

CAITLIN O'CONNOR

vs.

LAMPO GROUP

Confidential

ARMANDO LOPEZ

June 29, 2021



Terri Beckham, RPR, RMR, CRR

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1 IN THE UNITED STATES DISTRICT COURT FOR THE
2 MIDDLE DISTRICT OF TENNESSEE
3 NASHVILLE DIVISION
4

5 CAITLIN O'CONNOR,

6 Plaintiff,

7 vs.

Case No. 3:20-cv-00628

8 THE LAMPO GROUP, LLC
9 a/k/a RAMSEY SOLUTIONS,

10 Defendant.
11

12
13 ***CONFIDENTIAL***
14 (UNTIL FURTHER DETERMINATION)

15 Video Deposition of:

16 ARMANDO LOPEZ

17 Taken on behalf of the Plaintiff
18 June 29, 2021

19 Commencing at 9:34 a.m.
20
21

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A P P E A R A N C E S

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Also present:

Daniel Cortez
Ramsey Solutions General Counsel

Mary Ciezadlo, Videographer

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S T I P U L A T I O N S

The Video Deposition of ARMANDO LOPEZ was taken by counsel for the Plaintiff, at Webb Sanders, PLLC, 611 Commerce Street, Suite 3102, on June 29, 2021, for all purposes under the Federal Rules of Civil Procedure.

All formalities as to caption, notice, statement of appearance, et cetera, are waived. All objections, except as to the form of the question, are reserved to the hearing, and that said deposition may be read and used in evidence in said cause of action in any trial thereon or any proceeding herein.

It is agreed that Terri Beckham, RMR, CRR, Notary Public and Licensed Court Reporter for the State of Tennessee, may swear the witness, and that the reading and signing of the completed deposition by the witness are reserved.

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* * *

1
2 THE VIDEOGRAPHER: We are now on the
3 record. Today is Tuesday, the 29th of June, 2021.
4 And the time indicated on the video screen is
5 9:34 a.m.

6 This is the video deposition of Armando
7 Lopez taken in the matter of O'Connor versus The
8 Lampo Group, LLC, also known as Ramsey Solutions,
9 Case Number 3:20-cv-00628, filed in the United
10 States District Court for the Middle District of
11 Tennessee, Nashville Division.

12 This deposition is being held today at
13 Webb Sanders PLLC, located at 611 Commerce Street,
14 Nashville, Tennessee. My name is Mary Ciezadlo, the
15 videographer. The court reporter is Terri Beckham,
16 both in association with Elite-Brentwood Reporting
17 Services.

18 Will counsel please introduce yourselves
19 and state whom you represent.

20 MS. COLLINS: Heather Collins and Ashley
21 Walter for the plaintiff.

22 MS. SANDERS: Leslie Sanders for
23 defendant.

24 MR. CORTEZ: Daniel Cortez for
25 defendant.

THE VIDEOGRAPHER: Will the court reporter please swear in the witness.

* * *

ARMANDO LOPEZ,
was called as a witness, and after having been duly sworn, testified as follows:

EXAMINATION

QUESTIONS BY MS. COLLINS:

Q. Good morning. Could you state your full name for the record, please?

A. Sure. Armando M. Lopez.

Q. And what is your address?

A. [REDACTED]

Q. The zip code?

A. [REDACTED]

Q. What is your phone number?

A. [REDACTED]

Q. Is that a mobile phone?

A. It is.

Q. Is that a company paid-for cell phone?

A. It is.

Q. Okay. Where are you currently employed?

A. At Ramsey Solutions or The Lampo Group.

Q. How long have you been there?

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1 A. Since November of 2014.

2 Q. What is your job title?

3 A. Currently, senior executive director of Human
4 Resources.

5 Q. How long have you been in that position?

6 A. I've been in Human Resources since I started.

7 I was recently promoted to senior director.

8 Q. What position did you start in?

9 A. Executive director.

10 Q. Okay. How long were you in that position?

11 A. All but the last six months.

12 Q. Okay. So from November 2014 until about the
13 beginning of this year or the end of last year?

14 A. The beginning of this year.

15 Q. Okay. What are your job duties -- well, let
16 me -- let me go back a little bit. What were your
17 job duties as the executive HR director, the
18 position before this one?

19 A. So everything related to human resource,
20 finding people, so the recruiting process,
21 on-boarding people, development strategies to
22 develop them, and retention strategies to keep them.

23 The culture piece, we had a person that
24 oversaw the culture.

25 Q. What do you mean by that?

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1 A. We had an executive director over the culture
2 piece, the cultural events, team member activities
3 or team member functions.

4 Q. By "cultural events," what are
5 specifically -- give me examples of that.

6 A. Battle of the Bands.

7 Q. Okay.

8 A. Christmas party.

9 Q. Tell me about the on-boarding process. What
10 did that entail?

11 A. What did it entail then or what does it
12 entail now?

13 Q. What did it entail then? And the reason why
14 I'm sort of going back in time a little bit,
15 because, you know, Ms. O'Connor was terminated in
16 2020, and so, really, that's what I'm more
17 interested in.

18 A. Okay. Would you like for me to start in
19 2020?

20 Q. Well, I want to know what the on-boarding --
21 did it change from --

22 A. Yeah.

23 Q. -- before that time period?

24 A. How about I give you historical from --

25 Q. Sure.

1 A. -- the time I got there?

2 So when I got there, it was half a day
3 on-boarding. It was really paperwork, what most
4 companies traditionally would do for someone that
5 starts.

6 About a year after I started, we moved to a
7 full day on-boarding where we covered other things,
8 the policies, procedures, things the company felt
9 were good, kind of confirming a person's decision
10 for employment.

11 Since then we've expanded further, so we
12 have a two-day on-boarding that includes things
13 that are more fun, so think cultural race, which is
14 more of a team activity, team-sponsored, team-based
15 activity.

16 Q. Okay. So it was -- in 2020 -- was it about
17 in 2015 when it changed, the on-boarding process
18 changed to be a full day?

19 A. Yes.

20 Q. Okay. What documents are you all -- back in
21 that time period did you require employees to sign
22 when they were on-boarded?

23 A. I don't have them from memory, but there's
24 really, I'm going to guess, seven/eight pages that
25 covered the bulk of the documents, with the

1 exception of the federally required documents such
2 as W-2s.

3 Q. What do you mean by that? Explain that.

4 A. So there are eight pages that cover the
5 Ramsey policies and procedures, which have been
6 turned over to you in discovery. And then there
7 are -- people fill out their government forms for
8 E-Verify, et cetera. So an I-9, for example, W-2
9 for tax deductions.

10 Q. Prior to that -- and I'm going to refer to
11 that as an orientation period -- but prior to that,
12 when Ramsey is determining whether or not they're
13 going to hire someone, how is that process?

14 A. Can you explain the question?

15 Q. I want you to explain the process that Ramsey
16 goes through when deciding whether or not to hire
17 someone, when they're vetting people.

18 A. So not from the time a person applies, so I
19 can walk you through --

20 Q. After the pool has been narrowed down.

21 A. Okay. So there's a series of interviews that
22 take place.

23 Q. Okay. Tell me about that series of
24 interviews.

25 A. There is the hiring leader interview. There

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1 is a recruiter interview. And then there is what we
2 call a half-day interview, which is just a series of
3 other leaders that get an opportunity to weigh in.

4 Q. Do all these people meet with the candidate?

5 A. Yes.

6 Q. Okay. Prior to those interviews, how is the
7 pool narrowed down?

8 A. So the recruiters will take all the
9 applicants and they'll look for skill sets. They'll
10 look for keywords. They'll look for background and
11 experience that fit what that position is, at least
12 on paper.

13 They will then narrow that pool for who they
14 will contact. They'll do the initial screen to
15 make sure that what's on paper is actually what the
16 person did and that that fits what we're looking
17 for.

18 The recruiter will then pass that person on
19 to the hiring leader, and that person might be
20 persons, to answer your question of narrowing the
21 pool, that's how it starts narrowing.

22 Q. Is the recruiter in-house or external?

23 A. In-house.

24 Q. Okay. Who was the recruiter back in 2014?

25 A. We had more than one recruiter in 2014.

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1 Q. Who are they?

2 A. Going off memory, that would have been Heath
3 Sellers, Chris Woodard, Doug Oakley, and I believe
4 that's it for 2014. A few more started after I
5 started, but for 2014, that would have been the
6 recruiters.

7 Q. Are those three people still there?

8 A. Chris Woodard and Heath Sellers are. Doug
9 Oakley is not.

10 Q. In 2015 who came on?

11 A. Kimberly Rudolph, Allison Bible, Jeff
12 Schadoff, I believe that's it. And I'm going off
13 memory, so I could have left someone off.

14 Q. Are any of those people no longer with
15 Ramsey?

16 A. All three of those are no longer with Ramsey.

17 Q. Were any of them involuntarily terminated?

18 MS. SANDERS: I'm going to, obviously,
19 let him answer that question, but I should have done
20 this at the very beginning. Because we're going to
21 get into personnel information we're going to go
22 ahead and designate his whole deposition as
23 confidential, and then we can deal with that after
24 the fact if there are certain parts that aren't,
25 just so he can freely testify, so...

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1 MS. COLLINS: Okay.

2 THE WITNESS: One of those.

3 BY MS. COLLINS:

4 Q. Who?

5 A. Jeff Schadoff.

6 Q. Why was he involuntarily terminated?

7 A. Performance.

8 Q. Okay. What about 2016? Who did the
9 recruiting in 2016?

10 A. So we've added quite a few recruiters. I'm
11 trying to, in my head, put them in the right year
12 for you. I think in 2016 we hired Josh Sikes, and I
13 believe he was the only person that come on in 2016.

14 Q. Okay.

15 A. We hired -- if we're going down every year,
16 in 2017 we hired Beth McCart, Ayesha Davis. We
17 transferred in an internal person into recruiting
18 that was already employed by the company Chelsea
19 Willis.

20 Q. What about 2018?

21 A. In 2018 we transferred internally several
22 people, and we're up to 15 recruiters today. So if
23 we started from 2020, it might be easier for me go
24 backwards and go, "How long has that person been
25 around?"

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1 Q. Okay. Who oversees the recruiters?

2 A. We have a director of recruiting, Jeremy
3 Hezlep.

4 Q. How long has Jeremy been in that position?

5 A. He's been in that position for two-and-a-half
6 years, and he's been with the company for about 10.

7 Q. Okay. When you say that the hiring leader,
8 the recruiter and a series of other leaders, meets
9 with a candidate, are they required to keep any sort
10 of document or take any notes?

11 A. They enter notes into the system. We use an
12 applicant tracking system.

13 Q. How long has that been in place?

14 A. The current system was put in in 2014.

15 Q. What's the name of that system --

16 A. Jobvite, J-o-b-v-i-t-e, Jobvite.

17 Q. Vite. For a minute there, I thought you said
18 "fight," and I thought, well, that's not very...

19 A. That wouldn't be very good for recruiting.

20 Q. Okay. Who has access to the Jobvite system?

21 A. It's a role-based access. Every hiring
22 leader has access to it, but there are different
23 degrees of access of who can see what.

24 Q. Okay. Do you know if the Jobvite system
25 information was produced in this case with respect

1 to Caitlin O'Connor?

2 A. It was.

3 Q. Is there a part of the recruitment process or
4 hiring process that involves a dinner or an
5 interview with a dinner and spouses?

6 A. There's a spousal dinner that is kind of the
7 final breaking bread, getting to know each other,
8 not used for rule-out.

9 Q. What do you mean "not used for rule-out"?

10 A. You said, "part of interview process." It's
11 part of the process, but it's not used to screen a
12 candidate or to say "no" to a candidate.

13 Q. Who typically attends one of those spousal
14 dinners?

15 A. The hiring leader and their spouse, if
16 they're married, the candidate and their spouse, if
17 they're married.

18 Q. To your knowledge, has it ever been -- that
19 spousal dinner, has it ever been used to rule out a
20 candidate?

21 A. To my knowledge, no. We've had candidates
22 that have changed their mind where -- but not -- to
23 my knowledge, no.

24 Q. As part of your job as executive HR director,
25 do you set policy?

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1 A. I'm a part of a group that would set policy.
2 I wouldn't set policy alone.

3 Q. What group is that?

4 A. It could come from one of two groups, so it
5 could be an operations committee group that sets a
6 policy related to processes. It could be Human
7 Resource Committee that sets a policy.

8 Q. As executive HR director, is it part of -- or
9 was it part of your job duties to enforce policy?

10 A. Again, not singularly, but as a part of a
11 group, yes.

12 Q. Okay. Which group?

13 A. Human Resource Committee.

14 Q. But as the human resource executive, you have
15 knowledge of the Ramsey policies and how they're to
16 be enforced, right?

17 A. I do.

18 Q. Tell me what the Human Resource Committee's
19 function is.

20 A. We deal with personnel issues, good and bad
21 exceptions to time off, someone runs out of time off
22 but is needing more, if they're having some crisis
23 going on in their lives, disciplinary actions when a
24 leader is ready to put someone on a performance
25 improvement plan, pretty much all terminations go

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1 through there. There are a few that -- that might
2 not, but I would say for the most part they would
3 all go through the Human Resource Committee.

4 Earlier we talked about setting policy if
5 something needs to change.

6 Q. What sort of involvement does Dave Ramsey
7 typically have in the termination of employees?

8 A. It's an HRC decision. He's informed in the
9 notes from HRC.

10 Q. Does he typically weigh in on those
11 decisions?

12 A. Weigh in? Not necessarily. He'll -- he
13 might respond to someone or to the HRC note saying
14 "So sad," or something to that effect, especially if
15 someone had been there for a while.

16 Q. When you say "HRC note," is that another --
17 is that something else that's put in a system or
18 what are you referring to?

19 A. They're not put in the system. It's
20 typically an email.

21 Q. Does the HRC meet on a regular basis?

22 A. Yes.

23 Q. How often?

24 A. Weekly. There could be times where we meet
25 more often or times when too many are on vacation or

something else is going on where we don't meet.

Q. Okay.

A. But typically weekly.

Q. Okay. And how many people are on the HRC?

A. It's varied in the time that I've been there, but there are currently five members.

Q. Who are those five members?

A. So currently it is Jeremy Breland, [REDACTED], [REDACTED], Mark Floyd, Jack Galloway, and myself.

Q. Is Dave Ramsey not on the HRC?

A. No, he's never been, to my knowledge.

Q. Is he included on the HRC emails?

A. No.

Q. Okay.

A. By "emails," do you mean distribution list?

Q. Yes.

A. He is not.

Q. Okay. How often does it change?

A. Typically every year there might be one person that drops off and one person that comes on, or we may have someone sit in for a short period of time as part of their leadership development.

Q. Who was on the HRC in 2020?

A. So we've turned this over to you, but I'm going to -- again, because I know this case, I'm

going off the top of my head and I don't think I'll leave anyone off. But the names I mentioned, [REDACTED], [REDACTED], Jack Galloway, myself, Suzanne Simms, Mark Floyd, and I don't recall if at this point -- Sarah Sloyan was the newest member.

Q. Who do you take direction from or who do you report to?

A. Currently I report to Jack Galloway. He's the chief people officer.

Q. He's the chief what officer?

A. Chief people officer. And that is new. I reported to Mark Floyd, the chief financial officer, in 2020.

Q. In 2020, how many people reported to you?

A. Directly, five -- six. My assistant.

Q. Okay. Who are those five people?

A. In 2020 that would have been Teresa Newsome as my assistant, Jeremy Hezlep as the director of recruiting, Oksana Ballard as the compensation manager, Karla Lundell as the benefit administrator, Sarah Cranston as the benefit coordinator, and Mark Mozingo as compliance specialist.

Q. Are any of those people no longer on your team?

A. Oksana Ballard.

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1 Q. Okay.

2 A. And Teresa Newsome retired.

3 Q. What happened to those two? Well, Teresa
4 retired, you told me that.

5 A. And Oksana moved on. She found a job
6 doing -- more than just compensation.

7 Q. Okay. Is she still with Ramsey?

8 A. She is not.

9 Q. Now, tell me in your words what Ramsey
10 Solutions does.

11 A. We provide hope.

12 Q. What do they do?

13 A. We provide education around finances, around
14 leadership, around education for schools, career
15 advice, small-business advice.

16 Q. Does it also have a media part of its
17 business?

18 A. It does. It has a radio component and
19 podcast and other forms of broadcast.

20 Q. Does it receive advertising dollars for the
21 radio and the podcast portion of its business?

22 A. It does.

23 Q. What is the largest part of its business?

24 A. I wouldn't know. I don't get the financials.

25 Q. Okay. But Ramsey Solutions is not a school,

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1 is it?

2 A. It is not.

3 Q. And it does not -- it's not a 501c3
4 organization, is it?

5 A. It is not.

6 Q. And it's not considered a charitable
7 organization, to your knowledge, is it?

8 A. To my knowledge it is not.

9 Q. And that was the same in 2020, wasn't it?

10 A. That is correct.

11 Q. Okay. So Ramsey Solutions is a private
12 corporation, for-profit corporation?

13 A. Correct.

14 Q. Prior to your position in HR with Ramsey,
15 which you started in 2014, right --

16 A. (Nods)

17 Q. -- what did you do?

18 A. I worked at Human Resources for O'Charley's,
19 which is owned by American Blue Ribbon Holdings.

20 Q. How long were you in HR with O'Charley's?

21 A. For eight years, a little over eight years.

22 Q. Okay. And prior to that?

23 A. I was with Cracker Barrel for 15 years.

24 Q. Were you also in HR with Cracker Barrel?

25 A. I was. I was five years in restaurant

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1 operations and then 10 years in HR.

2 Q. So about how long have you been in HR? It
3 sounds like a while, but I'm not going to do the
4 math.

5 A. Let's see. 15 plus 8 plus 7, whatever that
6 works out to be.

7 MS. SANDERS: 30.

8 THE WITNESS: 30 years.

9 BY MS. COLLINS:

10 Q. I was just going to say, I told you I wasn't
11 going to do math.

12 Okay, about 30 years in HR; is that right?

13 A. Yes.

14 Q. Okay. Did you have any sort of formal
15 training or education in HR?

16 A. I have.

17 Q. Just briefly describe that.

18 A. So I have gone through the SHRM courses,
19 which is Society for Human Resource Managers. I
20 received certification from them. I've also been a
21 part of taking courses with Cornell University as
22 well as different certifications for recruiting.
23 ICM comes to mind. ARIS certification.

24 Q. What was your undergraduate -- or did you --
25 do you have an undergraduate degree?

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1 A. I do, in business management with a human
2 resource emphasis.

3 Q. Any work beyond undergraduate, formal
4 education?

5 A. Beyond that, no.

6 Q. Okay. So I would assume that as a person
7 who's been in HR for approximately 30 years, you
8 have background in Title VII, right?

9 A. That's correct.

10 Q. And do you train employees at Ramsey on
11 obligations under Title VII or does someone else do
12 that?

13 A. Somebody else does that, but I'm a part of
14 it. However, we don't have a formalized training on
15 Title VII.

16 Q. Okay. Do you-all do any sort of -- and by
17 "you-all" I mean Ramsey -- does Ramsey do any sort
18 of formal training on antidiscrimination laws or
19 Title VII?

20 A. So we've been trained people on interviewing
21 and doing the right thing, which a component of is
22 Title VII.

23 Q. But is there any specific training on
24 antidiscrimination?

25 A. There is no specific training on

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1 antidiscrimination today beyond some leadership
2 training that includes that.

3 Q. Okay. What is the leadership training that
4 includes that?

5 A. So we've done -- we do Entre University on
6 Wednesday mornings. And some of those have been on
7 recruiting, for example. And a component of that is
8 discrimination.

9 Q. What is your understanding of that component?

10 A. So I know that we covered the -- all
11 Title VII and the fact that we don't discriminate
12 against any of those things.

13 Q. Do you-all have any sort of person with
14 Ramsey that does diversity, equity and inclusion or
15 a diversity officer?

16 A. We do not.

17 Q. To your knowledge, does Ramsey track its
18 diversity in its workforce?

19 A. We do.

20 Q. Tell me about that.

21 A. We track it to complete an EEO-1 report at
22 the end of the year.

23 Q. How long have you done the EEO-1 report?

24 A. I have never personally done the EEO-1
25 report, but it is a component of my job, so I make

1 sure that it gets done.

2 Q. Okay. Who do you coordinate with or work
3 with to make sure it gets done?

4 A. Mark Mozingo, who is our compliance
5 specialist.

6 Q. Who did it before Mark?

7 A. Oksana Ballard.

8 Q. Okay. Do you-all keep copies of those EEO-1
9 reports?

10 A. Yes.

11 Q. In the EEO-1 reports -- and I just can't
12 remember off the top of my head. I don't think you
13 do, but do you-all track the religious preference of
14 your employees? I don't think you-all have to
15 report that.

16 A. That's not in there.

17 Q. Yeah.

18 A. To my knowledge.

19 Q. Do you-all keep track of that anywhere? Does
20 Ramsey keep track of that anywhere, to your
21 knowledge?

22 A. We do not.

23 Q. Does -- to your knowledge, does Ramsey hire
24 anyone who's not a Christian?

25 A. We don't ask that question, so I don't know

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1 the answer to it.

2 Q. To your knowledge, are there any employees at
3 Ramsey who are not Christians?

4 A. We have a thousand team members. I have no
5 clue what their religious preferences are.

6 Q. How often does Ramsey do devotionals?

7 A. Wednesdays.

8 Q. Every Wednesday?

9 A. If there's something going on, we might not
10 do it, but, yes, for the most part, every Wednesday.

11 Q. Are all employees required to attend?

12 A. They're not required to attend.

13 Q. Do they have to be excused from attending?

14 A. To my knowledge, no.

15 Q. Has it always been like that?

16 A. Since I got there, yes. It's the way that I
17 was told.

18 Q. Who told you?

19 A. Rick Perry. But probably more than one
20 person, but that's who I'm going with. He was the
21 executive director over the culture side. I'm sure
22 other people have told me. He's just the first one
23 that came to mind when you asked the question.

24 Q. To your knowledge, have you ever had any
25 issue with Ramsey employees refusing to attend the

1 Wednesday morning devotional?

2 A. To my knowledge, no.

3 Q. What would you do if an employee -- if it
4 came to your attention an employee was refusing to
5 go?

6 A. It hasn't happened. Are you asking just
7 hypothetically?

8 Q. If it hasn't happened, then does that mean
9 all of the employees are Christians?

10 A. Not every devotional is Christian --

11 MS. SANDERS: Objection.

12 You can answer.

13 THE WITNESS: Not every devotional is a
14 Christian speaker. So I don't see the correlation
15 between the two.

16 BY MS. COLLINS:

17 Q. Are most of the speakers Christian?

18 A. Most of them, yes.

19 Q. Since you've been there, have you ever had a
20 speaker that was Muslim?

21 A. We have not to my knowledge, but I didn't ask
22 them what their religious preference was before they
23 stood up on stage.

24 Q. Since you've been there, have you ever had a
25 speaker that was agnostic or atheist?

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1 A. Never asked them what their religious
2 preference was.

3 Q. So to your knowledge, you haven't had a
4 speaker that's agnostic or atheist?

5 A. It would be my knowledge, or lack thereof.

6 Q. Since you've been with Ramsey, have you ever
7 had a Muslim employee request a religious
8 accommodation?

9 A. No.

10 Q. Have -- since you've been with Ramsey, have
11 you had an employee request any kind of religious
12 accommodation, to your knowledge?

13 A. Can you give me an example?

14 Q. Well, noon-day prayers for Muslims is a
15 typical one. Jehovah's Witnesses go to annual
16 conventions. A lot of Seventh Day Adventists
17 request off a certain day of the week. Something
18 like that.

19 A. Not that I personally dealt with, no.

20 Can we come back to that question?

21 Q. Sure.

22 A. I've had one accommodation that was tied to
23 religion, someone that did not want to attend the
24 Christmas party because of their religious belief.

25 Q. Tell me about that.

Confidential

1 A. He didn't want to attend the Christmas party
2 because of his religious belief, and we accommodated
3 it.

4 Q. Is the Christmas party mandatory?

5 A. It is not.

6 Q. What was his religious belief?

7 A. I don't remember his actual belief or his
8 religion, other than he did not believe that
9 Christmas parties were the way to celebrate or honor
10 his faith. He didn't believe in gift-giving, he
11 didn't believe in participating in a celebration.

12 Q. Was he Christian?

13 A. I don't know.

14 Q. Who was it?

15 A. I'll have to go back and pull the name. I
16 can -- I can find it. I can picture his face. I
17 can't think of his name.

18 Q. Is he still with Ramsey?

19 A. I don't know.

20 Q. When was this?

21 A. This would have been 2019.

22 Q. Do you recall what department he worked in?

23 A. What's in my head is technology.

24 Q. Okay. You think it's technology, you're just
25 not sure?

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1 A. Yeah. I'm probably 80 percent sure it was in
2 the technology department, but I'm not 100 percent
3 sure.

4 Q. Who's over the technology department? Is
5 that Finney?

6 A. Over all of it, yes, Michael Finney.

7 Q. Were most of the Ramsey Solutions policies
8 already written when you came?

9 A. Yes.

10 Q. Have you directed any changes to the policies
11 since you've been there?

12 A. No.

13 Q. When an employee is hired, do you give them a
14 copy of the policies and procedures?

15 A. They sign them electronically as part of the
16 paperwork process, and then they have access to them
17 through the system. We don't hand them a hard copy,
18 per se.

19 Q. Why not? Are you-all a green company?

20 A. I don't know that I'd say we're a green
21 company, but we try to do everything electronically.

22 Q. Okay. If an employee wanted to print out a
23 copy of the policies and procedures and take them
24 home, they're old school, can they do that?

25 A. Absolutely.

1 Q. I know a lot of people like paper. Obviously
2 attorneys do.

3 A. Uh-huh. It wasn't an intentional trying to
4 be green, it was more of a "it's the 21st century
5 and things are digital."

6 Q. Right, right. Sort of like doctors' offices
7 too --

8 A. Right.

9 Q. -- getting rid of paper to make it more
10 efficient.

11 How long has it been that, that you-all did
12 the digital policy thing?

13 A. It was sometime in early 2015. It was paper
14 when I got there. And while I didn't direct a
15 change to the policies, I directed a change to the
16 way we delivered the policies, capturing electronic
17 signatures and having a digital copy versus a paper
18 copy.

19 Q. Are there any policies or documents that
20 would be -- well, let me ask that in a better way.

21 Do you just provide a copy of the policies
22 and procedures after they've been hired?

23 A. It's before they would start, so the answer
24 would be yes, but they haven't started yet. So they
25 sign all that before they show up on day one. They

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1 sign it electronically.

2 Q. Okay. So is it sent to, like, their personal
3 email address or is it sent to their -- seems like
4 if they haven't started yet, they wouldn't have a
5 Ramsey email address yet.

6 A. That's right, so it's through Jobvite. So
7 it's through that applicant tracking software, so
8 it's whatever email has been used to communicate
9 with them. So it sent through that. They log into
10 a system that allows them to complete their
11 paperwork electronically.

12 So what's being sent is not the actual
13 document, but a link that allows them to have
14 access to the document.

15 Q. Okay. And that system, the Jobvite --

16 A. Yes.

17 Q. Okay. I almost said "bite" again.

18 A. It's confusing.

19 Q. It is.

20 The Jobvite system, is that just a system
21 that Ramsey has purchased that's available, I
22 guess, on the open market or is that just a Ramsey
23 system?

24 A. It's an open-market software.

25 Q. Okay.

1 A. One of probably a million ATSSs, applicant and
2 tracking systems.

3 Q. Okay, got it.

4 And as an HR professional, you know that
5 sometimes policies can be written by a company that
6 actually violate the law, right?

7 MS. SANDERS: Objection.

8 THE WITNESS: Can you clarify the
9 question?

10 BY MS. COLLINS:

11 Q. Sure. For example, if a company had a policy
12 where they refused to hire people with disabilities,
13 that would violate the law, right?

14 MS. SANDERS: Objection.

15 THE WITNESS: I've never worked for such
16 a company, but if a company had that, then, yes,
17 that would violate the law.

18 BY MS. COLLINS:

19 Q. Okay. So in that type of situation, it
20 doesn't really matter if a policy's written or not,
21 it can still be a violation of the law, if it's
22 written in an illegal way, right?

23 MS. SANDERS: Objection. If he
24 understand that he can answer it.

25 THE WITNESS: I didn't understand. I

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1 was going to ask you to clarify.

2 BY MS. COLLINS:

3 Q. Sure. If a company has a policy that's
4 written in a illegal way, like, "We don't hire
5 disabled people," or "We don't hire blacks," or "We
6 don't hire atheists," or something like that, even
7 though it's a written policy, it would still violate
8 the law, right?

9 MS. SANDERS: Object that it asks for
10 his legal conclusion, but...

11 MS. COLLINS: I'm asking for his
12 conclusion based on 30 years as a HR professional.

13 BY MS. COLLINS:

14 Q. You can answer the question.

15 A. So your question is if a -- if a policy is
16 written in clear violation of the law, does it still
17 violate the law? Is that the question?

18 Q. If it's written in a way that is a violation
19 of the law, even though it's a written policy, it
20 would still be a violation of the law?

21 A. I think your answer is in your question. If
22 a policy is written that violates the law, it
23 violates the law.

24 Q. Okay. So it doesn't matter if it's contained
25 in an employee handbook or not, it would still be a

1 violation of the law?

2 A. To be clear, I've never worked for a company
3 that did that. And also to be clear, your answer is
4 in your question. If a policy is written that
5 violates the law, wherever it's contained, a
6 handbook, a policy and procedure manual, whatever
7 other form, it still violates the law.

8 Q. Okay. In the past 10 years has Ramsey had
9 any EOC charges filed against it?

10 A. Yes.

11 Q. Okay. About how many?

12 A. I can only speak for the six-and-a-half years
13 that I've been there.

14 Q. Okay. About how many in the six-and-a-half
15 years that you've been there?

16 A. I would say about four, maybe five.

17 Q. Has Ramsey been sued for employment law
18 violations in the six-and-a-half years that you've
19 been there?

20 A. Other than this case?

21 Q. Uh-huh, yes.

22 A. Yes.

23 Q. How many times?

24 A. To my knowledge, counting this one would be
25 two.

Confidential

1 Q. Have you given testimony under oath as a
2 Ramsey HR representative before?

3 A. I have not.

4 Q. Have you given testimony under oath ever?

5 A. Yes.

6 Q. In your other capacities as HR?

7 A. Correct.

8 Q. Have you given testimony under any other
9 capacity?

10 A. No.

11 Q. Does Ramsey hire people who have had children
12 out of wedlock?

13 A. Yes.

14 Q. Is that consistent with their values to do
15 so?

16 A. Yes.

17 Q. Tell me about that.

18 A. Ramsey's values pertain to Ramsey employees,
19 Ramsey team members at the time, not prior.

20 Q. What sort of background investigation does
21 Ramsey run when it's hiring?

22 A. We use a third party to do background checks,
23 criminal, sex offender list. We use the federal
24 database for offenses.

25 Q. In the hiring process, are employees -- or

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1 applicants, potential employees asked where they go
2 to church?

3 A. No.

4 Q. Do you know if part of the spousal interview
5 that's discussed?

6 A. Not any spouse that I've been a part of.

7 Q. What sort of training does the hiring team
8 undergo?

9 A. Can you define "hiring team"?

10 Q. Sure. Well, the people we talked about
11 earlier.

12 A. I can walk you through it if you want --

13 Q. Yes.

14 A. -- starting with recruiters --

15 Q. Okay.

16 A. -- right?

17 So the recruiters go through training to
18 know what they're looking for, how to find the best
19 qualified candidate. Hiring leaders, we don't have
20 a formal process, but hiring leaders will undergo
21 typically one or two trainings where we discuss
22 finding the best qualified candidate and interview
23 questions and how to treat candidates right.

24 Q. A moment ago you mentioned they look for
25 keywords in determining whether or not to move them

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1 on to the next level. What does that entail? Or do
2 you-all have a set list of keywords you look for?
3 Tell me about that.

4 A. It varies by position. But if we're looking
5 for, say, a Java developer, we might know that PC --
6 I'm not a tech recruiter, but I think it's called
7 PCP. It's another language that is very similar to
8 Java. And so if they mention that, that's still a
9 go-ahead, that's still, "Hey, that's a language in
10 development coding that we can use."

11 Q. Is there, like, a list that's kept for
12 different positions for the keywords to look for?

13 A. Yeah, it's mostly -- it's mostly in the
14 technology side, but it's also in other areas. For
15 example, if we're looking for a general counsel we'd
16 want to see if they're licensed to practice in this
17 state, if they litigate, or might be one of those
18 words.

19 Q. But is there any sort of list that breaks it
20 down by position --

21 A. No --

22 Q. -- of keywords you would look for?

23 A. -- there is -- no.

24 Q. Okay. Does Ramsey have any sort of internal
25 messaging or text system, or do they just use email?

Confidential

1 A. Teams, Microsoft Teams.

2 Q. How long has that been in place?

3 A. I want to say it's relatively recent, so in
4 the last couple of years.

5 Q. Okay. Are the -- the messages that are
6 exchanged on Teams, are those archived, to your
7 knowledge?

8 A. I don't work in technology, but -- I don't
9 know the answer to that.

10 Q. Okay. Other than Teams, anything else?

11 A. Teams, email.

12 Q. Okay. And you mentioned the recruitment
13 system that you use. Is there any sort of HRIS
14 system that Ramsey uses?

15 A. There is not.

16 Q. Okay. I'm going to provide you a document
17 that's going to be marked as Exhibit-- whoa, wait a
18 second -- it's Exhibit No. 1.

19 A. Is this it?

20 Q. Yeah. She's going to mark it real quick.

21 (WHEREUPON, the above-mentioned
22 document was marked as Exhibit Number 1.)

23 BY MS. COLLINS:

24 Q. All right. A moment ago you were referring
25 to Ramsey's policies and procedures. Is this what

1 you were referring to?

2 A. Yes, ma'am.

3 Q. Okay. And on the last page it says that it
4 was last updated 4/7/2017. Was that just the update
5 to incorporate electronic signatures or was there
6 something else that was updated in the policy?

7 A. I believe in 2017 we added "Recreation,
8 Sports Leagues, Voluntary Team Building" on that
9 same page 7.

10 (Reviewing)

11 To the best of my knowledge, everything else
12 was already in there.

13 Q. Okay.

14 A. You know, that "Information Security" on
15 page 3, I think, might have also been added in 2017.

16 Q. Okay. Did anything in particular prompt the
17 addition of those two?

18 A. Yes. Hiring an information security director
19 who said, "I think we ought to include the
20 information" -- this -- what's in there, on page 3.

21 Q. Okay. Who is that?

22 A. He's no longer with us.

23 (Pause)

24 Last name, Russell, and he went by Russ, but
25 that was not his first name, and I cannot think of

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1 his first name.

2 Q. Okay. And the -- the other section, the
3 "Recreation, Sports Leagues and Voluntary Team
4 Building," why was that added?

5 A. We used to have a separate document, and
6 since we were already updating for that one thing, I
7 met with our general counsel at the time, Matt
8 Blackburn, and said, "Are you okay if we just put it
9 in here and it gets signed all at once?"

10 Q. Is this the only, I guess, handbook, for lack
11 of a better term, that Ramsey uses?

12 A. That's correct.

13 Q. Okay. And this is the one that's provided to
14 employees before they actually start?

15 A. Correct.

16 Q. Okay.

17 A. It gets sent to them electronically to review
18 and sign.

19 Q. So to start employment with Ramsey, they
20 would have had to sign off on this along with other
21 documents --

22 A. Yeah.

23 Q. -- and send it back.

24 A. Yeah. This, W-2, the top portion of an I-9,
25 et cetera.

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1 Q. Okay. Do you know if, when it's sent to
2 them, they can download it?

3 A. Yes, they can.

4 Q. Okay. And the Equal Employment Opportunity
5 statement that's included on page 1, that's a pretty
6 standard provision that's included in most employee
7 handbooks, right?

8 A. Correct.

9 Q. Okay. And based on your experiences as an HR
10 professional, why is that typically included in a
11 handbook?

12 A. It's a disclosure and information.

13 Q. Of what?

14 A. Of protected classes of discrimination.

15 Q. Does it -- is it fair to say that it
16 recognizes Ramsey's duty under the law to eliminate
17 discrimination in the workplace?

18 A. It is fair to say that.

19 Q. It does not specifically include pregnancy.
20 Is pregnancy covered under Ramsey Solutions' EEO
21 policy?

22 A. It's covered under the law. I don't know if
23 it falls under EEO policy, but it is covered under
24 the law.

25 Q. Okay. And so by having this EEO statement

Confidential

1 here, it's supposed to keep Ramsey in compliance
2 with the law, right?

3 MS. SANDERS: Objection. I don't think
4 that's what he --

5 THE WITNESS: Yeah.

6 MS. SANDERS: -- I don't think that's
7 how he answered.

8 THE WITNESS: That's not how I would
9 answer it. However, it's not all-inclusive. Like,
10 that is not the entire -- all the protected classes.
11 That's just a portion of it.

12 BY MS. COLLINS:

13 Q. Has it been updated since this policy to
14 include LGBT people?

15 A. I don't think we've updated it since 2017.
16 I'd have to go back and look.

17 Q. Does Ramsey recognize the protection of LGBT
18 employees under the law? Or potential employees
19 under the law?

20 MS. SANDERS: Objection. What's that --
21 how is that relevant to this case?

22 MS. COLLINS: I'm just asking the
23 question.

24 MS. SANDERS: If Ramsey recognizes --
25 can you restate the question?

Confidential

1 MS. COLLINS: Can you repeat the
2 question that I asked?

3 (The requested record was read back by
4 the court reporter.)

5 MS. SANDERS: In his capacity as an
6 individual -- how do you want him to answer that?
7 As an individual or on behalf of Ramsey? Because
8 he's not here on behalf of Ramsey.

9 MS. COLLINS: He's Ramsey's HR director,
10 and so I think that he -- I've laid the foundation
11 that he can answer this question.

12 MS. SANDERS: He can testify with
13 respect to policies.

14 MS. COLLINS: He can testify with
15 respect to his knowledge of Ramsey's policies which,
16 I assume, he has quite a bit of knowledge about.

17 MS. SANDERS: Okay. He can answer that
18 question. I object on the basis of relevancy, but
19 he can answer that question.

20 THE WITNESS: The answer is yes.

21 BY MS. COLLINS:

22 Q. Do you know if Ramsey has any gay employees?

23 A. A thousand employees, I don't know if we do.

24 Q. Have any employees come out as gay at Ramsey?

25 A. Ever? Or in my time there? Or to my

1 knowledge?

2 Q. Sure, in the past three years?

3 A. Yeah, I know of one.

4 Q. Are they still working there?

5 A. She resigned.

6 Q. Was she forced to resign?

7 A. No.

8 MS. SANDERS: Objection. That has no
9 relevance to this case. He's already answered it.

10 BY MS. COLLINS:

11 Q. And even though the Ramsey Solutions' EEO
12 policy doesn't mention pregnancy, it covers that,
13 right?

14 A. Pregnancy is a protected class.

15 Q. Is it covered under Ramsey's policies?

16 A. It is.

17 Q. And this policy is not a contract, right? It
18 doesn't create a contract of employment?

19 A. It is not an employment contract, correct.

20 Q. Does Ramsey have any independent contractors
21 that work for it?

22 A. We do.

23 Q. Are they required to abide by this policy?

24 A. They are not.

25 Q. To your knowledge, has anyone been

Confidential

1 disciplined or had action taken against them for
2 keeping a copy of this policy at home?

3 A. Not to my knowledge.

4 Q. Does Ramsey have any kind of ADA or
5 accommodation policy aside from this EEO statement
6 that's in the front of the handbook?

7 A. Can you repeat the question?

8 Q. Sure.

9 MS. COLLINS: Can you repeat that
10 question, Terri?

11 (The requested record was read back by
12 the court reporter.)

13 THE WITNESS: We don't have a policy.
14 We just comply with ADA.

15 BY MS. COLLINS:

16 Q. How so? How do you know that?

17 A. We make reasonable accommodation for any team
18 member requesting it.

19 Q. Who handles that process?

20 A. HR handles, for the most part, all of them.
21 There are some exceptions. For example, we've made
22 enough accommodation now for larger screens due to
23 eyesight that leaders can just order that through IT
24 without having to go through HR.

25 Q. Okay. But there's no separate form to

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1 request an accommodation or anything like that?

2 A. There is no form, it usually comes to HR.

3 The team member comes to HR, sent by a leader. We
4 meet with that person and discuss what the
5 accommodation is and why it's needed.

6 Q. As part of that process, does HR meet with
7 the employee?

8 A. Correct.

9 Q. Does Ramsey require employees to return
10 copies of handbooks when they leave?

11 A. No.

12 Q. Now, if you could turn to page 4 of the
13 handbook. On the "Company Conduct" section, it
14 says, "The image of Ramsey Solutions is held out to
15 be Christian."

16 What does that mean?

17 A. It means that the image of Ramsey Solutions
18 is held out to be Christian.

19 Q. Well, I know what it says, but I'm asking you
20 what does it mean, the practical application of
21 that?

22 A. There is no practical application to it. The
23 image of Ramsey Solutions is held out to be
24 Christian, so we're -- we're not a
25 Christian-designated company, it's just our image.

Confidential

1 Q. So you're not a Christian-designated company?
2 What do you mean by that?

3 A. Your questions earlier were, are we a 501c3
4 company. And the answer is, no, we're not a
5 not-for-profit company. We're a for-profit company
6 who's founded on Christian principles, and that's
7 what that is saying.

8 Q. Okay. What are the Christian principles that
9 you're founded on?

10 A. There are probably more than one, but I would
11 guess that for people that have heard the show,
12 they've heard Dave talk about ultimately there's
13 only one way to financial peace, and that is to walk
14 daily with the Prince of Peace, Jesus Christ. That
15 is the image and principles that we're founded on.

16 Q. And that's to walk what with Jesus Christ?

17 A. Ultimately there's only one way to true
18 financial peace, and that's to walk daily with the
19 Prince of Peace.

20 Q. And the Prince of Peace is Jesus?

21 A. Correct. And he says that on his radio show
22 as his close.

23 Q. So can Muslims never find financial peace
24 if -- it seems like they would be foreclosed from
25 finding financial peace.

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1 MS. SANDERS: Objection.

2 BY MS. COLLINS:

3 Q. Is that right?

4 MS. SANDERS: Objection. He can answer
5 it personally, his personal opinion.

6 THE WITNESS: Anyone can find it. It's
7 the image of Ramsey Solutions.

8 BY MS. COLLINS:

9 Q. What do you mean "the image of Ramsey
10 Solutions"? Anyone can find it?

11 A. Anyone can find it. A Muslim can find
12 financial peace. It is the founding of this
13 company, the -- in marketing or advertisement, the
14 plumber that says, "No one will clean your pipes
15 except us" does not mean that's the only way to get
16 your pipes clean, through that company.

17 This is not the only way, obviously, but it
18 is the way that we profess it.

19 Q. Okay. Are employees required to complete
20 Financial Peace University?

21 A. Yes.

22 Q. All employees?

23 A. Yes.

24 Q. So to -- to complete Financial Peace
25 University, are they supposed to walk daily with the

Confidential

1 Prince of Peace, Jesus?

2 A. No, they don't have to do that to complete
3 the Financial Peace University.

4 Q. To your knowledge, are there any in the past
5 three years who have not completed Financial Peace
6 University?

7 A. We don't keep up with it, so I'm not sure. I
8 do know of some that have not completed it.

9 Q. Are they still with the company?

10 A. Yes.

11 Q. Why have they not completed it?

12 A. They already believed in the principles, knew
13 the material, but not -- had never taken Financial
14 Peace University, but they had maybe read the book
15 or they had listened to the show enough to
16 understand the baby steps. They knew what we sold,
17 knew the material, could speak to it, but maybe
18 didn't take Financial Peace University.

19 Q. Are employees at Ramsey Solutions encouraged
20 to walk daily with the Prince of Peace, Jesus?

21 A. By who?

22 Q. By the company.

23 A. No.

24 Q. But they are encouraged to come to weekly
25 devotionals, right?

Confidential

1 MS. SANDERS: Objection, asked and
2 answered.

3 THE WITNESS: Not all of those
4 devotionals are Christian speakers.

5 BY MS. COLLINS:

6 Q. My question was employees are encouraged to
7 go to the weekly devotionals, right?

8 A. They're not required to go.

9 Q. But they're encouraged to, right?

10 A. I don't know if they are or aren't.

11 Q. What do you mean, you don't know?

12 A. I don't know. I don't know every team member
13 and every leader, if they're encouraging or not
14 encouraging them to go.

15 Q. Are meetings typically scheduled during the
16 weekly devotionals?

17 A. Meetings are not typically scheduled during
18 that time.

19 Q. And what do you understand the term
20 "devotional" to mean?

21 A. On -- based on my knowledge of what it is
22 today or the definition of the term?

23 Q. I'm asking you what it is -- what your
24 understanding of "devotional" is in the context of
25 the Ramsey Solutions Wednesday morning meetings.

Confidential

1 A. It's a time of encouragement. It's a time of
2 learning. It's a time of motivation.

3 Q. Is there music?

4 A. There has been.

5 Q. Is it Christian?

6 A. It has been.

7 Q. Has there been non-Christian music?

8 A. Yes.

9 Q. What?

10 A. We've had some of our bands from Battle of
11 the Bands that were practicing practice and it was a
12 non-Christian song.

13 Q. What was it?

14 A. I don't recall it.

15 Q. What was the band?

16 A. It would have been a band that Scott Chaney
17 was on and it would have been a country song, but I
18 don't recall the name of the song.

19 Q. Are most of the speakers for the Wednesday
20 morning devotionals Christian?

21 MS. SANDERS: Objection. He's answered
22 that.

23 BY MS. COLLINS:

24 Q. Can you answer it?

25 A. Some are; some aren't.

Confidential

1 Q. Are most of them Christian?

2 A. Most of them are.

3 Q. Is a prayer a part of the Wednesday morning
4 devotional?

5 A. Yes, at the close.

6 Q. Other than the Wednesday morning devotional,
7 are there any kind of Bible groups at Ramsey that
8 you know of?

9 A. Company-sponsored or individual team members?

10 Q. And at -- in the -- that you're aware of that
11 take place during the course of the workday.

12 A. I'm aware of some Bible studies that go on,
13 just like I'm aware of some off-roading clubs that
14 are a part of Ramsey Solutions or book study clubs.
15 So, yes, I am aware of some.

16 Q. You said these other clubs are a part of
17 Ramsey Solutions. Does that mean a Bible study is a
18 part of Ramsey Solutions?

19 A. They're not sponsored by the company, it's
20 just team members that get together that have common
21 interests.

22 Q. How many Bible studies are there with team
23 members who get together at Ramsey Solutions?

24 A. I wouldn't even know where to start. It
25 could be one. It could be more. I have no clue.

Confidential

1 Q. Are Bible studies encouraged among Ramsey
2 employees?

3 A. Not to my knowledge.

4 Q. Are they discouraged?

5 A. Not to my knowledge.

6 Q. The company conduct code on page 4 of
7 Exhibit No. 1 states, "Should a team member engage
8 in behavior not consistent with traditional
9 Judeo-Christian values or teaching, it would damage
10 the image and the value of our goodwill and our
11 brand."

12 What does it mean by traditional Christian
13 values or teaching?

14 A. So I did not write this. I can answer it as
15 to what I believe it means. I cannot answer it as
16 to the person that wrote it, what they wanted it to
17 mean.

18 Q. What is your understanding of that statement?

19 A. It would be that the company wants our team
20 members to engage in behavior that is Christian.
21 And things that would not be would be like
22 drunkenness, cursing someone out in a restaurant or
23 in a public place. Those would be non-traditional
24 Judeo-Christian values that could damage the brand.

25 Q. Anything else?

Confidential

1 A. I would put sex out of -- premarital sex or
2 extramarital sex in there.

3 Q. Why?

4 A. Because that would be my definition of
5 traditional Judeo-Christian values or teachings.

6 Q. And "Judeo-Christian values," that's a
7 religious term, right?

8 A. I don't know where it started. I would guess
9 it's a religious term, but I don't know where that
10 term...

11 Q. Well, Judeo Christian is not secular, is it?

12 MS. SANDERS: Objection.

13 THE WITNESS: I don't know who named it
14 Judeo Christian.

15 BY MS. COLLINS:

16 Q. Well, your understanding of Judeo Christian
17 would be that it's got a religious underpinning or
18 foundation, right?

19 A. It would be -- my understanding would be yes.
20 My understanding in this is that the image would be
21 that.

22 Q. Okay. You mentioned a second ago that
23 premarital sex is a traditional Judeo-Christian
24 value or teaching, right?

25 A. The lack thereof, yes.

Confidential

1 Q. Where do you get that from?

2 A. I would get it from the Bible.

3 Q. Where in the Bible?

4 A. So I would get it from my Bible teachings
5 that say premarital sex or extramarital sex. I
6 don't have a Bible with me to point to the exact
7 verse.

8 Q. Okay. You said that you would get it from
9 your Bible teachings. Is that, what, from church?

10 A. Church and Mom.

11 Q. And what?

12 A. Church and my mom, the way I was brought up.

13 Q. And when you say the way you were brought up,
14 is that in a religious household?

15 A. I was brought up as Catholic.

16 Q. Would you still describe yourself as
17 Catholic?

18 MS. SANDERS: Objection.

19 THE WITNESS: I would describe --

20 MS. SANDERS: He can answer that if he
21 wants.

22 THE WITNESS: I would describe myself as
23 non-denominational, Christian.

24 BY MS. COLLINS:

25 Q. And when you refer to "the Bible," you mean

1 the Christian Bible?

2 A. Yes. I didn't know there was more than one.

3 Q. What version?

4 A. NIV.

5 Q. Okay. So understanding of traditional
6 Christian values as set forth in this company
7 conduct policy is based on the Christian Bible?

8 A. Can you rephrase that? My understanding --
9 You can reread it if you want.

10 (The requested record was read back by
11 the court reporter.)

12 THE WITNESS: I don't understand the
13 question.

14 BY MS. COLLINS:

15 Q. We just went through and talked about
16 Judeo -- Judeo-Christian values, right?

17 A. (Nods)

18 Q. And -- and that you got that from the Bible
19 or Bible teachings.

20 A. (Nods)

21 Q. So is it your understanding that
22 Judeo-Christian values are derived from the Bible?

23 A. Yes.

24 Q. Okay. And sitting here today, you don't know
25 of a verse in the Bible that prohibits premarital

1 sex, do you?

2 MS. SANDERS: Objection. You're asking
3 this witness for his personal testimony on the
4 Bible, not matters related to this case.

5 MS. COLLINS: Okay. Could you just keep
6 your objections to form objections?

7 MS. SANDERS: Objection.

8 MS. COLLINS: I did the same thing when
9 you deposed my clients.

10 MS. SANDERS: Well, objection to the
11 form.

12 MS. COLLINS: Okay, thanks.

13 THE WITNESS: No.

14 BY MS. COLLINS:

15 Q. Okay. Is it a policy or practice of Ramsey
16 Solutions to prohibit its employees from engaging in
17 premarital sex?

18 A. Yes.

19 Q. How does it carry that policy out?

20 A. By terminating those when we are made aware
21 of it, those that have violated that policy or
22 practice.

23 Q. Is that policy or that prohibition against
24 premarital sex written down anywhere?

25 A. Not to my knowledge.

Confidential

1 Q. How are employees made aware of it?

2 A. During interviews, during on-boarding, during
3 staff meetings.

4 Q. Give me an example of how they're made aware
5 of it in on-boarding interviews or staff meetings.

6 A. During the interviews, one of the interviews
7 is with Human Resources, and that is to cover sex
8 out of marriage or premarital sex, in addition to
9 other things.

10 Q. What are the additional things?

11 A. That would be things like our no-gossip
12 policy and how that operates, how that works. That
13 would be things like dress code, flex schedules. In
14 the old building, it was to cover parking or the
15 lack thereof.

16 Q. Any other examples?

17 A. That's probably the bulk of them.

18 Q. Okay. And you said that this was when there
19 was the interview with the H -- with HR in the
20 beginning?

21 A. (Nods)

22 Q. Is that the recruitment team or is that a
23 different team?

24 A. That's a different team.

25 Q. Okay.

Confidential

1 A. They're part of HR, but not everyone that
2 does it today is a part of HR.

3 Q. Okay. Who does it?

4 A. Two different answers. Can I give you one
5 for 2020 and one for today?

6 Q. Sure.

7 A. Okay. So in 2020 there would have been two
8 people that did it, and that was Rick Perry or
9 myself. So the two executive directors of HR.

10 Based on hiring and scaling, we've added people to
11 that group that we call culture ambassadors. And so
12 these are leaders from different areas of the
13 company.

14 Q. The culture ambassadors or leaders, do they
15 get extra pay for that, for doing that?

16 A. They don't.

17 Q. Okay. Do they get any kind of incentive?

18 A. They don't.

19 Q. Do you-all keep a list of who those people
20 are, or how are they selected? That's really two
21 different questions. Let me do the list first.

22 A. Okay. We do have a list of those
23 individuals.

24 Q. Okay. And how are they selected to be one of
25 those cultural ambassadors?

Confidential

1 A. People are nominated by their leader, and
2 then those people go into HRC -- those names go into
3 HRC, not the actual individuals. And then HRC
4 approves.

5 Q. Okay. And I think a couple of times we've
6 gone back and forth in the deposition referring to
7 HRC and the human -- that's the Human Resources
8 Committee, right?

9 A. That's correct.

10 Q. Okay. And so you're part of HRC, right?

11 A. Right.

12 Q. So you know who the people are?

13 A. That's correct.

14 Q. Okay. To your knowledge, are all of the
15 culture ambassadors Christian?

16 A. I don't know. We don't ask them.

17 Q. If you had to guess, would you say they are?

18 A. I would guess yes, but I have no way of
19 knowing that.

20 MS. COLLINS: Okay. What time is it?
21 Do you-all need to take a break? I didn't realize
22 that we'd been going for an hour-and-a-half.

23 THE WITNESS: I'm okay if you want to
24 keep going.

25 MS. COLLINS: Let's go off the record

Confidential

1 and take a quick break.

2 MS. SANDERS: Sure.

3 THE VIDEOGRAPHER: Going off the record
4 at 11:07 a.m.

5 (Recess observed from 11:07 a.m. to
6 11:16 a.m.)

7 THE VIDEOGRAPHER: We are back on the
8 record at 11:16 a.m.

9 BY MS. COLLINS:

10 Q. Okay. All right, Mr. Lopez. Before the
11 break we were talking a little bit about the company
12 conduct code. Is gambling considered a
13 Judeo-Christian value that would be prohibited by
14 Ramsey Solutions?

15 A. I don't believe so.

16 Q. Why is that? Why do you believe that?

17 A. It hasn't come up.

18 Q. Oh, okay. And what about watching
19 pornography? Would that be a violation of
20 traditional Judeo-Christian values and teaching?

21 A. I know that we address pornography addiction
22 and watching pornography. I don't know that we make
23 the distinction to call it specifically out because
24 of Christian values, but I know that it's not
25 allowed.

Confidential

1 Q. What about -- you mentioned premarital sex --
2 well, tell me, what is your -- what do you mean by
3 that, "premarital sex"?

4 A. Are you asking me to define what premarital
5 sex is? Is that the question?

6 Q. Yes.

7 A. Or in relation to --

8 Q. Yes.

9 A. Yes, to the definition?

10 Q. Yes. You said that premarital sex was --
11 would be prohibited by Ramsey's company conduct code
12 because it would be a violation of Judeo-Christian
13 values. Specifically what do you mean by
14 "premarital sex"?

15 A. I would mean having intercourse with someone
16 you're not married to.

17 Q. Does it just cover intercourse?

18 A. Yes.

19 Q. Okay. Does that also cover extramarital
20 affairs?

21 A. Yes.

22 Q. So if you-all found out that an employee
23 engaged in an extramarital affair, would they be
24 terminated?

25 A. If we find out an employee engaged in

Confidential

1 intercourse, then yes, they would be terminated.

2 Q. How would you-all find something like that
3 out?

4 A. Someone would tell us and we'd address the
5 team members in question. And if they admitted to
6 it, then they would be terminated.

7 Q. Is the company conduct code strictly adhered
8 to or is it selectively and flexibly applied?

9 A. Can you define "company conduct code,"
10 please?

11 Q. Sure, what we've been talking about here in
12 the handbook, page 4. It says "Company Conduct."

13 A. And your question is, is it loosely applied
14 or does it apply to everyone?

15 Q. Is there some flexibility in it?

16 A. There are gradients, yes, depending on the
17 infraction.

18 Q. What do you mean by that?

19 A. What I mean is that it's not a zero -- zero
20 opportunity policy, it is a gradient policy. Not
21 every violation of it would be met with the same
22 company action.

23 Q. Is any instance of premarital sex met with
24 the same action of termination?

25 A. Yes.

Confidential

1 Q. Whose job is it to make sure the employees of
2 Ramsey comply with this company conduct code?

3 A. It's everyone's job to make sure that they're
4 aware of it and comply to it.

5 Q. Is there any sort of written policy or
6 standard for what the company conduct code means?

7 A. Beyond what you have? No.

8 Q. Okay. And other than being told at -- upon
9 hiring or as you described by their managers, do
10 employees have any other way to know the gradients
11 of the policy as you just referred to?

12 A. So can you clarify that? Are you speaking
13 about the entirety policy or one specific aspect of
14 it?

15 Q. I'm talking about the company conduct code --

16 A. Okay.

17 Q. -- the Judeo-Christian values.

18 A. That's covered in sections, so it wouldn't be
19 covered as that. We wouldn't stand in on-boarding
20 and read that and talk about the gradients of that.
21 We talk about the conduct, conduct that's acceptable
22 and conduct that is not, not the policy.

23 Q. Okay. But this specific conduct that's
24 prohibited by this policy, that's not written down
25 anywhere, that's just covered verbally with these

different managers and people that go over these things with employees?

A. Correct. They're covered in on-boarding, the conduct. They're covered in staff meeting. They're covered in interviews.

Q. Is it covered in the weekly devotionals at times?

A. There have been times where it has been covered there as well.

Q. Can you give me an example of that?

A. I can think of one example to give you where we had lost a team member due to a violation, their conduct related to sex out of wedlock. And during a devotional we learned about it and talked about it.

Q. Did you-all mention the employee's name?

A. Yes, I believe we did.

Q. Who was the employee?

A. His name is [REDACTED].

Q. What do you recall talking about?

A. I didn't do the talking. What I remember from the conversation was Dave talking about [REDACTED] engaging in sex out of marriage and that having had additional consequences coming to the light years later. And [REDACTED] being talked to and not having been a single occurrence and his

termination -- or separation from the company. I don't think he said "termination."

Q. Okay. Any other instances that you can recall besides [REDACTED] where a team member left the company for engaging in premarital sex?

A. Yes. We've handed you a list of those individuals.

Q. Did -- I -- I got the list, but did you-all talk about each of those in devotion?

A. No.

Q. Was [REDACTED] the only one that was talked about at devotional?

A. By name, yes. There were other people, but their names were not mentioned, just our standard.

Q. If an employee lost their job for engaging in premarital sex, would it typically be talked about at the morning devotional?

A. No, not typically.

Q. You mentioned that other people, their names were not mentioned, and it was talked about at morning devotional, right?

A. So we do a staff meeting on Mondays and the devotional you're speaking of on Wednesdays, and it could have been one or the other.

Q. Okay. Who is in the staff meeting?

Confidential

1 A. Most, if not all, team members except for
2 those on vacation or traveling for business or
3 doing -- engaged in other things.

4 Q. So either in a staff meeting, which all the
5 employees attend, or the devotional, which most or
6 all the employees attend, it would have been
7 discussed if a team member were let go because they
8 engaged in premarital sex?

9 A. Yeah, the topic might have been discussed.
10 Not the name, again, where we would reiterate the
11 practice and the fact that you can't work there and
12 have sex out of wedlock or premarital sex.

13 Q. Has this prohibition on premarital sex been a
14 part of any of the other companies you worked for,
15 the O'Charley's brand or the Cracker Barrel?

16 A. It has not.

17 Q. Okay. Are you aware of any private companies
18 who have prohibition on premarital sex?

19 A. I am not aware of any other private companies
20 that have a prohibition on premarital sex.

21 Q. Why is it Ramsey Solutions' business whether
22 an employee engages in premarital sex?

23 MS. SANDERS: Objection to form.

24 THE WITNESS: I don't have an answer to
25 your question. It was that when I got there.

Confidential

1 BY MS. COLLINS:

2 Q. Do you have an understanding as to where this
3 prohibition came from? I mean, I know that it was
4 there when you got there, but do you have any kind
5 of understanding as to, like, where it came from
6 or...

7 A. I don't have an understanding.

8 Q. Okay. Have you ever questioned that or the
9 legality of that policy?

10 A. I have not questioned the legality of that
11 policy.

12 Q. On the next page of Exhibit No. 1, page 5,
13 there's an FMLA policy. And it mentions -- well, it
14 refers to the Department of Labor website for the
15 Family Medical Leave Act, right?

16 A. That's correct.

17 Q. And it also mentions a Ramsey Solutions
18 maternity leave policy. Is that a separate policy?

19 A. It's actually part of the same policy, but
20 maternity leave in terms of payment is a slight
21 difference to FMLA.

22 Q. Okay. Is that a written policy?

23 A. Yes, we do have that written somewhere.

24 Q. Okay. Where is that? Do you know? The
25 Ramsey Solutions maternity leave policy?

Confidential

1 A. It is in our intranet.

2 Q. Okay. So employees of Ramsey Solutions can
3 access that policy?

4 A. Correct.

5 Q. Okay. Is it a form they fill out or is it
6 just a written policy about the hours and stuff?

7 A. It's a written policy about the hours and how
8 pay works while they're on maternity leave. And
9 then it says "Contact," and it has the name of the
10 person to contact. This one says Oksana and Jenny.
11 Currently it's Karla Lundell or Sarah Cranston.

12 Q. Do you know if either Oksana or Jenny were
13 contacted about Caitlin O'Connor's request for
14 maternity leave?

15 A. I know they were not contacted.

16 Q. Why not?

17 A. Because I've asked them the question.

18 Q. So is it fair to say that Ramsey Solutions'
19 maternity leave policy was not, to your knowledge,
20 provided to Caitlin O'Connor?

21 MS. SANDERS: Objection to the form of
22 that question. Please restate it.

23 Don't answer it --

24 MS. COLLINS: Can you read back --

25 MS. SANDERS: -- unless she --

Confidential

1 MS. COLLINS: No, read back the
2 question, please.

3 (The requested record was read back by
4 the court reporter.)

5 MS. SANDERS: Object to that form. He
6 didn't testify to that.

7 MS. COLLINS: I'm asking what his
8 knowledge is.

9 MS. SANDERS: You led him, and you
10 stated testimony that he didn't say. Rephrase the
11 question, please, so he understands it.

12 MS. COLLINS: He didn't say he didn't
13 understand the question. You're the only one that
14 doesn't seem to understand the question.

15 MS. SANDERS: Oh, I understand it.
16 You're saying the question like something he
17 testified to why, which he didn't. You're
18 leading --

19 MS. COLLINS: I would really appreciate
20 if you would quit obstructing the deposition.

21 MS. SANDERS: I didn't. I said
22 objection to the form and you didn't rephrase it.

23 MS. COLLINS: You're obstructing the
24 deposition at this point with your objections. So
25 unless the deponent has an issue with my question, I

Confidential

1 would appreciate it if he answered.

2 MS. SANDERS: I'm instructing him not to
3 answer because I object to the form.

4 MS. COLLINS: Okay. That's not a basis
5 for instructing someone not to answer.

6 MS. SANDERS: Yes, it is. I'm objecting
7 to the form of your question.

8 MS. COLLINS: There's nothing wrong with
9 the form of my question.

10 MS. SANDERS: I disagree. I'm objecting
11 to it because it's a leading question.

12 MS. COLLINS: He's an adverse witness.
13 I can ask leading questions.

14 MS. SANDERS: But you're stating it as
15 testimony, which he didn't say.

16 MS. COLLINS: I didn't state it as
17 testimony.

18 MS. SANDERS: That's fine. Restate the
19 question and then he can answer.

20 BY MS. COLLINS:

21 Q. Can you answer the question? Do you know if
22 Caitlin O'Connor was provided the maternity leave
23 policy?

24 A. Everyone is provided it through the intranet.
25 Anyone can go look for it.

Confidential

1 Q. Do you know if she was specifically provided
2 the maternity leave policy?

3 A. She did not ask me for it, and she did not
4 ask the two people that you mentioned earlier,
5 Oksana or Karla.

6 Q. Okay. To your knowledge, did you or Oksana
7 or --

8 A. Karla.

9 Q. -- Karla provide it to Caitlin?

10 A. She has access to it. She did not request --
11 she wouldn't have to. A team member doesn't have to
12 request that because they can go pull it and then
13 they can come talk to us when they're ready.

14 Q. Okay. To your knowledge, did they provide it
15 to her? Did you or anyone provide it to Caitlin
16 O'Connor?

17 A. Can you tell me what they would provide?

18 Q. The maternity leave policy.

19 A. Which is where?

20 Q. It's on the intranet. Again -- okay.

21 A. So are you asking me --

22 Q. Let me just -- and I didn't -- I didn't waste
23 time at the beginning of the deposition laying out
24 the ground rules for a deposition because I assumed
25 your attorney had told them to you. I don't

Confidential

1 typically answer questions during the course of a
2 deposition. I ask the questions and you answer them
3 to the best of your ability.

4 So I understand that we've gotten in this
5 terrible game in this deposition of asking this
6 roundabout and objections and all that sort of
7 stuff, but I would just appreciate it if you would
8 answer the questions to the best of your ability.

9 So you've already testified that you asked
10 Oksana or Jenny if they provided the policy to
11 Caitlin and they said no, right?

12 A. Correct.

13 Q. Okay.

14 A. But there is no policy for them to hand her,
15 other than what's already in the intranet that
16 Caitlin has access to in digital form.

17 Q. Can you print out the policy?

18 A. Yes.

19 Q. Okay. Did they direct her to that policy, to
20 your knowledge?

21 A. To my knowledge, neither of them spoke to
22 her.

23 Q. Okay. Did you direct Caitlin O'Connor to the
24 policy?

25 A. I did not speak to her either.

1 Q. Okay. Thank you.

2 All right.

3 MS. COLLINS: I'm going to mark the next
4 document as Exhibit No. 2 to the deposition.

5 (WHEREUPON, the above-mentioned
6 document was marked as Exhibit Number 2.)

7 BY MS. COLLINS:

8 Q. Okay. Have you seen this document that's
9 been marked Exhibit 2 before?

10 A. Yes, I have.

11 Q. Tell me what it is.

12 A. It is the Ramsey Solutions Mission Statement
13 and Core Values.

14 Q. Is this public knowledge, what Ramsey
15 Solutions' core values are?

16 A. Yes.

17 Q. Okay. What are these core values for?

18 A. Guidelines for operating the company,
19 guidelines for conduct and behavior.

20 Q. Okay. Guidelines for who?

21 A. For team members of the organization.

22 Q. All team members?

23 A. Correct.

24 Q. Okay. And going down -- it's actually three
25 up from the bottom, there's a "Righteous Living"

Confidential

1 value. It looks like it's beside a little clock --
2 is that a clock --

3 A. A compass.

4 Q. -- or a compass? Okay. By the compass, "We
5 believe that character matters. All the time."

6 Where does that come from?

7 A. Where does character come from or where
8 does...

9 Q. Where does this righteous living core value
10 come from? What is your understanding of where it
11 comes from?

12 A. So it was there when I got there, but
13 righteous living speaks to a person's character, how
14 they behave. There's not a core value for honesty
15 or integrity, and they fall under that as well.
16 It's the character of an individual.

17 Q. Okay. And up at the top there is a core
18 value for Colossians 3:23.

19 What is that from, Colossians 3:23?

20 A. That's a Biblical verse, the book of
21 Colossians in the Bible, Chapter 3, Verse 23.

22 Q. Is that Old Testament or New Testament?

23 A. Colossians would be in the New Testament.

24 Q. Are all employees expected to abide by those
25 core values?

Confidential

1 A. Yes.

2 Q. Up at the top for the mission statement it
3 says, "Ramsey Solutions provides biblically based
4 common-sense education and empowerment."

5 With respect to the term "biblically based,"
6 is that referring to the Christian Bible like the
7 NIV version that you typically use?

8 A. That is correct.

9 Q. Okay. Are employees required to sign a
10 contract about the core values or to sign off on it?

11 A. They are not.

12 Q. Okay. And with respect to the "Righteous
13 Living" core value it says, "We believe that
14 character matters. All the time."

15 What is your understanding as to what is
16 meant by that?

17 A. It's what we talked about earlier, behavior
18 outside of work, this follows someone into work,
19 again, drunkenness, someone cursing someone out and
20 somehow stating that they work at Ramsey Solutions,
21 sex, premarital and extramarital.

22 Q. Well, I guess character is sort of a
23 subjective term, right?

24 A. Correct, could be used in a negative tone as
25 well.

Confidential

1 Q. And even different denominations interpret
2 the Bible differently; is that fair to say?

3 A. It is.

4 Q. Okay. So with respect to character and it
5 being a loosely defined term, how are employees
6 supposed to know really what that means? Is it just
7 from those meetings that you-all have with them?

8 A. Yes, from meetings, interviews. Righteous
9 living is one that we cover in the interview with
10 every team member.

11 Q. Okay. What is covered with the righteous
12 living in the interview?

13 A. I specifically cover righteous living in
14 every interview I do, to talk about both premarital
15 sex as well as extramarital sex. I give the example
16 that I am married, and if I choose to have an affair
17 on my spouse, I cannot work here. I continue that
18 to say it also applies to individuals who are not
19 married who would have premarital sex; they cannot
20 work here.

21 Q. Okay. And if an employee told you -- or a
22 candidate told you that they were of a different, I
23 guess, denomination who did not share that belief,
24 that it was not essential to their religious beliefs
25 or practice, could they continue employment or would

1 they be hired?

2 A. I would let them know that to continue and --
3 you did use the word "if," so I want to clarify that
4 it has not happened. But if that were to happen,
5 then I would let them know to work there you must be
6 able to comply with that. You must be able to say,
7 "I will not have sex out of marriage or premarital
8 sex, if I'm single."

9 Q. So even if their religious belief is that
10 that's not required, they -- they could not work at
11 Ramsey if they were living with their girlfriend or
12 boyfriend?

13 A. So this is hypothetical, and
14 hypothetically -- I know you're not allowed to
15 answer questions so I'm not expecting you to answer,
16 but I'm going to ask it of you as I would a
17 candidate. I would ask them if their religion
18 required them or asked them to have sex out of
19 wedlock. And if so, are they asking for a religious
20 accommodation. And if they said no, then I would
21 say, "In order for you to work here, you would have
22 to comply with that."

23 Q. What if it's their belief that they can have
24 sex outside of marriage and that that's not
25 prohibited by their religious practice or belief?

Confidential

1 A. I would, again -- you've made it clear you're
2 not here to answer questions. I would then say,
3 "Can you tell me if you're asking for a religious
4 accommodation?"

5 Q. Okay. And what if they said yes?

6 A. Then I would go down that road.

7 Q. Okay. Would an exception be made based on
8 the policies that we've discussed?

9 A. These are all hypothetical, correct? It has
10 never happened. I don't know the answer to that
11 question.

12 Q. Okay. But what you do know is that
13 premarital sex is prohibited at Ramsey Solutions?

14 A. That is correct.

15 Q. Okay. So, for example, if someone came to
16 you and they said, "Well, I'm Lutheran. It's a
17 little bit more progressive denomination."

18 Or, "I'm Episcopalian" and they say, "Hey,
19 I've been living with my partner for three years,"
20 does that pose a problem?

21 A. One, it hasn't happened. Two, if a current
22 team member, correct, if a current team member came
23 up to me and said, "Hey, I've been living with my
24 girlfriend, I would say, "Did you know that that's
25 against a righteous living?" If I was the one that

1 did their culture interview, as I was Caitlin, I
2 would say, "Didn't we talk about this in your
3 interview? You know you can't work here."

4 Q. And that's based on Ramsey Solutions'
5 interpretation of Judeo-Christian values?

6 A. That's based on a standard the company has
7 set before I got there.

8 Q. That's based on Judeo-Christian values,
9 right?

10 MS. SANDERS: Objection.

11 THE WITNESS: I don't know what the
12 standard was set on.

13 BY MS. COLLINS:

14 Q. Okay. Well, we just went over the company
15 conduct code which said that it was Judeo-Christian
16 values.

17 A. The entire company, yes.

18 Q. Okay. So are these core values also based on
19 those same Judeo-Christian values?

20 A. I wasn't there when they were set.

21 Q. Is it your understanding that they're based
22 on Judeo-Christian values?

23 A. No. I don't know where team is spoken about
24 in Judeo-Christian values.

25 Q. Okay. As far as righteous living in

Confidential

1 particular, is that based on a Judeo-Christian
2 value?

3 A. I believe so, but I don't know that. So my
4 personal opinion would be yes.

5 Q. Are employees required to provide intimate
6 details about their personal lives to remain
7 employed by Ramsey Solutions?

8 A. No.

9 Q. So if a leader, a manager of Ramsey
10 Solutions, asked an employee if they were engaging
11 in premarital sex, they could say no, even if they
12 were?

13 A. They could.

14 MS. COLLINS: I'm going to mark the next
15 document as Exhibit 3.

16 (WHEREUPON, the above-mentioned
17 document was marked as Exhibit Number 3.)

18 BY MS. COLLINS:

19 Q. Have you seen this document before?

20 A. I have seen it. Not in this format, but,
21 yes, I have seen it.

22 Q. Okay. Well, I guess, where have you seen it?

23 A. I'm sorry?

24 Q. Like, where have you seen it? What do you
25 mean by "not in this format"?

1 A. It's a smaller journal. So this is in a
2 journal, and I don't know if all the pages flow the
3 way you have them. But, yes, I still have seen the
4 material that you're handing me.

5 Q. Okay. So is it a journal that is provided to
6 Ramsey employees?

7 A. Correct.

8 Q. Okay. Is it still used at Ramsey Solutions?

9 A. Yes. However, we weren't reprinting, so I
10 don't know -- wherever we ran out of that printing,
11 we were going to do something different. I don't
12 know that we were going to do another journal.

13 Q. Okay. And on page -- well, it's got the
14 little Bates numbers down at the bottom and it has
15 28 down at the bottom of the page?

16 A. Yes, ma'am.

17 Q. Do you see that? Okay. It -- it also -- and
18 it looks -- it looks to list out the core values.
19 Is that fair?

20 A. Yeah, that is fair.

21 Q. Okay. And it lists out, righteous living,
22 and it expands on it a little bit more than what's
23 written out in Exhibit No. 2. Does that still
24 apply, this, "You are far more important than what
25 you do. We aren't perfect, but we want to get

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1 better. No cheating, stealing or lying. Goal No. 1
2 is to be men and women of integrity."

3 Is that still an applicable encapsulation of
4 the righteous living policy?

5 A. I would say that it is a representation of
6 it. I don't know that it's fully encapsulated, but,
7 yes, I would think that it does a better job of
8 expanding on it.

9 Q. And that applies to all the employees?

10 A. Correct.

11 MS. COLLINS: All right. Let's go off
12 the record for just one sec.

13 MS. SANDERS: Sure.

14 THE VIDEOGRAPHER: Going off the record
15 at 11:54 a.m.

16 (Lunch recess from 11:54 a.m. to
17 1:04 p.m.)

18 THE VIDEOGRAPHER: We are back on the
19 record at 1:04 p.m.

20 BY MS. COLLINS:

21 Q. Okay. Mr. Lopez, before the break you
22 mentioned that the righteous living policy was a
23 gradient, right?

24 A. Core value, yes.

25 Q. Core value.

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1 Who decides that? Who decides the
2 different...

3 A. HR committee.

4 Q. Okay. Did the HR committee receive any sort
5 of specific training on how to apply that policy?

6 A. No, not to my knowledge.

7 Q. Okay. So is it just based on the HR
8 committee's subjective analysis as to whether or
9 not -- where it falls on that gradient scale?

10 A. There's some precedent that's already been
11 set, but yes.

12 Q. Okay. And earlier, before the break, you
13 mentioned that it was a violation of the righteous
14 living policy to have intercourse for premarital
15 sex, right?

16 A. Correct.

17 Q. What did you mean by "intercourse"?

18 A. Have sex out of wedlock.

19 Q. Okay.

20 A. Engage in actual intercourse, actual
21 penetration.

22 Q. Okay. Does it cover oral sex?

23 A. It does not.

24 Q. Does it cover -- what if a woman got pregnant
25 through in vitro fertilization? Did it cover

Confidential

1 that --

2 A. It does not.

3 Q. -- if she were not married?

4 A. It does not cover that either.

5 Q. Do you know if anybody asked Caitlin O'Connor
6 if she had had IVF?

7 A. No. We do have a team member, however, that
8 has come to us to make sure that was okay, and it
9 was.

10 Q. To your knowledge, did anyone ask Caitlin
11 O'Connor the specifics of how she became pregnant?

12 A. To my knowledge, no. She -- she had
13 volunteered it. So this is not -- I don't know the
14 answer to that.

15 Q. Okay. You just recall that she had
16 volunteered it to someone?

17 A. Correct.

18 Q. To your knowledge, are there any Jehovah's
19 Witnesses working at Ramsey Solutions?

20 A. I don't know. I don't ask.

21 Q. And you don't know if there are any Jewish
22 people working there?

23 A. I don't know. I don't ask.

24 Q. Have you ever seen a man wearing a yarmulke,
25 the Jewish -- traditional --

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1 A. No.

2 Q. -- Jewish head covering at Ramsey Solutions
3 that's an employee there?

4 A. I have not.

5 Q. Have you had any females that worked there
6 wear a hijab?

7 A. Not to my knowledge. I haven't seen it.

8 Q. Are the Wednesday devotionals, are those
9 recorded?

10 A. They're not, but -- I don't know the answer
11 to that. I don't believe they are.

12 Q. Okay. If an employee misses one, can they go
13 back and get the information from the Wednesday
14 morning devotional?

15 A. So I think -- I don't know that all of them
16 are recorded. I believe some of them are.

17 Q. Okay. Are employees encouraged to record
18 those devotionals sometimes and share them with
19 their family members?

20 A. No, not to my knowledge, nobody's encouraged
21 to record them.

22 Q. Okay. Can they record them and share them
23 with their family members or friends?

24 A. They're not discouraged, but they're not
25 encouraged. I would guess that we would not want --

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1 we would not want it recording. It's for the team
2 members, not for the family members.

3 Q. Okay. But if there was a good speaker for
4 one of those Wednesday morning devotionals, could an
5 employee record that devotional and would it be a
6 violation of any sort of policy for them to take it
7 back and share it with their family or friends as a
8 source of encouragement?

9 A. You said "if." To my knowledge, that's never
10 happened, and to my knowledge we don't have a policy
11 that says you cannot.

12 Q. Okay. Has that ever come up, where an
13 employee was disciplined for recording one of those
14 Wednesday morning devotionals?

15 A. Not to my knowledge.

16 Q. Okay. What about staff meetings? Has anyone
17 been disciplined for recording a staff meeting?

18 A. Not to my knowledge. There is a distinction
19 between the two, however.

20 Q. Now, you knew Caitlin O'Connor, right?

21 A. Correct.

22 Q. Okay. Were you on the hiring team that
23 approved her initial hire?

24 A. Yes.

25 Q. Okay.

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1 MS. COLLINS: I'm going to provide you a
2 document that we're going to mark as Exhibit No. 4.

3 (WHEREUPON, the above-mentioned
4 document was marked as Exhibit Number 4.)

5 BY MS. COLLINS:

6 Q. Okay. Is that your signature on this -- on
7 the top line, above Armando Lopez?

8 A. Yes, ma'am, it is.

9 Q. See? You go to law school for that deductive
10 reasoning.

11 Okay. And this document is a business
12 record of Ramsey Solutions, right?

13 A. Correct.

14 Q. Okay. Is this a standard sort of offer
15 letter that you-all provide to employees being
16 on-boarded to Ramsey Solutions?

17 A. Yes.

18 Q. Okay. And it's not a contract; it
19 specifically says that, right?

20 A. Correct.

21 Q. Other than the terms set forth in this
22 document, are there any other terms that are
23 encompassed in this offer of employment?

24 A. Not in the offer of employment.

25 Q. Nowhere in this offer of employment does it

1 say that an employee cannot engage in premarital
2 sex, does it?

3 A. Not in the offer of employment.

4 Q. Okay. So they don't have to certify or
5 anything to receive this offer of employment that
6 they haven't -- that they're not going to engage in
7 premarital sex, right?

8 A. Can you clarify that? Do they -- can you
9 clarify that, please?

10 Q. Sure. On this offer of -- as part of this
11 offer of employment, they don't have to certify
12 anywhere that they won't engage in premarital sex,
13 do they?

14 A. Not on the offer, but before you get to the
15 offer is all the interviews where it's already been
16 covered.

17 Q. Okay. It's been covered, but they don't have
18 to sign a document or anything saying that they
19 won't, do they?

20 A. They do not.

21 Q. And they don't have to affirm that they will
22 disclose if they do engage premarital sex, do they?

23 A. They do not.

24 Q. Okay. Did you work with Caitlin O'Connor
25 when she was employed by Ramsey Solutions?

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1 A. I did not work with her directly. I worked
2 with her in that we were both team members for the
3 company.

4 Q. Okay. So did you, I guess, have any dealings
5 with her when she worked for Ramsey?

6 A. Yeah. She covered the front desk. By "the
7 front desk," I mean the reception area. She was on
8 rotation with a few other administrative assistants
9 that would help cover it. And at that point, the
10 front desk reported up through Human Resources. And
11 so I had dealings with her walking up, thanking her
12 for doing that, thanking her for being able to be
13 friendly to people and covering lunches, et cetera.

14 Q. Okay. Was she friendly to people?

15 A. Huh? Yes, to my knowledge, she was.

16 Q. Okay. Now, tell me about Caitlin O'Connor's
17 termination. Why was she terminated?

18 A. She was terminated for engaging in sex out of
19 marriage.

20 Q. And that's from Ramsey's policies?

21 A. Correct.

22 Q. Which one?

23 A. It would be the righteous living core value.

24 Q. Okay. And the prohibition on premarital sex
25 is -- I believe you said -- one of those

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1 Judeo-Christian values that the company adheres to,
2 right?

3 A. I don't know that I said it that way. I
4 think you said it that way. I said it's one of the
5 core values, and it was there before I got there, so
6 I don't know why they implemented it.

7 Q. Okay. But it's your understanding that it's
8 premised on a Judeo-Christian value, right?

9 A. My personal belief, yes.

10 Q. And how did you come to find out that she had
11 premarital sex?

12 A. She sent an email to me letting me know that
13 the company frowned upon her being single and
14 pregnant and wanting to have a conversation about
15 FMLA. And I believe you have that, a copy of that
16 email. I don't remember it verbatim.

17 Q. Okay. So she sent you an email notifying you
18 that she was single and pregnant and that she was
19 asking about FMLA, right?

20 A. Something like that, yes.

21 Q. Okay. And as a result of that, the decision
22 was made to terminate her?

23 A. Yes. As a result of the ensuing
24 conversations with her.

25 Q. Did you have an ensuing conversation with

her?

A. I did not.

Q. Who did?

A. Okay. Suzanne Simms and [REDACTED], two members of the HR committee.

Q. So she notified you she was pregnant and needed FMLA, and additional conversations were had with her as a result of that?

A. Yes. She didn't say that she needed FMLA, she wanted to talk about what FMLA was.

Q. Okay. Did you ever talk with her about FMLA?

A. I did not.

Q. Did you ask anyone to talk with her about FMLA?

A. I did not.

Q. Do you know if anyone from Ramsey Solutions did talk to her about FMLA?

A. Not to my knowledge.

Q. And a woman typically can't hide a pregnancy, right?

A. I'm sorry?

Q. A woman typically cannot hide a pregnancy, right?

A. I don't understand the question.

Q. It's a visible condition.

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1 A. Not for every woman. I've had women that
2 don't appear to be pregnant, but are.

3 Q. But typically it's a visible condition,
4 right?

5 A. Typically, you are correct.

6 Q. Did you respond to the email that Caitlin
7 O'Connor sent you?

8 A. I did.

9 Q. When did you respond to it?

10 A. I believe it was the next morning.

11 Q. Okay. Did you provide the email to anyone
12 else?

13 A. Yes, I did.

14 Q. Who?

15 A. Human Resource committee.

16 Q. Anyone else?

17 A. No.

18 Q. And Dave Ramsey is on the HRC emails?

19 A. He is not.

20 Q. Did you provide him information about Caitlin
21 O'Connor's situation?

22 A. Define the question.

23 Q. Did you provide Dave Ramsey information about
24 Caitlin O'Connor's pregnancy?

25 A. No. I provided it to HRC, and he's not on

1 that email.

2 Q. Do you know if HRC provided it to him?

3 A. I'm not aware of that. I don't believe so,
4 but I'm not aware of it.

5 MS. COLLINS: I'm going to mark the next
6 document as Exhibit No. 5.

7 (WHEREUPON, the above-mentioned
8 document was marked as Exhibit Number 5.)

9 BY MS. COLLINS:

10 Q. If you could turn to the second page, starts
11 at DEFENDANT 84 through DEFENDANT 85. And this is
12 an email from Caitlin Eastwood, which is Caitlin
13 O'Connor, right?

14 A. I know her to be the same, yes.

15 Q. Okay. And she sent this email to you on
16 June 18, 2020, at 4:44 p.m.

17 Was this the -- and it says, "I needed to
18 let you know that I'm 12 weeks pregnant. I
19 understand being unmarried and expecting is frowned
20 upon here, but the reality of the situation is this
21 is what I'm walking through right now. This is
22 obviously uncharted territory for me, so I'm not
23 sure what my next steps are regarding sharing the
24 news with my leader, getting FMLA and ADA paperwork
25 in case it's needed in the future," et cetera.

It says, "I'm OOO" -- do you recognize -- do you know what "OOO" means?

A. I am guessing it's "out of office."

Q. Okay.

-- "Friday, 19th, and Monday, 22nd, but will still be checking email periodically if this needs to be discussed."

Was this the email that you were referring to earlier?

A. That's correct.

Q. Okay. So you didn't immediately respond to her. Is that your recollection?

A. Yes. I also see that I did carbon copy Dave and Michael Finney as her direct leader.

Q. Okay. So it looks like two minutes later you sent it to the Human Resources committee, Dave Ramsey and Michael Finney, right?

A. Correct.

Q. Okay. And then [REDACTED] wrote you back. Does that mean she's on the HR committee?

A. That's correct.

Q. And she states, "We've dealt with this before and I think we should handle it exactly the same way. Lots of grace, lots of generosity, but our core values and what they stand for are clear."

1 What did you take that to mean?

2 A. I took that to mean that it would be a
3 separation for the violation of a core value.

4 Q. Okay. All right. And on the next page you
5 wrote back within, I guess if my math is right, two
6 minutes. Quick on the draw with the email, that at
7 4:50 that, "She sent me the email only." And, "I
8 agree with handling the same way we have in the
9 past."

10 What did you mean by "I agree with handling
11 this the same way we have in the past"?

12 A. We've had other people who have engaged in
13 sex out of wedlock, and we have terminated them.

14 Q. Okay. Would there have been any way for you
15 to know that she had engaged in sex out of wedlock
16 had she not sent you this email notifying you that
17 she was pregnant?

18 A. Probably not, with the exception that she's
19 pregnant. If she was someone that showed, then we
20 might have known that she was pregnant if she didn't
21 come forward and say, "Hey, I had IVR [verbatim],
22 this is what's going on."

23 Q. Okay. So if she just started showing up at
24 work and it looked like she was showing, what would
25 have happened? Would she have been called in to ask

about that?

A. Yes.

Q. Okay. And it looks like the next responding person was Sarah Sloyan, she responded at 4:52. Was she also on the HRC committee at the time?

A. Yes. I don't remember if she was a full member or sitting in as part of her leadership development, but she was on the distribution list.

Q. Okay. Did everybody have to express their consent for an employee to be terminated?

A. Yes, it had -- that's the way it's happened. I don't know if everybody has to, but typically everybody does.

Q. Okay. And Mark Floyd responded next at 5:17. Is he also on the HRC committee?

A. Yes, ma'am.

Q. Okay. And he wrote, "Totally classless on her part. And yes, I agree there's precedent (a/k/a principles and values) for how we handle this, what ■■■ said."

What did you take that to mean when he said, "totally classless on her part"?

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

Q. Well, I'm asking what you took it to mean?

A. Personally?

Q. Yeah.

A. Like he frowned on it or he looked down on it.

Q. Did you think Caitlin O'Connor was being classless when she notified you-all that she was pregnant and asking for information about FMLA?

A. My personal thoughts?

Q. Yeah.

A. No, I don't think she was being classless.

Q. And when Mark Floyd referred to, "I agree there's precedent, a/k/a principles and values," what did you take that to mean, "principles and values"?

A. I correlated it to [REDACTED]'s response which is, We have faced this in the past when someone engages in premarital sex and those are the principles and values that we make decisions from.

Q. Okay. Do you think a woman is classless if she gets pregnant outside of wedlock?

A. Personally?

Q. Yes.

A. No.

Q. Did you have any conversations with Mark Floyd about his comment that he perceived Caitlin O'Connor to be classless?

A. I did not.

Q. And if you could turn to page 104, page 3 of Exhibit No. 5. It looks like one of the next people to respond was Michael Finney.

And he responded, "Agree with what [REDACTED] said as well. Sad."

Do you know what he meant by that, that it was sad?

A. Again, personal opinion; I don't know what he meant, but personal opinion would just be that it's sad. It's -- we struggle to find good people, and so to try -- to just lose someone is not a happy event. It's not a good event. It's sad.

Q. But is it sad that she's pregnant?

A. I didn't take it to mean that.

Q. Did you think it was sad that she was pregnant?

A. No, I did not. In fact, that's not what I put in my response to her.

Q. Okay. And Suzanne Simms, looks like she was the next person to respond, at 5:50, and she just says "Same." Does that mean she just agrees with everybody else?

A. I took it to mean that.

Q. So is it fair to say that everyone that had

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1 responded that evening that was on the HRC,
2 including Michael Finney, who was Ms. O'Connor's
3 supervisor, all agreed that she was going to lose
4 her job?

5 A. Well, she -- yes, that she would be talked
6 to, and if she violated it, that she would lose her
7 job. I think the decision to lose her job might not
8 have been there had she said, "Hey, I -- you guys
9 need to know that I had AVR [verbatim]."

10 Q. But it sounds like the automatic assumption
11 was that that was not the case; is that fair to say?

12 A. That is fair to say.

13 Q. Okay.

14 MS. COLLINS: Okay. Let me mark this as
15 Exhibit No. 6. I only have one copy.

16 MS. SANDERS: That's all right. What
17 number is it?

18 MS. COLLINS: It's 2170.

19 MS. SANDERS: Okay.

20 (WHEREUPON, the above-mentioned
21 document was marked as Exhibit Number 6.)

22 MS. SANDERS: Defendant...yeah, okay.

23 BY MS. COLLINS:

24 Q. All right. Now, also in response to your
25 email, it looks like Dave Ramsey responded; is that

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1 correct?

2 A. Yes.

3 Q. And he's the owner of the company?

4 A. Correct.

5 Q. And do you recall receiving this email?

6 A. I recall reading it, yes.

7 Q. Okay. And he responded at 5:10 a.m., so
8 that's the next day; is that correct?

9 A. That's correct, June 19.

10 Q. Okay. And he says, "So sad."

11 He's sad too. What did you take that to
12 mean he was sad about?

13 A. The same thing. Losing someone. I don't
14 know that -- my mind did not go, and still does not
15 go, to the fact that she's pregnant is a sad event.

16 Q. Okay. And it says, "The reason she's sent an
17 email is she is scared and embarrassed."

18 As of 5:10 a.m. on June 19, had Caitlin
19 O'Connor expressed to you that she was scared or
20 embarrassed?

21 A. She had not.

22 Q. Okay. So is that just an assumption,
23 probably, that she was scared and embarrassed?

24 A. Right, that she would have lost her job.
25 Again, an assumption.

Q. And then Mr. Ramsey directs ■■■ or Suzanne, "Please pick up the phone and call her today. Love her. Tell her we will work this out with her next week, but she will be loved and cared for."

I'm going to break that down a little bit.

What did you understand that to mean that ■■■ or Suzanne was supposed to pick up the phone and call her and love her?

A. Not to judge her, not to berate her, not to embarrass her, but, rather, to pick up the phone and call her and learn what happened.

Q. Okay.

A. Reassure her.

Q. Okay. But she had already been judged, right?

A. No.

Q. Well, we just went through the other emails and it sounded like everybody had pretty much arrived at the conclusion that she was going to be terminated, right?

A. Right, same as prior, so if she had done the same thing as prior, it would have been the same way. I'm not sure that's judging, though. I wouldn't have considered that judging. She violated policy, she loses her job.

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1 Q. And where it says, "Tell her we will work
2 this out with her next week, but she will be loved
3 and cared for."

4 What did you take that to mean?

5 A. I took it to mean we'd be generous in some
6 kind of separation package.

7 Q. So did that indicate that the decision had
8 been made to separate her employment?

9 A. I think it indicates it's leading there.

10 Q. Okay. Then it says, "Then next week we will
11 follow the steps we did before."

12 What is that referring to, "the steps we did
13 before."

14 A. That's prior people that have violated that
15 core value. So we would meet with them, hear out
16 what they have to say, and then separate.

17 Q. And when it's talking about "the steps we did
18 before," is that referring to other women who had
19 notified you that they were pregnant?

20 A. I didn't take it that way. I took it to mean
21 as anyone else who has violated that policy.

22 Q. But Ramsey had terminated other women who
23 notified you that they were pregnant, and they got
24 pregnant out of wedlock, right?

25 A. We have, as we have terminated men.

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1 Q. Have the women typically been offered more
2 money in severance?

3 A. Yes. I'd have to go back and look at it, but
4 off the top of my head, I believe that's true.

5 Q. Why is that? Why are the women typically
6 offered more money in severance?

7 A. I don't know the answer to that. I don't
8 know the why, but I know that we have.

9 Q. But is it just the women who are pregnant
10 that are typically offered more money in severance?

11 A. As opposed to the men in this case? The
12 comparison between those two?

13 Q. Yes.

14 A. Yes, it is typically the women.

15 Q. And it says, "Lots of grace, care for the
16 child, money, counseling, pastor support."

17 What did -- what did you take that to mean?

18 A. I took it to mean that we'd be generous with
19 separation monies, offer counseling if she needed it
20 or wanted it, and pastor support, same thing, if she
21 needed or wanted.

22 Q. It says, "We were thorough because that is
23 the right thing to do."

24 What was your understanding as to what that
25 meant?

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1 A. I actually don't know. I don't remember that
2 sentence standing out to me.

3 You're calling it out now, and so I'm
4 reading it now, but I don't remember reading it and
5 thinking in my head, "I wonder what he means by
6 that."

7 If I'm reading it now, again, out of context
8 by itself, it would mean that, "Hey, we're going to
9 be thorough."

10 I don't know that we had been thorough at
11 that point.

12 Q. Okay. So to get a full understanding as to
13 what that sentence means, I would probably have to
14 ask Dave Ramsey, right?

15 A. Yes and no. I think what -- again, I think
16 he's missing a word. I think what it means is we'll
17 be thorough because it's the right thing to do.

18 Q. Okay. And I asked your understanding as to
19 what this email meant that was sent by Dave Ramsey,
20 but have you talked with him to ask him what he
21 meant by this email?

22 A. Specifically about the email? No.

23 Q. Okay. And so sitting here today, you can't
24 testify as to what he meant by this email, can you?

25 A. I can testify that if she became pregnant by

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1 having sex out of marriage that she would have been
2 terminated and that my direction is to make sure
3 that we investigate thoroughly, that we speak to
4 her, that we talk to her, that we treat her with
5 grace, kindness and love.

6 Q. But you don't know for certain what he meant
7 by his own email, right?

8 A. I think for every sentence, other than the
9 last one, I think I can infer pretty quickly what he
10 meant. And for the last one I just think he left
11 off "we will be" versus "we were."

12 Q. Okay. And so you're inferring, but you don't
13 know for certain, right?

14 A. Correct.

15 Q. All right.

16 MS. COLLINS: I'm going to mark the next
17 document as Exhibit No. 7.

18 (WHEREUPON, the above-mentioned
19 document was marked as Exhibit Number 7.)

20 THE WITNESS: Thanks, Terri.

21 THE REPORTER: You're welcome.

22 BY MS. COLLINS:

23 Q. Okay. Have you seen this document?

24 A. I have. It's been a while, but, yes, I have
25 seen it.

Q. Okay. Now, it looks like -- well, you were cc'd on all of them, right?

A. I am on the first.

Q. I guess we could go back to the last page.

A. Yes, I am on the last page and also on the subsequent two.

Q. All right. And on July -- or June 23 it talks about a conversation that Suzanne Simms and [REDACTED] -- does that refer to [REDACTED] --

A. [REDACTED], yes.

Q. [REDACTED].

-- had with Caitlin O'Connor that morning.

Do you recall receiving this email?

A. I do.

Q. Okay. And Ms. Simms states that, "Caitlin is 12 weeks pregnant, not married, she is 37 and has a 19-year-old and a 20-year-old. Her boyfriend and the father of her child is 52. They plan to get married but she is not officially engaged."

Is that -- well, what is the significance of that information?

MS. SANDERS: Object to the form.

THE WITNESS: I think she's just trying to share something about this team member we have. I don't think there's significance to it other than

1 these are the facts as we knew them.

2 BY MS. COLLINS:

3 Q. Okay.

4 A. Or as we learned them in that conversation.

5 Q. Okay. And she -- Ms. Simms states that,
6 "Asked her where her head was based on her comment
7 in her email to Armando regarding this being 'weird'
8 with our culture. She seemed nervous but made it
9 clear she needs us to make this decision. She isn't
10 going to self-select out."

11 What does that mean, "she isn't going to
12 self-select out"?

13 A. Hang on. I'm catching up on where you are.

14 Q. Sure.

15 A. Give me one second.

16 (Reviewing)

17 Okay. I'm there. Sorry.

18 Q. Okay.

19 A. I was taking it out of context.

20 So what it means is that in the past when
21 team members have come forward to say they've
22 engaged in premarital sex or extramarital affairs,
23 they will typically come up and have self-select
24 and go, "Hey, I know this means I'm terminated."

25 Caitlin did not in that meeting. She did

1 not opt out.

2 Q. Okay. Would that seem to indicate that she
3 did not believe she should be terminated for
4 engaging in premarital sex and getting married?

5 A. It did not. We have other team members that
6 don't necessarily want to opt out, but then we
7 terminate them.

8 Q. Did anyone follow up with her to ask why she
9 wasn't going to self-select out?

10 A. Not in that way, not in that manner.

11 Q. Do you know if anyone followed up to see if
12 her stating she wasn't going to self-select out, if
13 that was based on a particular belief of hers?

14 A. Can you clarify the question? I maybe missed
15 the front part of it.

16 MS. COLLINS: Sure.

17 Can you repeat the question, Terri?

18 (The requested record was read back by
19 the court reporter.)

20 THE WITNESS: Great.

21 The answer is no.

22 BY MS. COLLINS:

23 Q. Okay. And it states in the last paragraph on
24 that page, 1930, "Can I predict how she'll react
25 now, six months from now or later? No. But we'll

Confidential

1 have a meeting with her, Armando, me and Finney to
2 go over this all with her again, express our desire
3 to make sure she and baby are taken care of and let
4 her go. We'll do our best."

5 At that time, did you-all have any sort of
6 understanding as to whether or not she would accept
7 a severance package?

8 A. We did not at that time. It had not been
9 presented to her.

10 Q. Okay. And then above that it looks like Dave
11 Ramsey sent another email, and if you go to the page
12 before, it looks like he sent it at 2:34 p.m. on
13 June 23, agreeing with Ms. Simms. But he says,
14 "Finney and Armando should not talk. As a matter of
15 fact, would be good if one of them is not there."

16 Did that happen? Did one of you-all not go
17 to the final meeting with her?

18 A. Yes. Michael Finney did not attend.

19 Q. Did you talk during the meeting?

20 A. I did.

21 Q. What did you say?

22 A. I went over the exit paperwork, Tennessee
23 separation agreement, et cetera, as well as our
24 separation agreement and severance offer.

25 Q. Okay.

A. If I'm not mistaken there's an audio of that as well.

Q. Uh-huh. Okay.

Do you know if there is an audio of the meeting with Suzanne and [REDACTED]?

A. I don't know.

Q. Okay. And the audio of the meeting that you were a part of, do you know who created that?

A. Ms. O'Connor.

Q. Did you create one?

A. I did not.

Q. Okay. Did anyone at Ramsey record that meeting that you know of?

A. Not to my knowledge.

Q. Okay. Was that a violation of Ramsey policy for her to record that meeting?

A. We don't have a policy on recording.

Q. Okay. So is that "no"?

A. That would be "no."

Q. Okay. And Mr. Ramsey states, "Don't want her to feel ganged up on. You handle this with great compassion, ask her what more we can do to love her well, but this is obviously contrary to our values."

And is that the righteous living core value?

A. Correct.

Confidential

1 Q. Okay. Is that the only one?

2 A. I don't know if it's the only one. I know
3 that it's the obvious one.

4 Q. Okay.

5 MS. COLLINS: All right. Let's mark the
6 next document as Exhibit No. 8.

7 THE WITNESS: Thank you.

8 (WHEREUPON, the above-mentioned
9 document was marked as Exhibit Number 8.)

10 BY MS. COLLINS:

11 Q. All right. Was this the email that you were
12 referring to earlier that you sent?

13 A. Yes. That is my response.

14 Q. Okay. Did you have any other correspondence
15 with Caitlin O'Connor after she notified you that
16 she was pregnant, other than this email?

17 A. Correspondence via email, no.

18 Q. Okay. Correspondence in any other way?

19 A. Yeah, no.

20 Q. Okay. Okay.

21 A. I don't recall if we were working to set up
22 the time that we were meeting, but I don't think
23 that I was involved in setting the time up.

24 Q. Okay. And you state in your email, "First
25 let me say that every child is from God."

Confidential

1 And that includes children born out of
2 wedlock?

3 A. That includes every child.

4 Q. Does it include children born out of wedlock?

5 A. Yes.

6 Q. How is it consistent with Judeo-Christian
7 values to terminate a woman who's pregnant if the --
8 even if it's from an encounter that's out of
9 wedlock?

10 A. Can you rephrase that? So if I'm
11 understanding your question, how is it consistent
12 was your word, right?

13 Q. Yes.

14 A. With Judeo-Christian values. I don't think
15 this is -- she was terminated for having sex out of
16 wedlock.

17 Q. But you terminated her pregnant, right?

18 A. Yes. She also happened to be pregnant.

19 Q. Okay. How is that consistent with
20 Judeo-Christian values to terminate a pregnant
21 woman?

22 A. I don't know where Judeo-Christian values say
23 not to.

24 Q. Okay. Well, earlier I asked you where, like,
25 where it said that you couldn't have sex outside of

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1 marriage and you couldn't point to anything, so
2 wouldn't the same logic apply, that --

3 A. The same logic could apply. I happen to know
4 that having sex premarital or extramarital is not
5 consistent with biblical principles, just like I
6 happen to know that there's nothing in there perhaps
7 that says you can't fire someone for having sex out
8 of marriage.

9 Q. Okay. So is this just Ramsey's
10 interpretation of Judeo-Christian values?

11 MS. SANDERS: Objection to the form.

12 THE WITNESS: So define "this," is
13 this --

14 BY MS. COLLINS:

15 Q. Well, terminating a woman who's pregnant
16 who's not married.

17 A. So the termination was because she engaged in
18 sex out of marriage. She happened to be pregnant.
19 They're not connected. They're two separate things.

20 Q. Okay. But you would not have known about her
21 violation of the policy had she not disclosed her
22 pregnancy?

23 A. That is correct.

24 Q. Okay. And when you sent this email on
25 June 19 to Caitlin O'Connor at 7:30 a.m., pursuant

to the other emails we already read from June 18th, everyone was pretty much on board with the decision to terminate her, right?

A. Correct.

Q. Okay.

A. Pending the conversation that [REDACTED] and Suzanne had.

MS. COLLINS: Okay. I'm going to ask you about another document. This is going to be Exhibit No. 9.

(WHEREUPON, the above-mentioned document was marked as Exhibit Number 9.)

BY MS. COLLINS:

Q. Okay. Have you seen this text message before?

A. I have not.

Q. Oh, okay.

A. It could have been in the pile of discovery, but there was a lot there.

Q. Agreed.

Okay. Well, if you haven't seen it, then I'm not going to ask you anything about it.

All right. Okay. I think that I've already asked this, but I'm not 100 percent sure, so forgive me if I'm asking something another time.

Confidential

1 Is it Ramsey's interpretation of
2 Judeo-Christian values that premarital sex is
3 inconsistent with Judeo-Christian values?

4 MS. SANDERS: Object to that form.
5 You can answer that.

6 THE WITNESS: You've asked it before.
7 The answer is I don't know. The principle of not
8 having sex and that leading to termination, I don't
9 know if that's a direct tie to Judeo-Christian or
10 not. It was there when I got there.

11 BY MS. COLLINS:

12 Q. Okay. Okay. But it's enforced in that
13 manner, correct? It's been enforced in that manner
14 since you've been there?

15 A. It's enforced under righteous living.

16 Q. Okay. And righteous living is part of a
17 Judeo-Christian value, right?

18 A. Looks like it, yes. There's a lot of...

19 Q. Okay. I'm going to provide you one more
20 document -- well, no, I'm going to provide you a lot
21 more documents, but for the moment.

22 MS. COLLINS: And I just realized I did
23 not...

24 (To the Reporter) Can you make sure that
25 gets redacted a little bit better?

Confidential

1 THE REPORTER: Where?

2 MS. COLLINS: The Social Security
3 number.

4 THE REPORTER: Sure.

5 BY MS. COLLINS:

6 Q. I'm going to provide you a document that's
7 marked as exhibit -- I'm going to mark it
8 Exhibit 10.

9 (WHEREUPON, the above-mentioned
10 document was marked as Exhibit Number 10.)

11 MS. SANDERS: For the record, Heather, I
12 realize that's something we produced with her
13 social. Do you want to mark this document
14 "Confidential" just because her social's on it and
15 unredacted?

16 MS. COLLINS: I'm going to redact her
17 Social Security number. That's what I was just
18 telling the court reporter.

19 MS. SANDERS: Okay.

20 MS. COLLINS: I'm going to make sure
21 it's scratched out.

22 MS. SANDERS: Okay.

23 BY MS. COLLINS:

24 Q. Mr. Lopez, have you seen this document
25 before?

Confidential

1 A. Yes, I have.

2 Q. Was this one provided to the Department of
3 Labor and Workforce Development?

4 A. Yes. We don't necessarily provide it. It's
5 electronic so it's not the same -- we didn't provide
6 the paper, we just filed it electronically.

7 Q. Okay. And the one that you filed
8 electronically, did it have the same information on
9 here?

10 A. It did not. She did not accept the severance
11 pay, so there was nothing in there for severance.

12 Q. Okay. And was this document given to
13 Ms. O'Connor on the day that she was notified of her
14 termination?

15 A. Yes, it was given to her, along with the
16 severance document.

17 Q. Who made the decision as to the severance
18 amount?

19 A. We have a guideline that we utilize, so it's
20 time in position, reason for separation and salary
21 earned.

22 Q. Do you recall how much was offered to Caitlin
23 O'Connor?

24 A. According to this, \$47,000.

25 Q. Okay. And she turned that down?

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1 A. Correct.

2 Q. Okay. Was that -- was that based on her time
3 in position and salary?

4 A. If I recall correctly, it was based not only
5 on those three, but the 47 represents one year of
6 compensation for her.

7 Q. Was that also to take into account that she
8 was pregnant?

9 A. It was to take into account not having to
10 look for a job, so yes, not having to look for a job
11 until she delivered, and then beyond that.

12 Q. Was any consideration made as to her
13 insurance status?

14 A. Yes.

15 Q. Okay. Tell me about that.

16 A. We agreed to cover the insurance for the full
17 year in addition to that 47,000, both for her and
18 for her child.

19 Q. Did there come a point in time when you were
20 made aware that she had filed a charge of
21 discrimination with the EEOC?

22 A. Yes.

23 Q. Okay. How did you find out about that?

24 A. Through the EEOC.

25 Q. Do you receive EEOC charges in your position?

1 A. Yes.

2 Q. Okay. Do you receive those electronically or
3 by mail?

4 A. Both, but I think recently it's been
5 electronic.

6 MS. COLLINS: I'm going to mark the next
7 document as Exhibit No. 11.

8 (WHEREUPON, the above-mentioned
9 document was marked as Exhibit Number 11.)

10 BY MS. COLLINS:

11 Q. Okay. Have you seen a copy of this charge
12 before?

13 A. I have. It's been a while, but yes.

14 Q. Okay. If you could just read the charge for
15 me. I mean, you don't have to read it out loud.
16 And let me know when you've been finished reading
17 it.

18 A. (Reviewing)

19 Q. Okay. So, Mr. Lopez, you had an opportunity
20 to review Exhibit No. 11, Caitlin O'Connor's charge
21 of discrimination. And with particular in the
22 "Particulars" section, is there anything that, to
23 your knowledge, is not true in that section?

24 A. I think in that Section II, as it gets into,
25 "In this same email, I requested both Family Medical

Leave Act paperwork," she never did request that paperwork, nor did she request maternity leave or mention ADA. She said it, but she wasn't requesting it at that moment. She just wanted to know about it.

Q. Okay. Anything else?

A. I'm guessing that the dates are correct. And when she met with [REDACTED] and Suzanne on the 23rd, I'm guessing that the date is correct on the 25th, which we can go back and double check. I don't know when her doctor's appointment was.

I think where she states her reason for termination being pregnancy, that is not correct. And it's not for violating the company code of conduct.

Q. Okay. But she was terminated for notifying you that she was pregnant and unwed, right?

A. No, I think her sentence down at the bottom is actually what states it the best, so, "The father of my baby and I are in a committed relationship, but are not married. Part of this code incorporates a righteous living policy, which prohibits premarital sex."

And so she was married for premarital sex.

Q. Or she was...

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1 A. Or she was fired, sorry, for premarital sex.

2 Q. Okay. What about the next sentence?

3 A. "This policy has a disparate impact on women
4 because we cannot keep our personal lives private."

5 No, I think, while that may be true, we had
6 fired other women that are not pregnant because we
7 found out they were engaged, as we have male.

8 Q. Okay. And the next sentence, "But other
9 women have been forced out for the same reason."

10 Is that true?

11 A. That is true, the reason of premarital sex.

12 Q. But premarital sex that results in pregnancy?

13 A. There were -- yes, unwed -- not just
14 pregnancy, by the way, anybody that engaged in
15 premarital sex, whether it resulted in pregnancy or
16 not. She specifically tossed out those that
17 resulted in pregnancy.

18 MS. COLLINS: Okay. Sorry. It's that
19 time of afternoon where you just move a little bit
20 slow.

21 MS. SANDERS: I have some caffeine if
22 you need it.

23 MS. COLLINS: Oh, I was just more
24 talking about the subject matter.

25 MS. SANDERS: Oh.

Confidential

1 MS. COLLINS: Okay. I'm going to mark
2 the next exhibit as 12.

3 (WHEREUPON, the above-mentioned
4 document was marked as Exhibit Number 12.)

5 BY MS. COLLINS:

6 Q. Now, on the -- let's see -- page 11 of
7 Exhibit No. 12, is that your signature?

8 A. Yes.

9 Q. Okay. So you verified that the responses to
10 Plaintiff's First Set of Interrogatories were
11 accurate, correct?

12 A. Correct.

13 Q. All right. And in response to No. 3 it
14 states, "Plaintiff did not request to take medical
15 leave or pregnancy leave during her employment and,
16 therefore, Defendant did not have any communications
17 or discussions about it."

18 And we went through the email that Caitlin
19 O'Connor sent you initially requesting information
20 and notifying you that she was pregnant. Did you
21 not take that as a request to take medical leave or
22 pregnancy leave?

23 A. I did not.

24 Q. Okay.

25 A. It was an inquiry. It was more of an inquiry

1 as to what it was, but -- I can read it again and
2 make sure.

3 Q. Sure.

4 A. (Reviewing)

5 Yeah, I did not read it that way.

6 Q. Okay. So where she's asking you, "I'm not
7 sure what my next steps are regarding sharing news
8 with my leader, getting ADA -- getting FMLA and ADA
9 paperwork in case it's needed in the future."

10 A. That's correct. I took it as she's unsure of
11 what -- what does she need to do to get that
12 paperwork? Not, "I'm formally requesting my FMLA
13 paperwork and ADA paperwork."

14 Just like she's talking about she's unsure
15 about how to share the news with her leader.

16 Q. Okay. And other than the conversation that
17 you had with her on the 23rd when she was
18 terminated, did you have any direct conversations
19 with her after -- with Caitlin O'Connor after she
20 sent you this email on June 18?

21 A. I did not.

22 Q. And with respect to the response to
23 Interrogatory No. 5, it says that, "Request for
24 disability accommodations under the ADA are
25 administered by Human Resources."

Is there anyone in particular in Human Resources that deals with that?

A. Yes, typically it's Karla Lundell. She's our benefit administrator.

Q. Okay. Was it the same in June of 2020?

A. Yes, it would have been the same person.

Q. Okay. And did you ask Karla to follow up with Caitlin O'Connor, based on her email?

A. I did not. I was waiting for the outcome of the meeting with Suzanne and [REDACTED] to determine whether or not she would still be employed.

Q. And in response to Interrogatory No. 6, which is about the core values and righteous living, it says the defendant equates righteous living to strong character, integrity and honesty, right?

A. What section are you on? What page?

Q. Sure. Page 3 in response to Interrogatory No. 6.

A. Yes, ma'am. Towards the bottom of the page?

Q. Uh-huh.

A. Yes.

Q. Okay. So someone who gets pregnant as a result of having premarital sex, do they have -- do they not have strong character, integrity or honesty?

Confidential

1 A. It would be violating the premarital sex
2 clause.

3 Q. Well, would they be someone that does not
4 have strong character, integrity or honesty?

5 A. They would not, but if you read on page 4
6 towards the top, the additional comment, "Defendant
7 considers and treats premarital sex as inconsistent
8 with righteous living."

9 Q. Okay. Do you think if you had a Bible you
10 could go back and figure out which part of Bible it
11 says that premarital sex is prohibited?

12 A. I probably could.

13 Q. Okay. Sitting here today, you don't know
14 where that came from, that premarital sex is
15 prohibited at Ramsey solutions?

16 A. Where the company made the policy?

17 Q. Yeah. Who -- who made that decision that
18 premarital sex was inconsistent with the company's
19 values?

20 A. I don't know the answer.

21 Q. Have you ever asked?

22 A. I have not.

23 Q. So it was already there when you came?

24 A. Correct.

25 Q. And nobody's ever told you that, you know,

Confidential

1 "This person feels that way" or "This Bible verse
2 says this and so this is why we do it this way," or
3 anything like that?

4 A. They have not, and I have not asked.

5 Q. Do you have any understanding as to whether
6 it's Dave Ramsey's personal belief that premarital
7 sex is inconsistent with righteous living?

8 A. I don't have that understanding.

9 Q. And not all Christians share that belief,
10 right --

11 MS. SANDERS: Objection.

12 BY MS. COLLINS:

13 Q. -- that premarital sex is a violation of a
14 Judeo-Christian belief?

15 MS. SANDERS: I object to the form.

16 THE WITNESS: I'm not a religious
17 expert. I don't know what all religions.

18 BY MS. COLLINS:

19 Q. But your belief about -- do you share the
20 belief that people should not engage in premarital
21 sex?

22 A. I do share that belief.

23 MS. SANDERS: Object to the form.

24 BY MS. COLLINS:

25 Q. And the belief that you have, is that based

Confidential

1 on the fact that you're a Christian?

2 A. It's the way my mom brought me up and my
3 Catholic upbringing, a combination.

4 Q. Okay. Do you know other Christians that
5 don't share that belief that it's a requirement of
6 their faith?

7 A. That which part is a requirement?

8 Q. That engaging in premarital sex is not part
9 of their faith practice, that that's not, like, a
10 deal-breaker in their faith practice as a Christian?

11 A. I'm going to rephrase it just to make sure I
12 have it right.

13 Q. Sure. It's confusing with all the "nots."

14 A. Yes. So do I know any Christians who are
15 okay with having premarital sex?

16 Q. Yes.

17 A. I know many Christians that don't follow --
18 they profess Christians, but they'll engage in
19 premarital sex, live together, drink to get drunk,
20 do drugs, et cetera.

21 Q. And none of those people could work at Ramsey
22 solutions, could they?

23 A. If they engaged in premarital sex, they could
24 not.

25 Q. And do you see that position as prohibiting

Confidential

1 premarital sex based on a Judeo-Christian value at
2 all inconsistent with what you know about Title VII?

3 A. I do not.

4 Q. Why not?

5 A. Sex out of wedlock or premarital is not a
6 protected class.

7 Q. But if it's based on a religious underpinning
8 or foundation, wouldn't it be?

9 A. Again, I'm not a religious expert, but I
10 don't know of any religion that says you must, in
11 order to have a -- be a member of that church or to
12 have that as a tenet, that you must do that.

13 Q. But it's not an issue of you must do that,
14 but does it preclude you from being a member of a
15 particular...

16 A. I think you've left my field of knowledge.

17 Q. Okay. But you think it's biblical that
18 someone should not engage in premarital sex? You
19 think that's a biblical thing?

20 A. It hasn't changed from the time I answered it
21 before.

22 Q. So your answer is yes?

23 A. No, I was raised that way by my mom and my
24 Catholic upbringing.

25 Q. Okay.

A. And, yes, I believe it's biblical.

MS. COLLINS: Okay. All right. Let's take a quick break.

MS. SANDERS: Okay.

THE VIDEOGRAPHER: Going off the record at 2:21 p.m.

(Recess observed from 2:21 p.m. to 2:33 p.m.)

THE VIDEOGRAPHER: We are back on the record at 2:33 p.m.

BY MS. COLLINS:

Q. Okay. All right, Mr. Lopez. We've had a nice, refreshing break.

Now, were you involved in any of the employment decisions concerning [REDACTED]?

A. No.

(The following pages, 133 through 170, are for attorneys' eyes only.)

///

(Start of confidential portion.)

BY MS. COLLINS:

Q. Okay. Did you know about the allegations his wife had made that he had engaged in extramarital affairs?

A. Yes.

Q. Why wasn't he terminated?

MS. SANDERS: Objection. I'm going to instruct this witness not to answer. He's not familiar with it; he just said he wasn't. He wasn't involved.

MS. COLLINS: Well, I think he said he was familiar with some of this stuff, and so he can testify as to what he knows about it.

MS. SANDERS: Well, we also have pending before the court a discovery dispute on [REDACTED] so I'm going to instruct him not to answer until that's resolved.

MS. COLLINS: Well, that's about [REDACTED] [REDACTED] personnel files. And I thought the last documentation I received from you is that you would produce [REDACTED] personnel file.

MS. SANDERS: We would, and we would produce a 30(b)(6) witness to testify as to [REDACTED] But we're not going to litigate [REDACTED] in this

case. And, also, he just testified he wasn't involved, so he's not the one to ask about [REDACTED]

And we don't want -- we don't want media sound bites being released that aren't accurate. It's a highly sensitive, embarrassing topic. And he just testified he wasn't involved.

BY MS. COLLINS:

Q. All right, Mr. Lopez. With respect to [REDACTED] do you know anything about the allegations that were made by his wife that he engaged in extramarital affairs?

A. Not firsthand knowledge.

Q. Okay. What hand knowledge do you have?

MS. SANDERS: Objection, calls for attorney-client privilege.

BY MS. COLLINS:

Q. What knowledge do you have about that?

A. From being the head of HR.

Q. Okay. Were you provided that information from Mr. [REDACTED] or as a member of the HRC?

A. Both.

Q. Okay. Was the HRC apprised of information about the allegations that Mr. [REDACTED] had engaged in extramarital affairs?

A. No. I was not.

Q. Okay. Do you find that unusual that you were not?

A. No, not really.

Q. Okay. Had you been a part of any of the emails that were sent to or from [REDACTED] about [REDACTED] extramarital affairs?

A. I was not.

MS. COLLINS: Okay. I'm going to mark the next document as Exhibit No. 13 -- well, maybe I'm not. I don't seem to have extra copies.

Okay. I will not because I don't have extra copies. I'm just going to ask you.

BY MS. COLLINS:

Q. Do you recall receiving a hotline call from [REDACTED], [REDACTED]'s father?

A. I do.

Q. Okay. What do you recall about that?

A. He made allegations about [REDACTED] having an affair and not being a good dad, and there may have been a few more things there.

Q. Okay. Did he specify what type of affair [REDACTED] was having?

MS. SANDERS: Objection. This goes back to the issue we were discussing earlier. This --

this is -- at best, the rest of this would proceed attorneys' eyes only.

BY MS. COLLINS:

Q. Can you answer the question?

MS. SANDERS: I'm instructing him not to answer unless we agree to that, on the attorneys' eyes only. This only serves to embarrass Mr. [REDACTED]

MS. COLLINS: Well, I think it's pretty much public knowledge that [REDACTED] had an affair.

MS. SANDERS: I don't know if it is or isn't, but that's not -- that's not my client's job, to testify under oath on a deposition about [REDACTED]

[REDACTED] We're not going to do that. I gave you the confines that we'd do that in, and we will, but not Mr. Lopez because he doesn't have knowledge.

MS. COLLINS: He just testified that he did.

MS. SANDERS: No, he doesn't have firsthand knowledge. He'll be speculating on a matter that's already embarrassing to Mr. [REDACTED] and sensitive.

MS. COLLINS: Well, I hate that it's embarrassing to him, but it was embarrassing to my client to get fired for getting pregnant.

MS. SANDERS: Well, we wouldn't disclose that.

MS. COLLINS: So that's where we are. And if you're going to -- and if a company is going to terminate employees on the basis of a righteous living policy that lets some employees get away with it and not others, then, you know, at best, it's a double standard. At worst, it's hypocritical.

So we have to be able to get into that and examine that, irrespective of whether it's [REDACTED] and irrespective as to whether or not it's embarrassing.

MS. SANDERS: You may get into that under the confines that I gave you, and it's not Mr. Lopez --

MS. COLLINS: Well, I disagree --

MS. SANDERS: -- because he doesn't have knowledge.

MS. COLLINS: -- with that. So I think we need to go off the record and get the Court on -- see if we can get the Court on the phone because I don't see that we have to come back and do this over again with the head of HR, who received a hotline complaint about this whole thing with [REDACTED]

MS. SANDERS: You can talk about the

hotline complaint if you designate it as attorneys' eyes only.

MS. COLLINS: I don't have to do that.

MS. SANDERS: Okay. Then we'll call the Court.

MS. COLLINS: Okay. All right. Yeah, let's go off the record.

THE VIDEOGRAPHER: Going off the record at 2:40 p.m.

(The following telephone exchange with Judge Frensley was taken off the video record:)

THE COURT: Hello, this is Judge Frensley.

MS. COLLINS: Good afternoon, Judge Frensley. This is Heather Collins and I'm here with Leslie Sanders. We're in the middle of a deposition with -- in this case that I mentioned, O'Connor versus The Lampo Group. And we have the head of HR, Armando Lopez here. And we have a bit of a disagreement as to some information and line of inquiry that I was going to go into about an employee we contend is similarly situated in the application of its policy, [REDACTED]

And I don't know if you recall, Mr. [REDACTED] was the subject of a motion to compel --

well, discovery motion that --

THE COURT: Hang on just a second, Ms. Collins. Do you have a court reporter on with us? Recording this?

MS. COLLINS: Yes, I do. I can tell her not to record or to record.

THE COURT: No, that's fine. She can go ahead and do it. That's fine. I just wanted to check. Thank you. Go ahead.

MS. COLLINS: Okay. And so the issue is that, number one, they've said that anything about [REDACTED] is embarrassing and not relevant. And number two, that the head of HR can't testify as to what happened with Mr. [REDACTED]. So it's our contention that he can and that it being embarrassing is beside the point and that, really, it's the application of their righteous living value, which supposedly prohibits premarital sex and how it's applied differently to men and women.

And so it's our position that we should be able to get into anything with respect to Mr. [REDACTED] and the righteous living policy with the HR director.

THE COURT: Okay. Ms. Sanders.

MS. SANDERS: Your Honor, yes. So we

had made a proposal about the information related to [REDACTED]. We've maintained through the entire case that [REDACTED] is not similarly situated because the decision related to [REDACTED] was not made by the Human Resources committee. Mr. Lopez testified that he does not have direct knowledge and that it did not come to the Human Resources committee.

The proposal we made prior to Mr. Lopez's deposition was an offer to provide a 30(b)(6) witness or witnesses to testify to the topics that she wanted to know about Mr. [REDACTED] also to make it attorneys' eyes only. And we would produce his personnel file.

So that's the proposal we made ahead of time, and that is -- we believe that's more than sufficient for Ms. Collins to determine if he's similarly situated, which is something the Court has not determined.

And, Your Honor, we would also move, not in this hearing, unless Your Honor requests, but we would move for a motion for a protective order because we believe this meets the standards of a protective order, particularly given the fact that it's a different body that made the decision with respect to Mr. [REDACTED] and it is being used to

embarrass Mr. [REDACTED] and to sensationalize something that's not related to this case.

THE COURT: All right. So, Ms. Sanders, do you say that Mr. Lopez doesn't -- like, if he was asked about anything about Mr. [REDACTED] situation, all he could say is, "I don't know anything about that, that didn't come here and I didn't have anything to do with that decision-making process"?

Is that what you're telling me his testimony would be?

MS. SANDERS: Yes, Your Honor. He has already testified he didn't have anything to do with the decision and that the information he has received would be, like, thirdhand -- it would be secondhand. He wasn't involved in the decision-making process.

THE COURT: Okay. And, Ms. Collins, you want to ask him those questions, but you want to ask him about what did he hear? That's basically what you want to ask him?

MS. COLLINS: Yes, Your Honor, and the other part of that is, he does have firsthand knowledge. And we have an affidavit from the father-in-law of [REDACTED] who testified that he called in to Ramsey's hotline and disclosed to

Ramsey's hotline that [REDACTED] had had an affair, he'd had several affairs on his wife, that he was not faithful to his wife. And then in response to that hotline call, this witness, Mr. Lopez, called him back, and so he does have firsthand knowledge as to what's going on with [REDACTED].

Now, whether or not he was involved in any specific decision as to what subsequently did or didn't happen to [REDACTED] is a different matter, but if he was allowed to stay on in any capacity with the knowledge that he had engaged in an extramarital affair, which is, you know, really the heart of the issue in this case, having sex outside of marriage, then, you know, we need to know that and we need to be able to explore that.

We do intend to take a 30(b)(6) deposition. It's become clear that that's going to be necessary.

But, you know, I don't see any reason why the head of HR can't talk about his knowledge, and I don't think that whether it's firsthand or secondhand or thirdhand knowledge necessarily precludes us from asking him.

THE COURT: Okay. Yeah, Ms. Sanders, go ahead. And can you answer one question for me? Is

Mr. Lopez a part of that HR committee?

MS. SANDERS: He is. He's a member of the HR committee, yes.

THE COURT: Okay. Thank you. Go ahead and say what you wanted to now. I just wanted to understand that.

MS. SANDERS: Sure. Yes, Your Honor. So as far as the hotline complaint goes -- first of all, our position has been that [REDACTED] should be excluded. And we've not heard that before the Court. That's been our position in the entire discovery process, so this isn't new.

Second of all, as far as the hotline goes, I offered for Ms. O'Connor -- I'm sorry -- for Ms. Collins to depose and ask Mr. Lopez questions on that and attorneys' eyes only designation, because we will file for any testimony about [REDACTED] to be excluded, not just from the trial, but from the discovery process.

So because he's here today, I offered her to ask, she could ask about the hotline as attorneys' eyes only. Because my concern is if her client gets that information, she will discuss that with the media because she's done that already in this case multiple times.

THE COURT: She's given interviews or talked to the media were it's been broadcast doing it or something like that?

MS. SANDERS: Not specifically about [REDACTED] that I know of. She may have. I don't know that.

THE COURT: But generally about the case --

MS. SANDERS: Yes.

THE COURT: Okay. All right.

MS. COLLINS: She's had one interview, Your Honor.

THE COURT: Okay. All right.

Well, let's do this: You know, obviously this issue about Mr. [REDACTED] and whether or not he's similarly situated is going to be something that's going to need to get decided. But I think for purposes of discovery, you know, we need to not lose this opportunity if we've got Mr. Lopez here to go ahead and take the deposition, you know, ask whatever questions you want to ask related to Mr. [REDACTED] in that situation.

You can ask him about his role in the HR committee and why -- or whether this was brought to him and if not, why not, things like that. You can

ask him about his personal knowledge about anything related to the [REDACTED] situation. You can ask him his hearsay knowledge about whatever he heard or understood or was told by anybody else.

But I think, given the, you know, the context and Ms. Sanders' position on this, you know, its admissibility is maybe for another day, obviously, and I think that it's appropriate to go ahead and do it in the context of a protective order.

Let's put this under seal, and I think for now I'm okay with let's do it attorneys' eyes only. I don't know if your client's there or not, Ms. Collins, but if she is, you can have her step out for that portion of the questions that relate to Mr. [REDACTED] and his situation, and then obviously we can take that up later, depending on what you decide.

I think that it's kind of like fair ball versus a foul ball. If we call it -- you know, call it fair or call it foul, we can't fix that, but if we call it fair we can fix it if we need to later.

So let's go ahead and let you take the deposition, let's do it attorneys' eyes only. And then you-all can either talk about what sort of

1 agreement you can make with respect to what to do
2 with it for discovery purposes. Or if you can't
3 reach an agreement and, you know, you need to look
4 at something else, Ms. Collins, then you can raise
5 the issue then.

6 And, of course, ultimately, when you get
7 to summary judgment and beyond, the issue of
8 admissibility and sealing is going to be a whole
9 other, you know, issue to get resolved by the
10 district court in the matter.

11 So I think for now, our most prudent
12 approach here is let's go ahead and let you ask what
13 you want, Ms. Collins. Let's put it under seal and
14 attorneys' eyes only. That leaves the door open for
15 us to fix whatever we need to later on down the
16 road, if that's what we need to do.

17 MS. COLLINS: Okay.

18 MS. SANDERS: Thank you.

19 THE COURT: Anything else we need to
20 talk about while I've got you on the phone in regard
21 to this deposition?

22 MS. COLLINS: Not about this deposition.
23 I feel like we sent you an email. Did we send you
24 an email --

25 THE COURT: Yeah, I'm trying to find a

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1 time to fit you guys in. I'm going to get you on a
2 call and set a hearing on the other matters you need
3 to deal with. Certainly we'd like you-all to
4 continue talking about those things and, you know,
5 see if there's any common ground you can find so we
6 can narrow the issues as much as possible. But
7 we'll get something set up to deal with the other
8 matters.

9 I've got a pretty full plate right now.
10 We're trying to find a time to work you in for that.
11 But we'll get you set. But you did -- a long answer
12 to your question, which is, yes, you did send me
13 something about us getting together.

14 MS. COLLINS: Okay. I appreciate that,
15 Your Honor. I know it's been a busy summer for
16 everybody.

17 THE COURT: I understand. Exactly all
18 right. Thank you.

19 I guess that's clear, Ms. Sanders?

20 MS. SANDERS: Yes.

21 THE COURT: Anything else you want to
22 say?

23 MS. SANDERS: No, thank you, Your Honor.
24 Appreciate it.

25 THE COURT: Very good. Well, thank you

all. Appreciate talking to you. Thanks for calling me. If you need anything else, let me know.

MS. SANDERS: Thank you.

MS. COLLINS: Thanks so much.

(End of telephone call with Judge Frensley and return to the video record.)

THE VIDEOGRAPHER: We are back on the record at 2:55 p.m.

BY MS. COLLINS:

Q. Okay. Now, Mr. Lopez, before the break I was asking you about the hotline call that Mr. [REDACTED] made to Ramsey. And you listened to that call?

A. I did.

MS. SANDERS: Just to be clear for the record, I think it's on the record, but this portion of the deposition is under seal.

THE REPORTER: Okay.

BY MS. COLLINS:

Q. And remind me again what your recollection of that call was.

A. So my recollection was that [REDACTED] father-in-law was making accusations against him of having affair, of not treating his wife right, and of not treating the family, the boys, right, his sons.

Q. Okay. And what did you do in response to listening to that hotline call?

A. I picked up the phone and called him back.

Q. Okay. Was anyone with you?

A. No, it was just me. And to be clear, Ms. Collins, we've received probably eight of these calls. In my career I've received a lot of these calls where someone is making an accusation against a team member that may or may not be true.

Q. Okay. Do you save the calls? Are they on any sort of system?

A. I don't know the answer to that. I don't think our voice mail holds for this long.

Q. Okay. You don't know if they're archived or anything like that?

A. I don't.

Q. Okay.

A. I don't think they are, though.

Q. Okay. So you called him back. Did you recall calling him back with [REDACTED]?

A. No, I was by myself.

Q. Okay. And what did you talk with Mr. [REDACTED] about?

A. I asked him questions about what he had said. I took notes about what he had said. I asked him if

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1 he had any proof of what the allegations that he was
2 making.

3 I then, as I wound the call down, which I
4 think was maybe -- in my mind it may have been 15
5 or 20 minutes long. He did the bulk of the
6 talking. As I wound it down, I asked him what he
7 wanted to see, what his desired outcome would be.

8 And then I informed him that my job as the
9 head of HR is to investigate, but it is also to
10 protect our team members. And I informed him that
11 I was -- "I don't know who's on the other end of
12 this call. You are telling me who you are, but I
13 don't know if that's who you really are. And so
14 I'm not discrediting you, but I'm also not
15 crediting you. So if you can produce any kind of
16 evidence to support the allegations you have made,
17 I'd like to give you my mailing address. You've
18 got my telephone number. Let me give you my cell
19 phone number."

20 Q. Okay. Did he contact Ramsey solutions again,
21 to your knowledge?

22 A. He did not contact me again.

23 Q. But did he contact Ramsey Solutions again?

24 A. I don't know that for a fact. I've heard
25 that he did, but I don't know that.

Q. Who did you hear that from?

A. So at this point there's been so much around [REDACTED] that I don't know if I can pinpoint the person I heard it from. But I know that I've heard that he contacted several people in leadership.

Q. Okay. Who are some of the people in leadership that you spoke to about [REDACTED]

A. [REDACTED], because that's [REDACTED]'s direct leader; [REDACTED], because that was my direct leader; [REDACTED], because he is the head of the HRC; [REDACTED] and [REDACTED] as part of HRC.

And I believe that's it for direct conversation, not hearsay, not things I heard in the hallway.

Q. So [REDACTED], [REDACTED], [REDACTED], [REDACTED]?

A. And [REDACTED].

Q. [REDACTED]. Anyone else?

A. I think those are all the people that I had an actual conversation with, where it wasn't just hearsay where someone's saying something, but I'm not really having a conversation with them.

Q. Did you have any conversations with [REDACTED] [REDACTED] about [REDACTED]

A. I did not.

Q. Okay. What did you discuss with Jack Galloway?

A. So a lot. I don't know that I recall specifics. I know that I discussed with [REDACTED] [REDACTED] and [REDACTED] specifically the phone call with -- did you call him Mr. Kaufman? I can't remember his name, his last name, the father-in-law.

Q. [REDACTED].

A. [REDACTED].

Q. Uh-huh.

A. I remember having a conversation with Mr. [REDACTED] and Mr. [REDACTED] specifically about that phone call, and Mr. [REDACTED].

Q. Okay. Anything else you can recall discussing with [REDACTED]?

A. No. [REDACTED] said they were aware. Again, this is all two-and-a-half years ago, so -- one of them, I don't know if it was [REDACTED] or one of them, said they were aware of this and they were looking into it.

Q. Okay. Why were you not part of conversations about [REDACTED]?

A. It didn't come through HR committee. And when I brought it to operating board members, they were aware of it and were handling it.

Q. Okay. Did you take any notes of any conversations you had with [REDACTED]?

A. No.

Q. All right. What about [REDACTED]? What did you discuss with him?

A. The conversation with Mr. [REDACTED].

Q. Anything else?

A. As it pertains to this matter, no.

Q. Okay. And if Mr. [REDACTED] recalled [REDACTED] [REDACTED] being on the phone with you, would you dispute that?

A. I would. He would be mistaken.

Q. Did you take any notes from your conversation with Mr. [REDACTED]?

A. I did.

Q. What did you do with those notes?

A. I gave them to [REDACTED] or [REDACTED] or one of them in the form of the scratch pad that I had written them on.

Q. Okay. Did you keep a copy?

A. I did not.

Q. Okay. When you receive a hotline call, how are you notified of that?

A. We don't have a hotline. That call came in through the front desk and then routed to my

extension.

Q. Okay.

A. If I had been at my desk it would have rang and I would have answered it. I was not at my desk and he left a voice mail.

Q. Okay. And you don't know if that voice mail still exists?

A. I don't believe it does. I don't think the system holds them that long.

Q. When you get a voice mail, does it send you an email and you know you have a voice mail?

A. The new system does. We had a different system, and no.

Q. Okay. So at that time you'd just see a little red light blinking on your phone?

A. Kind of. A little more sophisticated than that, but yes. It's an actual digital screen that says you have two voice mails, or whatever it is.

Q. Okay. Anything else that you discussed with [REDACTED] that we didn't already talk about?

A. Related to [REDACTED] no. We talked about hunting and fishing and that kind of stuff, but I'm guessing that's not what you want to know.

Q. What about [REDACTED]?

A. Related to [REDACTED]

Q. Yes.

A. No.

Q. "No," what?

A. No, I did not discuss anything beyond the phone call with Mr. [REDACTED].

Q. Okay.

A. If I recall correctly, I spoke to Mr. [REDACTED] first because I directly reported to him. And so I would have called him. And then I spoke to Mr. [REDACTED], probably the same day if not within minutes of hanging up with Mr. [REDACTED].

Q. Okay. Were your conversations with [REDACTED] and [REDACTED], were they in person or were they on the phone?

A. With Mr. [REDACTED] it would have been on the phone. With Mr. [REDACTED] it would have been in person.

Q. Was anyone else around when you had that in-person conversation?

A. Not to my knowledge, not that I can recall.

Q. Okay. Was anyone else around when you had the telephone conversations with either [REDACTED] or [REDACTED]?

A. No. The conversation with Mr. [REDACTED] was in my car on my drive home.

Q. Okay. And Ms. Simms, what did you discuss with Ms. Simms about [REDACTED]

A. That Mr. [REDACTED] had reached out and called me and the allegations he had made.

Q. Okay. And you think you gave your notes to [REDACTED] or [REDACTED]?

A. I actually -- it's [REDACTED] or [REDACTED].

Q. Okay.

A. I don't think it's [REDACTED].

Q. Okay. All right. Any other conversations with Ms. Simms about [REDACTED]

A. No.

Q. What about Ms. [REDACTED]? Any conversations with her about [REDACTED]

A. I don't think I had any conversations with her about Mr. [REDACTED]. At this point, I don't remember having any conversations with her about that.

Q. Did you have any conversations with her about [REDACTED]

A. Yeah, probably most recently when the decision was made to terminate him.

Q. Okay. Did you agree with the decision to terminate him?

A. I wasn't asked if I agreed or disagreed. Are

you asking me now do I agree with it? At the time I was not asked.

Q. I was just asking you if you agreed with that.

A. I wasn't asked then if I agreed with it.

Q. Okay. So when Mr. [REDACTED] initially contacted you about [REDACTED] having extramarital affairs, did you have any understanding as to what that meant when he said he had been having extramarital affairs?

A. Can you clarify that? Did I understand that it meant what it meant?

Q. Yeah. Was it a violation of the policy? Did you have an understanding as to whether or not it involved intercourse?

A. I did not.

Q. Okay. Did you ask him?

A. I did. I asked him for proof. I asked him for -- "Do you have something to collaborate what you're saying?"

Q. What kind of proof would he have had?

A. He said there may be pictures, text messages, phone calls, et cetera, and I said, "Sure."

At this point it's just his word, no different than me saying something about you that

may or may not be true.

Q. Okay. Do you recall having any HRC meetings to discuss [REDACTED] possible violations of policy?

A. No, I don't recall having a conversation in HRC about it.

Q. For the HRC meetings, do you-all typically send out an agenda?

A. Yes.

Q. Okay. Are those agendas preserved?

A. I believe so. I believe we've submitted some of them to you maybe.

MS. COLLINS: Okay. I'm going to mark this document as Exhibit No. 13.

(WHEREUPON, the above-mentioned document was marked as Exhibit Number 13.)

THE WITNESS: Thanks, Terri.

THE REPORTER: You're welcome.

BY MS. COLLINS:

Q. Okay, Mr. Lopez, I've handed you a document we've marked as Exhibit No. 13. And it was sent from Jack Galloway to the HRC committee.

Would you have been on this email in May of 2020?

A. Yes, I would have been.

Q. Okay. Do you recall receiving this email saying, "FYI, I'm changing the agenda to give us more time to talk about the [REDACTED] thing and move it up on the agenda"?

A. I actually do not remember that.

Q. Okay. Do you recall being in an HRC meeting on May 19, 2020, where Mr. [REDACTED] was discussed?

A. I don't necessarily remember, but, yes, I should have been there, on a typical HRC meeting.

Q. It looks like, based on the original email, that there were five guests to the HRC -- on the HRC agenda, Michael Reddish, Michael Finney, Mia Higgins, John Markie and Alex Sheppard.

Why would you-all have guests at an HRC committee meeting?

A. There are all different reasons, but if we say Michael Reddish, and we flip to the back, you can see that Michael Reddish is going to give us an update on team member events. He runs the bingo night and happy hour and whatever. So he would have been presenting that, the plan for the rest of the year, the budget, et cetera.

Mia Higgins is on there for RSA growth track, so we were working on that growth track. She would have been reporting on that.

Michael Finney was there to discuss a team member issue. We typically would not have the name, and so it doesn't have the name, and I don't recall who that was off the top of my head.

John Markie and Alex Sheppard were in there to discuss [REDACTED] so we did put the name on that one.

And then it looks like [REDACTED] had time -- she's not listed as a guest because she's a member -- but she would have been discussing a team member, [REDACTED]

Q. Do you remember what the deal was with [REDACTED]

A. If I'm not mistaken, I think [REDACTED] was someone who wanted to live with his girlfriend. We were supposed to discuss him that day. He resigned while we were still in HRC committee. I think that's who [REDACTED] was.

Q. Okay. Who's [REDACTED]

A. She's not with us anymore, but she reported to [REDACTED], so she was in marketing or a marketer of some sort. She was having attendance issues. And so [REDACTED] was bringing awareness to it.

Q. Okay. And with respect to [REDACTED] do you recall any of the discussion about the [REDACTED] thing

at that meeting?

A. I don't remember us talking about [REDACTED] in HRC. I know Jack's stating in this email that he's moving it up. I don't remember talking about [REDACTED] in HRC committee.

Q. Did you typically take any kind of notes in HRC?

A. I do not.

Q. Or minutes or anything -- did anyone take notes during HRC?

A. Yes.

Q. Who?

A. Jack is the chair, and so he typically took some kind of notes and sent them onward to whoever needed them. I guess it goes to an executive committee or operating board or one of those groups.

Q. Okay. Who's on the executive committee?

A. That's a great question. Without looking at a roster, I don't know that I can answer it completely, but I can try.

Q. Okay.

A. So that would be the Ramsey family, so Rachel, Denise, Daniel, Dave; a few board members, but not all of the board members. So I believe it's Suzanne, [REDACTED], Mark, I think Finney, Brian Williams,

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1 Herb Jenkins, and I think there's eight or nine so I
2 think I'm missing a few.

3 Q. Okay. And the operating board?

4 A. That's the rest of the board members, so
5 everybody else. So Luke LeFevre, Jim King, Daniel
6 Tardy, plus the group that I gave you already.

7 Q. Okay. And when Jack sends out the minutes or
8 the notes from the HRC committee, does he cc
9 everybody on the -- or does he send it to the HRC
10 committee, group email typically?

11 A. He copies us, then it goes to, again, either
12 the operating board or executive committee -- I
13 can't remember which one he actually addresses it
14 to -- and then copies HRC typically.

15 Q. Is it, like, a Word document or is it just in
16 an email?

17 A. I think it's just in the body of the email.
18 I don't think it's an attachment. I actually have a
19 rule set up in my Outlook, so I don't look at those
20 when they come back through.

21 Q. They go into a separate little subfolder?

22 A. Yeah.

23 Q. Okay. Do they get deleted after a certain
24 time period?

25 A. Yeah, but I don't know what that is. And

that's just for everybody to save server space.

Q. Okay. Do you know if they get archived or is that more of a techy question?

A. It's more of a techy question, but I do know they get archived. I know you can retrieve them if you needed to, up to a certain point.

Q. So any time the HRC committee meets, the chair usually sends out notes from the meeting what was discussed --

A. Uh-huh.

Q. -- to the HRC committee meetings, and the operating board or the executive committee, one --

A. Correct.

Q. -- one of those two, what's going on?

A. Yes.

Q. Okay. Got it.

And do you know if there were allegations or if Ramsey knew whether or not [REDACTED] had engaged in an extramarital affair that involved intercourse while he was employed by Ramsey Solutions?

A. No firsthand knowledge, but I -- I believe that that was not -- they did not have that knowledge at the time that the incident happened.

Q. Did it come to light at a certain point in

time, based on what you were told, whether it was firsthand or secondhand?

A. Yes.

Q. Okay.

A. Recently.

Q. How did that come about?

A. My understanding is someone came forward and said, "I had an affair with [REDACTED] that involved intercourse."

Q. Okay. Do you know how -- well, do you know who the person was?

A. I do.

Q. Who was it?

A. I'd rather not say that.

Q. Well, it's under seal, so -- and you're under oath.

MS. SANDERS: It's under seal, attorneys' eyes only, so Caitlin O'Connor is not going to see this.

THE WITNESS: Okay. [REDACTED]

BY MS. COLLINS:

Q. Okay. Was she an employee of Ramsey Solutions?

A. Yes, she was.

Q. Did she also get terminated?

A. She did not get terminated, but she would have been. She resigned -- well, I don't know if she would have been. She just resigned. When she said, "Here's what's going on," she resigned.

Q. Okay. Did she provide any information about any prior affairs that she had been made aware of that [REDACTED] engaged in?

A. No, not to my knowledge, but I wasn't there.

Q. Okay. And when did she come forward about this affair?

A. Very recently, but I don't have the date.

Q. What department was [REDACTED] in or was she in?

A. [REDACTED]

Q. Did she sign a nondisclosure agreement?

A. She did.

Q. Okay. Was she paid a severance?

A. She was.

Q. Do you know how much it was?

A. I don't off the top of my head.

Q. Was it more or less than a year's salary?

A. I don't recall. I don't want to speculate.

Q. Okay. Was it a recent affair or was it an affair that had happened in the past?

A. So, again, I wasn't there. Here's what I

heard: The accusation that Mr. [REDACTED] had made, actually, was one of the people that he claimed was her. She was brought in and spoken to about that and denied it, as did [REDACTED].

My understanding is the affair was from that date, from that time period.

Q. Okay.

A. But she just came forward now to say it.

Q. Did Mr. [REDACTED] provide you any other specific names other than [REDACTED]

A. No, and he wasn't even certain of her name. He mentioned different people and kind of what they did, and people that had traveled together, et cetera. I happened to know who was on that book tour, so that's how -- he said if I heard it, I'd know it.

So I said, "Well, was it" -- and I just started making up different names, first names. And one of the names mixed into my list was [REDACTED]. And he said, "Yeah, it's [REDACTED], [REDACTED] something or other."

And I said, "Okay." I didn't give him a last name or -- I just -- he mentioned that name.

Q. Okay. But other than [REDACTED], he didn't recognize any other names?

A. No. And, again, I gave him just a laundry list of names.

Q. Okay. At any point in time did you talk to [REDACTED]?

A. I've spoken to her before.
Can you be more specific?

Q. Sure. Did you speak with her about concerns she had that her husband had been cheating on her and was not faithful to her?

A. No.

Q. Did you know that [REDACTED] and [REDACTED]'s church leaders have confirmed that [REDACTED] had told them that he had had sexual affairs with other women?

A. When you say "Did you know," I'm going to -- at the time that it was discovered, the answer is no. Do I know now? The answer is yes.

Q. Okay. So let me understand that a little bit better. When I asked you about the church leaders, were you just not made a part of those meetings with the church leaders?

A. That's correct. I was not involved in that at all, nor did I even know that it was happening.

Q. Did you find that odd that you weren't involved in those meetings?

A. No.

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1 Q. Would it be fair to say you were excluded
2 from those meetings?

3 A. I didn't view it that way, but, yes, it would
4 be fair to say.

5 Q. And you don't know why you were excluded from
6 those meetings?

7 A. My guess is I'm not a board member and that
8 was just board members in that meeting.

9 Q. Are board members also charged with enforcing
10 Ramsey policy?

11 A. I think -- I think everyone kind of enforces
12 policy, right? Like, our team members are empowered
13 to call out gossip and tell the other person not to
14 engage in it.

15 But from a termination perspective, a board
16 member could, I guess, terminate someone.
17 Typically it goes either through the operating
18 board or through HR committee.

19 Q. Do you know if board members are trained on
20 Title VII policies and procedures or the ins and
21 outs of Title VII, rather?

22 A. I don't know that.

23 Q. Okay. Did you find that unusual that you
24 were excluded from those meetings?

25 MS. SANDERS: Objection.

You can answer.

THE WITNESS: No.

BY MS. COLLINS:

Q. If there was information brought out in a board meeting that confirmed over a year ago that [REDACTED] had admitted to having sexual affairs during the course of his marriage, should he have been terminated at that time?

MS. SANDERS: Object to the form.

You can answer.

THE WITNESS: Yes.

BY MS. COLLINS:

Q. Okay. Did you know that his wife accused him of having at least four extramarital affairs?

A. I did not know the number, but I knew that she accused him of having affairs.

Q. Did you have any conversations with Mrs. [REDACTED] about [REDACTED] affairs?

A. No.

Q. What is -- well, strike that.

If Ramsey Solutions' board members knew [REDACTED] had had multiple affairs that involved intercourse over a year ago, would that have been a violation of the righteous living policy?

MS. SANDERS: Object to the form.

1 You can answer.

2 THE WITNESS: So you used "if." And,
3 yes, if they had that knowledge, then, yes, it would
4 have been a violation.

5 (End of confidential portion.)

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1 (Continuation of regular,
2 non-confidential testimony:)

3 BY MS. COLLINS:

4 Q. Okay. Do you recall if Caitlin O'Connor was
5 told that her -- after she informed the company that
6 she was pregnant out of wedlock, do you recall if
7 she was told that her values did not align with the
8 company's values?

9 A. I believe that's what's in that recording.

10 Q. Okay. Would that have been the company's
11 Judeo-Christian values?

12 A. That would have been the sex, premarital sex,
13 sex out of marriage.

14 Q. That's based on Judeo-Christian values?

15 A. That you've attested to that, yes. It's a
16 loose --

17 Q. Well, I'm asking you. Is the righteous
18 living value based on a Judeo-Christian value?

19 A. I think we've answered this before. I've
20 answered it before, but, yes, it does have a
21 correlation to biblical principle.

22 Q. And I understand that there have been several
23 men that have been disciplined for looking at
24 pornography at work, right?

25 A. Correct.

Confidential

1 Q. Do you know about those?

2 A. Yes.

3 Q. Okay. And have they typically gone to some
4 sort of -- been given a second chance to go
5 through -- whether it's Celebrate Recovery or other
6 addiction services to help them with that problem?

7 A. Some have, yes.

8 Q. Okay. Have all of the people the company has
9 caught looking at porn, have they all been men?

10 A. Yes.

11 Q. Okay. And is it fair to say that most of
12 them have been given second chances, as long as they
13 go through the steps to recover from that or address
14 that problem?

15 A. Yes, I think that's probably a safe...

16 Q. Okay. Do you know if women who have admitted
17 to having sex outside of marriage have been given a
18 second chance?

19 A. While employed at Ramsey?

20 Q. Yes.

21 A. I don't believe that's happened.

22 Q. Okay. And Caitlin O'Connor never said she
23 had sex outside of marriage; she only said that she
24 was pregnant and disclosed who the father was,
25 right? She didn't specifically say that she had sex

outside of marriage, did she?

MS. SANDERS: Object to the form.

You can answer.

THE WITNESS: I wasn't there when [REDACTED] and Suzanne spoke to her.

BY MS. COLLINS:

Q. Okay.

A. To me she did not.

Q. Okay. If she would have been raped, would she have been fired?

MS. SANDERS: Object to the form.

THE WITNESS: That has never happened before. I don't -- I don't believe so, but that's my own personal thought and opinion. I would go stronger than "believe," so I would think the answer would be no.

BY MS. COLLINS:

Q. Okay. And is it fair to say that men can hide premarital sex easier than a woman can if she gets pregnant?

A. If she gets pregnant? Yeah, that would be safe to say.

Q. Okay. And earlier you were discussing about the gradient nature of the righteous living core value, but that that core value is enforced, for

Confidential

1 lack of a better term, by the HRC, right?

2 A. Uh-huh.

3 Q. If the HRC changes members, does that
4 gradient sort of enforcement change?

5 A. It's informed by -- certainly new members
6 might bring a different perspective, and the
7 collective decision might be different. However,
8 we've never changed -- to my knowledge, we've never
9 changed all the members at one time. So we might
10 drop one and pick one up, but the core of the group
11 we try to maintain the same core for consistency.

12 Q. Okay. Got it.

13 An employee has a right to request FMLA,
14 right?

15 A. Correct.

16 Q. And they have a right to notify you if
17 they're pregnant and request information about
18 maternity leave, right?

19 A. Correct.

20 Q. Okay. And Title VII applies to Ramsey
21 Solutions, doesn't it?

22 A. Correct.

23 MS. SANDERS: Object to that form.

24 That's fine.

25 ///

BY MS. COLLINS:

Q. And as Ramsey Solutions' HR director, you're not saying that it's a religious institution, are you?

A. I'm not.

Q. And Ramsey Solutions doesn't associate with a specific church or denomination, does it?

A. No, not to my knowledge.

Q. Did you rely on the email that Caitlin O'Connor sent you on June 18 when she first notified you that she was pregnant in the decision to terminate her?

A. We did rely on that, in addition to her conversation with Ms. Simms and [REDACTED].

Q. And prior to Caitlin O'Connor sending that email she was not being considered for termination, was she?

A. Not to my knowledge.

Q. Okay. And as HR director, you understand that treating employees differently in the terms or conditions of their employment is illegal discrimination if pregnancy were to play a part in that, right?

MS. SANDERS: Object to the form.

You can answer.

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1 THE WITNESS: If your question is, is it
2 illegal to treat a pregnant person different than a
3 non-pregnant person, yes, I understand that.

4 BY MS. COLLINS:

5 Q. Okay. And pregnancy discrimination is
6 illegal, right?

7 MS. SANDERS: Object to the form.

8 THE WITNESS: That's correct.

9 BY MS. COLLINS:

10 Q. And so is discrimination on the basis of
11 someone's religious beliefs; that's illegal, right?

12 MS. SANDERS: Object to the form.

13 THE WITNESS: Can you repeat the
14 question? Sorry, I didn't catch that.

15 BY MS. COLLINS:

16 Q. Sure. Discrimination on the basis of a
17 person's religious beliefs is illegal as well,
18 right?

19 MS. SANDERS: Object to that form.

20 You can answer.

21 THE WITNESS: Yes.

22 BY MS. COLLINS:

23 Q. And retaliating against an employee for
24 requesting FMLA is illegal too, right?

25 A. Retaliation, yes, would be illegal.

Q. Does Ramsey Solutions have any kind of zero tolerance policy with respect to discrimination in the workplace?

A. I don't know that we have anything we call "zero tolerance" written down that says it's a zero tolerance policy.

Q. Okay. All right.

MS. COLLINS: Let's go off the record.

MS. SANDERS: Sure.

THE VIDEOGRAPHER: Going off the record at 3:39 p.m.

(Recess observed from 3:39 p.m. to 4:01 p.m.)

THE VIDEOGRAPHER: We are back on the record at 4:01 p.m.

BY MS. COLLINS:

Q. Mr. Lopez, are you aware of any other employment decisions that did not go through the HRC like the [REDACTED] decision?

A. Yes. We became aware of one through this case, [REDACTED] [phonetic].

Q. Is [REDACTED] a man or a woman?

A. It's a woman.

Q. Okay. And she did not go through the HRC?

A. Correct.

Q. Okay. Why not?

A. I don't know.

Q. Okay. What was the situation with [REDACTED]?

A. [REDACTED] was on the list. She is someone that became pregnant out of wedlock.

Q. Okay. And you don't know why it wasn't handled by HRC?

A. No.

Q. Okay. Who -- who handled it?

A. Operations committee.

Q. Okay. Was she offered a severance?

A. She was.

Q. Okay. But you didn't deal with that at all?

A. I dealt with the severance part, not the decision part.

Q. Okay. Do you know how they came to find out that she was pregnant?

A. She told her leader. I was -- I'm not -- it's not factual, but I believe that's exactly how it happened.

Q. Okay.

A. She told her leader.

Q. Who was her leader at that time?

A. [REDACTED]

Q. Okay. Are there any others that you can

think of that were not handled through the HRC process?

A. Not in my time there.

Q. Okay. And do you have any understanding as to why ██████'s was not handled in the HRC?

A. I don't. I have speculation on my part, but, no, I don't know.

Q. Okay. What is your speculation why it was not handled by the HRC?

A. I think she was the first one that had sex out of marriage and was pregnant as a reason for it.

Q. What do you mean by that, she was the first one that had sex out of marriage?

A. She was the first single person who was being terminated for having sex out of wedlock and told us she was pregnant at the same time.

Q. Okay. So like Caitlin's case, pregnancy was part of the equation?

MS. SANDERS: Object to the form.

THE WITNESS: So, yes, pregnancy was a part of the equation.

MS. COLLINS: All right. That's all I have.

MS. SANDERS: And just for the record, we have portions of this deposition under seal, as

1 we discussed earlier, you'll pull that out of the
2 video and you'll put that under seal as attorneys'
3 eyes only, and the entire deposition for now is
4 designated as confidential. Thank you. Nothing
5 further from us.

6 THE VIDEOGRAPHER: Okay. The time is
7 4:05 p.m. We are going off the record. This will
8 conclude today's deposition.

9 (Proceedings adjourned at 4:05 p.m.)

10 FURTHER DEPONENT SAITH NOT.

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REPORTER'S CERTIFICATE

I certify that the witness in the foregoing deposition, ARMANDO LOPEZ, was by me duly sworn to testify in the within entitled cause; that the said deposition was taken at the time and place therein named; that the testimony of said witness was reported by me, a Shorthand Reporter and Notary Public of the State of Tennessee authorized to administer oaths and affirmations, and said testimony, pages 1 through 180, was thereafter transcribed to typewriting.

I further certify that I am not of counsel or attorney for either or any of the parties to said deposition, nor in any way interested in the outcome of the cause named in said deposition.

IN WITNESS WHEREOF, I have hereunto set my hand on July 14, 2021.



A handwritten signature in blue ink that reads "Terri Beckham". The signature is fluid and cursive.

Terri Beckham, RPR, RMR, CRR, LCR No. 355
My commission expires: 3/6/2022

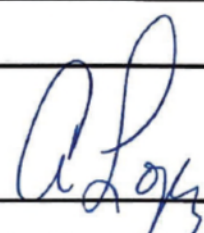
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E R R A T A

I, ARMANDO LOPEZ, having read the foregoing deposition, pages 1 through 180, taken June 29, 2021, do hereby certify said testimony is a true and accurate transcript, with the following corrections, if any:

PAGE	LINE	SHOULD HAVE BEEN
33	9	"it's" replaces "its"
34	1	applicant tracking systems (remove "and")
38	6	spousal interview replaces "spouse"
89	1	"recorded" replaces "recordings"
98	21	"IVF" replaces "IVR"
102	9	"IVF" replaces "AVR"
161	23	"Board" replaces "bored"



ARMANDO LOPEZ

Sarah Cranston

June 21, 2023

Notary Public

My commission expires:



