witness named herein was taken stenographically before me and thereafter transcribed under my direction;

That the witness before examination was first duly sworn by me to testify truthfully; that the transcript of the deposition is a full, true, and correct transcript of the testimony, including questions and answers and all objections, motions, and exception of counsel made and taken at the time of the foregoing examination;

That I am neither attorney for, nor a relative or employee of any of the parties to this action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 3RD day of MAY 1988.

Leanne Davis
NOTARY PUBLIC in and for the
State of Washington residing at
Edmonds