

CAITLIN O'CONNOR

vs.

LAMPO GROUP

SUZANNE SIMMS

September 10, 2021



Deborah H. Honeycutt, LCR

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

4 CAITLIN O'CONNOR,

5 Plaintiff,

 No.: 3:20-cv-00628

6 vs.

 JUDGE RICHARDSON

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

 MAGISTRATE JUDGE
 FRENSLEY

9 Defendant.

 JURY DEMAND

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13 Videoconference Deposition of:

14 SUZANNE SIMMS

15 Taken on behalf of the Plaintiff
16 September 10, 2021

17 Commencing at 10:01 a.m.

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A P P E A R A N C E S

For the Plaintiff:

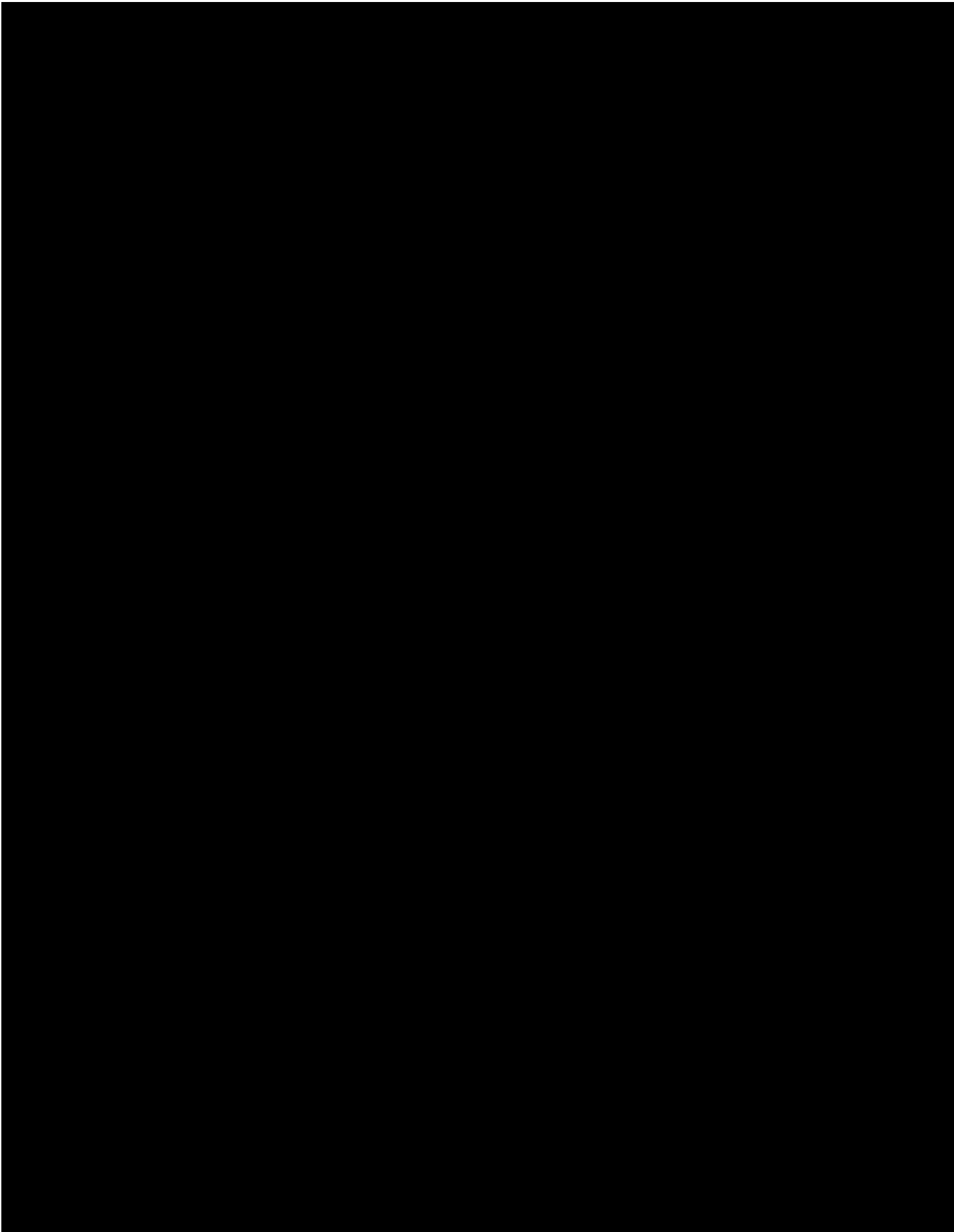
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Also present:

MR. DANIEL CORTEZ, Attorney at Law
MR. ARMANDO LOPEZ



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

The videoconference deposition of SUZANNE SIMMS was taken by counsel for the plaintiff, by agreement, with all participants appearing at their respective locations, on September 10, 2021, for all purposes under the Tennessee Rules of Civil Procedure.

All objections, except as to the form of the question, are reserved to the hearing, and 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 Deborah H. Honeycutt, Notary Public and Licensed Court Reporter for the State of Tennessee, may swear the witness remotely, and that the reading and signing of the completed deposition by the witness is not waived.

1 * * *

2
3 THE REPORTER: Good morning. My name is
4 Deborah Honeycutt. I am a stenographic reporter
5 with Elite-Brentwood Reporting Services. My license
6 number is 472. Today's date is September 10, 2021,
7 and the time is approximately 10:01 a.m. Central
8 time.

9 This is the deposition of Suzanne Simms
10 in the matter of Caitlin O'Connor vs. The Lampo
11 Group, LLC, filed in the United States District
12 Court for the Middle District of Tennessee at
13 Nashville. The Case Number is 3:20-cv-00628.

14 This deposition is being taken by
15 videoconference, and the oath will be administered
16 remotely by me. Any digital exhibits marked during
17 this deposition will be deemed as "original" for
18 purposes of said deposition, with the actual
19 original document retained by counsel introducing
20 the exhibit for purposes possibly needed for
21 in-court hearing.

22 At this time, I'll ask counsel to
23 identify yourselves and state whom you represent.
24 If you have any objections with the procedures I've
25 outlined, please state so when you introduce

1 yourself. We will start with the noticing attorney.

2 MS. COLLINS: Heather Collins for the
3 plaintiff.

4 MS. SANDERS: Leslie Sanders for
5 Defendants. And with me is Daniel Cortez, general
6 counsel and attorney for Defendant, and Armando
7 Lopez the company representative and, obviously, the
8 witness, Suzanne Simms. And no objection.

9

10 * * *

11 SUZANNE SIMMS

12 was called as a witness, and after having been duly
13 sworn, testified as follows:

14

15 EXAMINATION

16 QUESTIONS BY MS. COLLINS:

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

19 A. Susan Talbert Simms.

20 Q. And what is your address?

21 A. [REDACTED].

22 Q. And what is your phone number?

23 A. [REDACTED].

24 Q. Okay. And where are you currently employed?

25 A. I'm currently employed at The Lampo Group.

1 Q. How long have you been there?

2 A. Approximately 20 years.

3 Q. What is your current job title?

4 A. I am the senior executive vice president of
5 our Business to Consumer Channel.

6 Q. Okay. How long have you held that role?

7 A. Approximately nine years.

8 Q. All right. And what are your job duties as
9 the senior executive vice president of Business to
10 Consumer Channel?

11 A. I oversee the business units and the
12 departments that are in that channel. I am a member
13 of our Operating Board that actively leads our
14 organization.

15 Q. Okay. Are you on the Human Resources
16 Committee?

17 A. No.

18 Q. Okay. Have you ever been on the Human
19 Resources Committee?

20 A. Yes.

21 Q. Okay. When were you last on the Human
22 Resources Committee?

23 A. I don't remember the exact date, but it would
24 have been approximately six months ago.

25 Q. Why are you no longer on that Human Resources

1 Committee?

2 A. I have been actively working on some other
3 committees, and just due to time constraints I
4 rolled off that committee and others rolled on.

5 Q. Okay. Prior to six months ago when you
6 rolled off of the HRC -- and that's just what I'm
7 going to refer to as the Human Resources -- I'm
8 going to use HRC to refer to the Human Resources
9 Committee.

10 Prior to six months ago, how long had you
11 been on it?

12 A. Approximately eight years.

13 Q. Okay. What was your role on the Human
14 Resources Committee?

15 A. I was one of the board members who was just
16 actively involved in that committee with some of my
17 peers.

18 Q. What did you do? Did you make employment
19 decisions? Did you set policy? What was the extent
20 of your involvement?

21 A. As a group we listened to cases, situations
22 of various team members who were having significant
23 personal problems or significant performance
24 problems and as a group we would make decisions on
25 how to best handle each situation individually.

1 Q. Is there some sort of voting process when
2 y'all make a decision as to how to handle one of
3 these problems?

4 A. No. We collaborate, discuss, argue, and
5 build consensus. And once we reach consensus, then
6 the decision is made.

7 Q. And when you say significant personal
8 problems that the HRC address, what do you mean by
9 that?

10 A. If someone who is employed here has a
11 significant illness in their family that requires
12 them to be out of work for a while would be one
13 example.

14 Q. Does the HRC typically get involved when an
15 employee notifies it that they are pregnant?

16 A. No.

17 Q. Are there any circumstances in which the HCR
18 Committee would be involved in a situation where an
19 employee would notify them that they were pregnant?

20 A. Yes.

21 Q. Okay. Tell me what you mean by that.

22 A. One example might be if there are significant
23 health issues involved with the pregnancy.

24 Q. Okay. Anything else?

25 A. Another would be if they were not married.

1 Q. Why is that considered a significant personal
2 issue that the HRC would be involved in?

3 A. It is against our core values. It would be
4 out of alignment with our core valves.

5 Q. And those core values are based on an
6 interpretation of the Christian Bible; is that
7 correct?

8 A. They are biblically based, yes.

9 Q. Do you know where in the Bible it says that a
10 person should not be pregnant and unmarried?

11 A. I cannot quote scripture verse reference to
12 you.

13 Q. Do you have any familiarity with any story in
14 the Bible that stands for this premise?

15 A. I don't have familiarity with a story. I
16 grew up being taught that that is what the Bible
17 says and for pretty much all of my life. I don't
18 have scripture references memorized.

19 Q. When you say you grew up being taught that's
20 what the Bible says, how were you taught that? Did
21 it come from public education? Home schooling?
22 Church? What do you mean by that?

23 A. Church and my parents.

24 Q. What church?

25 A. Various churches.

1 Q. What denomination?

2 A. Nondenominational.

3 Q. Did you grow up here in Tennessee?

4 A. Yes.

5 Q. Which church?

6 A. A couple that I can remember off the top of
7 my head would be Belmont Church and Christ Church.

8 Q. When did Ramsey start having this policy
9 against premarital sex?

10 A. It is not a policy. It is part of the core
11 value that we established -- I don't know exactly
12 when it was established. It was prior to my
13 employment here. My understanding is it's been part
14 of the core values of this company since the
15 beginning, but it has definitely been one of our
16 core values as long as I have been employed here.

17 Q. So is it your understanding that employees
18 have to adhere to that biblically-based core value
19 if they want to remain employed by Ramsey Solutions?

20 A. We do request that they do that.

21 Q. Will an employee be terminated if they don't
22 do that, if they don't comply with the core value
23 that they not engage in premarital sex?

24 A. Sometimes.

25 Q. What do you mean by sometimes?

1 A. We do not have time to spy on 1,000 team
2 members. We are not aware of how all of them live
3 their lives. But from time to time, very few times,
4 but when a situation has been brought to our
5 attention that someone is living against one of our
6 core values, there is a possibility they would be
7 terminated.

8 Q. To your knowledge, and this is based on your
9 experience on the Human Resources Committee, has
10 every woman that has worked for Ramsey Solutions
11 that has come to them and notified them that they
12 were pregnant and unwed, have they all been
13 terminated?

14 A. To my knowledge, yes.

15 Q. And that was specifically because they were
16 unwed and pregnant and that violated Ramsey
17 Solutions' core values?

18 A. No. They were terminated because they had
19 sex outside of marriage, which violates our core
20 value.

21 Q. Okay. Who were the women off the top of your
22 head that happened with? Can you recall?

23 A. The only two names that I remember are
24 [REDACTED] -- I don't remember her last name -- and
25 Caitlin O'Connor.

1 Q. So both of those women came to Ramsey
2 Solutions and informed them that they were pregnant
3 and not married and they were terminated because of
4 that, right?

5 A. No. They informed us that they were pregnant
6 and not married, and they were terminated for having
7 sex outside of marriage which is against our core
8 values.

9 Q. But pregnancy was part of the equation
10 because that's why they came to you and informed
11 you, right?

12 A. Yes. They did inform us they were pregnant.

13 Q. Okay. A moment ago you said part of your job
14 duties were to oversee business units and
15 departments. Which business units and departments
16 do you oversee?

17 A. I oversee our Ramsey Personalities, our
18 Consumer Products, our Ramsey Press, which is our
19 Publishing Department, our Live Events, and what we
20 call our Ramsey Network, the production of all of
21 our shows, megaphones.

22 Q. When you said you oversaw the Personalities,
23 was one of those [REDACTED] when he was there?

24 A. Yes.

25 Q. Do you have any background in human

1 resources?

2 A. No.

3 Q. Have you had any sort of specific training in
4 human resources?

5 A. Yes. We do -- we do some training here
6 around human resources for all of our leaders.

7 Q. How often?

8 A. It's not on a -- on a schedule. It's just
9 various times throughout the year as it's necessary.

10 Q. Was that sort of training conducted in 2020?

11 A. I don't remember specific dates.

12 Q. What about 2019? Do you recall if any
13 training was held in 2019?

14 A. Not specifically. I do believe there was
15 some, but I can't remember specific dates.

16 Q. When you say there's some training held for
17 leaders, is it documented in any way, any sort of HR
18 training that's held?

19 A. I cannot speak to how it's documented. That
20 would be up to our Human Resources Department.

21 Q. Well, did you do any sort of sign-in sheet?

22 A. Not that I remember.

23 Q. Were you given any materials or documentation
24 at any of these trainings?

25 A. I don't recall any specifically.

1 Q. Have you had any specific training or
2 background, education, in Title VII or the
3 discrimination laws?

4 A. Some, yes.

5 Q. Tell me about it.

6 A. We have trained our entire leadership team on
7 Title VII.

8 Q. How often?

9 A. I don't remember and can't speak to exactly
10 how often, but we have done training on that.

11 Q. Did you do it before June of 2020?

12 A. Yes, I do believe so. I cannot remember a
13 specific date.

14 Q. Were you provided any training materials?

15 A. I cannot remember any specific materials.

16 Q. Did you do a sign-in sheet of any kind when
17 that occurred?

18 A. I don't remember.

19 Q. Who did the training? Who conducted the
20 training?

21 A. I do not remember all of the people involved,
22 but we did utilize Armando Lopez and some other
23 leaders.

24 Q. What do you mean by other leaders?

25 A. I do remember we had a group of leaders that

1 did some training for us. I just don't remember who
2 all was involved in that. I do remember Armando
3 Lopez.

4 Q. Okay. The other leaders that you're
5 referring to, you don't remember specifically who
6 any of those people were?

7 A. No.

8 Q. Were they Ramsey Solutions employees?

9 A. For sure, yes.

10 Q. Were there any outside people that came in
11 and trained the management team, third party?

12 A. Not that I remember.

13 Q. Okay. So other than these training sessions
14 that you can't remember when they took place or who
15 conducted them other than Armando Lopez, is there
16 any other documentation or evidence that you would
17 have that these trainings took place with respect to
18 Title VII?

19 A. You would have to talk to Human Resources. I
20 personally don't -- cannot speak to that.

21 Q. What was your understanding of Title VII
22 based on these trainings?

23 A. I don't remember all the details.

24 Q. Are you aware that Title VII prohibits
25 discrimination on the basis of pregnancy?

1 A. Yes.

2 Q. Okay. Are you aware that Title VII prohibits
3 discrimination on the basis of religion?

4 A. Yes.

5 Q. And that includes an employer imposing its
6 religious beliefs on its employees?

7 MS. SANDERS: Object to the form. She
8 can answer it.

9 THE WITNESS: Can you restate the
10 question?

11 BY MS. COLLINS:

12 Q. Well, is it part of your understanding that
13 Title VII prohibits an employer from imposing its
14 religious beliefs on its employees?

15 A. That's not my exact understanding. My
16 understanding is they cannot be terminated as a
17 result of religious beliefs.

18 Q. As a result of the employer's religious
19 beliefs?

20 A. Any religious beliefs.

21 Q. So wouldn't terminating an employee based on
22 a biblically-based core value be terminating them
23 because of the employer's religious beliefs?

24 MS. SANDERS: Objection. She can
25 answer. Object to the form.

1 THE WITNESS: That is not my
2 understanding of Title VII.

3 BY MS. COLLINS:

4 Q. Okay. What is your understanding based on?

5 A. My understanding is based on the training
6 that I have had.

7 Q. So you think it's okay to terminate an
8 employee premised on a biblically-based core value?

9 A. My understanding is we are within our rights
10 to have core values for our organization.

11 Q. Even if it's opposing --

12 A. That we -- I'm sorry.

13 Q. Go ahead.

14 A. That we ask our employees to abide by.

15 Q. And that's even if it's imposing an
16 employer's view of their own religious beliefs on
17 its employees?

18 MS. SANDERS: Object to the form. She
19 can answer.

20 THE WITNESS: My understanding is yes.

21 BY MS. COLLINS:

22 Q. And other than the trainings that you've
23 received from Armando Lopez and other leaders, is
24 your understanding based on anything else, that that
25 premise we just discussed was okay?

1 A. Not that I know of.

2 Q. Is it possible that that understanding is
3 incorrect, an incorrect interpretation of Title VII?

4 A. Anything is possible.

5 Q. As a member of the HRC, do you think it's
6 important to understand the ins and outs of
7 Title VII?

8 A. Yes.

9 Q. As a member of the HRC, decisions you make
10 can result in the loss of an employee's career; you
11 understand that?

12 A. No.

13 Q. No? Well, you terminate employees, so they
14 can lose their job, right?

15 A. You said career. Yes, they can lose their
16 job.

17 Q. Okay. And many of your employees that work
18 there consider their jobs their career, right?

19 MS. SANDERS: Object to the form.

20 THE WITNESS: I don't agree with that
21 statement.

22 BY MS. COLLINS:

23 Q. Do you consider your job at Ramsey Solutions
24 your career?

25 A. It is part of my career.

1 Q. Okay. What is the distinction in your mind
2 between a job and a career?

3 A. My career would be over my lifetime. This is
4 one job.

5 Q. Have you ever hired anyone who is visibly
6 pregnant?

7 A. I don't recall.

8 Q. Would you agree that it's probably harder for
9 a pregnant person to get a job when they're visibly
10 pregnant?

11 A. I do not. I do not agree with that.

12 Q. But you've never personally hired someone who
13 is visibly pregnant, right?

14 A. Not that I remember.

15 Q. What is your understanding as to what
16 discrimination is under Title VII?

17 A. My understanding is refusing to hire someone
18 or terminating someone.

19 Q. On the basis of what?

20 A. The various elements of that title which I do
21 not remember all of them.

22 Q. I think we already discussed that includes
23 religion and sex or pregnancy, right?

24 A. Not sex. Pregnancy, yes. Religion, yes.
25 I'm sorry, sex as in their gender? I don't

1 understand what you're asking.

2 Q. Do you have any understanding as to whether
3 or not Title VII covers discrimination on the basis
4 of sex?

5 A. As far as gender, yes.

6 Q. Do you understand discrimination to mean to
7 treat differently, basically?

8 A. I don't remember specifically.

9 Q. Have you ever hired someone who was not
10 Christian?

11 A. Possibly. I don't know for sure.

12 Q. Have you been a part of employee interviews
13 before they get hired?

14 A. Yes.

15 Q. What about spousal interviews?

16 A. Yes.

17 Q. As part of either the employee interview or
18 the spousal interview, are they typically asked
19 where they go to church?

20 A. Not typically.

21 Q. What do you mean by not typically? Are they
22 asked that sometimes?

23 A. That is not -- that is not part of our
24 questions that we ask prior to hiring someone.

25 Q. Is there any discussion as to what their

1 faith practices are?

2 A. No.

3 Q. So you've never been a part of a spousal
4 interview that included discussions of an employee,
5 where they go to church, or their faith practices?

6 A. Only if they bring it up and desire to
7 discuss it.

8 Q. When you have participated in one of those
9 spousal interviews, do you create any sort of
10 documentation after the interview?

11 A. Are you asking if I personally do?

12 Q. Yeah.

13 A. Personally after an interview, I will usually
14 send an email with my thoughts on the -- on the
15 interview.

16 Q. Who would you typically send that to?

17 A. It depends on the situation.

18 Q. What do you mean by that?

19 A. Depends on who the hiring manager is.

20 Q. Would you send it to someone else besides the
21 hiring manager?

22 A. Possibly the recruiter.

23 MS. SANDERS: I'm sorry, Heather. Did
24 you just say someone else? There was a little bit
25 of an interruption. Is that what you said?

1 MS. COLLINS: (Nods head.)

2 MS. SANDERS: Okay. Just making sure.

3 BY MS. COLLINS:

4 Q. Are the recruiters for Ramsey Solutions
5 in-house?

6 A. Yes.

7 Q. Has it been your experience that other people
8 send out interview summaries like that after they've
9 interviewed a candidate or had a spousal interview?

10 A. I can't speak to how other people do it.

11 Q. Have you received a summary like that from
12 any other hiring managers?

13 A. Yes.

14 Q. Who?

15 A. I cannot remember any off the top of my head.

16 Q. Now, with respect to Title VII, would you
17 agree with me that it's a violation of Title VII to
18 treat an employee differently because they tell you
19 they are pregnant?

20 MS. SANDERS: Object to the form. She
21 can answer.

22 THE WITNESS: Can you rephrase the
23 question?

24 BY MS. COLLINS:

25 Q. Well, do you agree that it would be a

1 violation of Title VII to treat an employee
2 differently because they inform you they are
3 pregnant?

4 A. If by informing us they are pregnant, yes,
5 that would be a violation to treat them differently.

6 Q. It would also be a violation of Title VII to
7 treat an employee differently because their
8 religious beliefs are different than those of
9 Ramsey Solutions?

10 MS. SANDERS: I object to the form. She
11 can answer.

12 THE WITNESS: My understanding of
13 Title VII is we cannot discriminate or treat someone
14 differently based on their religious views.

15 BY MS. COLLINS:

16 Q. And would you agree with me that not all
17 employees have the same religious view that
18 premarital sex is prohibited by the Bible?

19 A. That is possible.

20 Q. Would those employees still be terminated, if
21 they disagreed with the religious view held by
22 Ramsey Solutions?

23 A. I have never terminated someone for having
24 that view.

25 Q. But you have terminated employees who engaged

1 in premarital sex, right?

2 A. Yes.

3 Q. Wouldn't that imply that they disagree with
4 any sort of religious premise that premarital sex is
5 prohibited by the Bible?

6 A. Having a view and engaging in are two
7 different things.

8 Q. Okay. Well, if an employee makes a decision
9 to engage in premarital sex, wouldn't that indicate
10 that they disagree that it's prohibited by the
11 Bible?

12 A. Not necessarily.

13 Q. What do you mean by that?

14 A. I don't believe that everyone who has
15 premarital sex believes that it's okay to do that
16 based on what the Bible says.

17 Q. Isn't it true that the Bible is actually
18 silent as to that premise?

19 A. As to which premise?

20 Q. That premarital sex is prohibited?

21 A. I believe the Bible says that it is wrong to
22 have sex outside of marriage. That's what I
23 personally believe.

24 Q. But you just don't know any sort of Bible
25 verse that supports that belief, right?

1 A. I don't have any scripture references
2 memorized.

3 Q. Were you aware that Title VII prohibits
4 retaliation in the workplace?

5 A. I am not familiar. I don't remember
6 specifically on that.

7 Q. Okay. Why is it a private corporation's
8 business under what circumstances an employee can
9 get pregnant?

10 A. We are private. That pretty much answers the
11 question. We have decided we want a certain culture
12 here, one in which people are not sleeping around.

13 Q. Okay.

14 A. And that is within our rights as a private
15 organization.

16 Q. Okay. And it's your belief that as a private
17 corporation they can ask employees when they have
18 sex or if they're married or not, if they're
19 engaging in sex outside of marriage?

20 A. I believe it is our right. We do not conduct
21 that. We have never asked our employees those
22 questions.

23 Q. Would an employee be terminated if they
24 refuse to answer those questions as to whether or
25 not they are having sex outside of marriage?

1 A. I don't know how to answer that. That's not
2 part of our -- that's not part of the way we conduct
3 ourselves in leading this organization.

4 Q. Well, Caitlin O'Connor was terminated because
5 she notified the company she was pregnant outside of
6 marriage, right?

7 A. No. That is not why she was terminated.

8 Q. Okay. What is your belief as to why she was
9 terminated?

10 A. Because she had sex outside of marriage,
11 which is in violation of our core values.

12 Q. And the company only knew about that because
13 she notified it that she was pregnant, correct?

14 A. That is how we became aware, yes.

15 Q. And Caitlin O'Connor was not a personality
16 with the company, was she?

17 A. No.

18 Q. She wasn't the face of the company?

19 A. She was not a public face of the company, no.

20 Q. She was an administrative assistant, correct?

21 A. Yes.

22 Q. Was she an administrative assistant in one of
23 the departments that you oversee?

24 A. No.

25 Q. Sitting here today, can you think of any

1 non-Christians that work at Ramsey Solutions?

2 A. We have a thousand team members, and I do not
3 know the large majority of them so no, I cannot list
4 any names.

5 Q. Well, do you know of any employees there are
6 Muslim and do Noonday Prayers?

7 A. I personally do not.

8 Q. Have you seen any or do you know if there are
9 any Jewish employees?

10 A. I personally do not.

11 Q. Now, did there come a point in time when with
12 respect to the righteous living core value that it
13 was determined that premarital intercourse was
14 prohibited but not premarital oral sex?

15 A. As far as the core value itself, I don't
16 remember a specific conversation where we made that
17 blanket statement.

18 Q. XXX
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7 Q. And as far as you know, you're not aware of
8 any situation where a female employee like
9 Caitlin O'Connor would have notified the company of
10 a pregnancy outside of wedlock where any sort of
11 restoration plan would have been offered?

12 A. Can you say the question one more time?

13 MS. COLLINS: Sure. Deb, can you just
14 repeat what I said? I'll see it if makes sense.

15 (Question was read.)

16 THE WITNESS: I am not aware of any
17 situation where that has happened.

18 BY MS. COLLINS:

19 Q. Okay. When did you first find out about
20 Caitlin O'Connor notifying the company that she was
21 pregnant?

22 A. I don't remember the exact date. I believe I
23 was notified by an email from Armando Lopez.

24 Q. Okay. When you received the email, did you
25 discuss it with anyone?

1 A. Not that particular -- not in that particular
2 moment.

3 Q. Okay. When you received the email, were you
4 aware that she was not married?

5 A. Yes. I believe she stated that in her email.
6 But I was aware she was not married.

7 Q. So was it a foregone conclusion that she
8 would be terminated because she was not married?

9 A. In being consistent with our core values, the
10 fact that she had sex outside of marriage meant that
11 we would terminate her.

12 Q. If she would have gotten married, would she
13 have been given a restoration plan or a second
14 chance?

15 A. That's a hypothetical. I cannot answer that
16 question.

17 Q. Was that discussed or considered?

18 A. We never had a discussion because she never
19 brought up the idea that she would get married.

20 Q. Did you have any discussion with her or ask
21 her if she had plans to get married?

22 A. No. And the core value had already been
23 violated because she had sex outside of marriage.

24 Q. So there was no way, there was no path that
25 she could have taken to redeem herself at that point

1 to keep her job?

2 A. In being consistent with core values, we did
3 not have a choice but to terminate her.

4 Q. XXX
5 XXX
6 XXX
7 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

8 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
9 XXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXX
10 XXXXXXXXXXXXXXX XXXXX
11 XXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

12 XXXXXXXXXXXXXXX

13 XXXXXXXXXXXXXXX

14 XX XXX
15 XXX
16 XX XXX
17 XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

18 Q. If Ms. O'Connor would have notified the
19 company closer to her due date that she had engaged
20 in, you know -- that she was pregnant and unmarried,
21 would she have still been terminated?

22 A. She would have been terminated for having sex
23 outside of marriage.

24 Q. Did you know that she had had other children
25 outside of wedlock?

1 A. I knew she had other children. I don't
2 remember the circumstances.

3 Q. Now, when you received the email, did you
4 have any -- or after you received the email from
5 Armando Lopez that Caitlin O'Connor had sent to him,
6 did you have any conversation with Ms. O'Connor?

7 A. I did.

8 Q. Okay. Tell me what you recall.

9 A. I recall having a phone conversation with
10 her, and I recall having a meeting in person with
11 her.

12 Q. Which came first, the phone conversation or
13 the meeting?

14 A. The phone conversation.

15 Q. Right. Did you have that on your cell phone
16 or your company phone or just your landline?

17 A. Cell phone.

18 Q. Okay. Did you record the phone conversation?

19 A. No.

20 Q. Is your cell phone a company-provided cell
21 phone?

22 A. Yes.

23 Q. Okay. When did you speak with her?

24 A. I don't remember.

25 Q. Okay. What do you recall about the phone

1 conversation?

2 A. I really don't recall anything from the
3 conversation specifically.

4 Q. What do you recall generally about the phone
5 conversation?

6 A. The only thing generally I remember is
7 feeling very much the intention of wanting to make
8 sure Caitlin was okay.

9 Q. Do you recall her telling you anything in
10 specific?

11 A. I don't.

12 Q. Do you recall any specific questions that you
13 asked her?

14 A. No, I don't.

15 Q. Did you take any notes?

16 A. No.

17 Q. Was anyone else present when you had that
18 phone conversation with her?

19 A. No.

20 Q. Then you mentioned -- well, about how long
21 did the phone conversation last, if you recall?

22 A. I don't remember. I do feel like it was
23 fairly brief.

24 Q. Okay. So tell me about the meeting that you
25 had with her in person.

1 A. Jen Sievertsen and I met with her not long
2 after us receiving the email.

3 Q. Okay. What do you recall about that meeting?

4 A. I do not recall details. I simply recall
5 that we simply wanted to see how Caitlin was doing
6 and if she was going to be doing okay.

7 Q. What do you mean if she was going to be doing
8 okay?

9 A. Just if she was okay. We didn't know. We
10 had no reason to assume that she was feeling great
11 about her situation or not. So we simply wanted to
12 sit down with her and see how she was doing.

13 Q. What do you mean feeling great about her
14 situation? About the fact that she was pregnant or
15 the fact that she was going to lose her job?

16 A. Based on her email to Armando, we wanted to
17 make sure she was okay.

18 Q. What do you mean by okay?

19 A. We wanted to make sure that she was doing
20 okay, as one person to another would ask if they
21 were doing okay.

22 Q. Well, I need you to explain that. Do you
23 mean emotionally? What do you mean?

24 A. That was part of it. She referenced in her
25 email she knew that there was a conflict of our core

1 values. We knew she might be nervous. We knew --
2 we didn't want to assume anything. So we simply
3 wanted to see how she was doing.

4 Q. Okay. Did you take any notes?

5 A. I don't recall.

6 Q. Did you send a summary of the meeting to
7 anyone?

8 A. I don't recall.

9 Q. Have you checked to see if you had any notes
10 or an email summary of the meeting?

11 A. I personally have not unless -- not -- not
12 that I recall.

13 Q. Sitting here today, you don't know if you
14 created any notes from that meeting that you had
15 with Caitlin O'Connor?

16 A. I do not know for sure if I personally did.

17 Q. Okay. And you haven't checked?

18 A. No.

19 Q. All right. So you had the meeting with
20 Caitlin O'Connor and Jen Sievertsen to see if she
21 was okay. Do you recall anything else about the
22 meeting?

23 A. No. It was very brief.

24 Q. How did Ms. O'Connor seem during the meeting?

25 A. I don't remember specifics. I do feel like

1 she expressed to us that she was happy, and her
2 boyfriend was very happy about the situation. And I
3 don't remember much else about that conversation.

4 Q. Where did the meeting take place?

5 A. In my office.

6 Q. Was the door open or shut?

7 A. Closed.

8 Q. Do you recall if anyone else took notes, if
9 you observed anyone else taking notes during the
10 meeting?

11 A. I don't recall.

12 Q. Okay. If you could pull up Exhibit Number 6
13 for me, please.

14 MS. SANDERS: I just handed the witness
15 an exhibit marked Number 6 from Mr. Lopez's
16 deposition.

17 WHEREUPON, a document was presented,
18 previously marked as Exhibit Number 6.

19 BY MS. COLLINS:

20 Q. Okay. All right. Ms. Simms, have you seen
21 this email thread before?

22 A. Yes.

23 Q. Now, it looks like you were provided
24 Ms. O'Connor's phone number on Friday, June 19th.
25 Do you think that was the day that you called her?

1 A. I don't remember exactly. It is possible.

2 Q. Before you met with Ms. O'Connor did you have
3 any conversations with Jen Sievertsen as far as what
4 you expected to get from the meeting with
5 Ms. O'Connor?

6 A. Actually, I don't remember if we had any
7 conversations prior to the meeting.

8 Q. Okay. And on Exhibit Number 6, it looks like
9 Dave Ramsey sent the HR Committee, which you're a
10 part of, an email at 5:10 a.m. on June 19th.

11 Did you have any conversations with him about
12 Ms. O'Connor after he sent this email?

13 A. No. No.

14 Q. So at any point in time did you have any
15 conversations with Mr. Ramsey about this email that
16 he sent on June 19th?

17 A. No.

18 Q. Did you have any conversations with him about
19 Caitlin O'Connor?

20 A. Like during this time frame? During which
21 time frame?

22 Q. During the time frame around her termination?

23 A. No.

24 Q. In Mr. Ramsey's email, he states: Then next
25 week we will follow the steps we did before. What

1 was your understanding as to what that meant?

2 A. My understanding was that we would have to
3 terminate her as we had had to do previously due to
4 the conflict with our core values. It also included
5 making sure that we would financially take very good
6 care of her.

7 Q. And that was in the form of severance
8 agreement?

9 A. In this case it was not just severance. We
10 offered a full year of health insurance for she and
11 the baby as well.

12 Q. And she would have also been required to sign
13 a nondisclosure agreement as part of that severance
14 agreement, correct?

15 A. Yes. As part of any severance agreement,
16 yes.

17 Q. Which meant she couldn't talk about the
18 reasons why she was terminated, correct?

19 A. That's correct.

20 Q. And it also prohibited her from pursuing her
21 legal rights with respect to any discrimination she
22 felt she experienced as a result of her termination,
23 correct?

24 MS. SANDERS: Object to the form. You
25 can answer.

1 THE WITNESS: She was -- she would have
2 been given time to speak to a lawyer before signing
3 an NDA. We encourage everyone to do that. But once
4 it is signed, part of it is there would be no legal
5 action taken against our organization.

6 BY MS. COLLINS:

7 Q. So for her to get the severance and the
8 health insurance that she needed to care for her
9 newborn, she would have had to waive all of her
10 legal rights and agree not to talk anything about
11 Ramsey Solutions?

12 MS. SANDERS: Object to the form. You
13 can answer it.

14 THE WITNESS: Once she signs an NDA,
15 part of that is she cannot file a lawsuit against us
16 and take legal action against our organization.

17 BY MS. COLLINS:

18 Q. Okay. If you could pull up Exhibit Number 7
19 for me, please.

20 WHEREUPON, a document was presented,
21 previously marked as Exhibit Number 7.

22 MS. SANDERS: I'm handing the witness a
23 document marked Exhibit 7 from Mr. Armando Lopez's
24 deposition.

25 / /

1 MS. COLLINS: If you could turn to the
2 second page of Exhibit Number 7.

3 MS. SANDERS: What's the Bates Number,
4 Heather, that you want her to look at?

5 MS. COLLINS: 1830.

6 MS. SANDERS: Okay. There you go.

7 BY MS. COLLINS:

8 Q. Have you -- well, did you send this email on
9 June 23rd, 2020 at 2:29 p.m.?

10 A. If I could, I would like a moment just to
11 finish reading it.

12 Q. Sure.

13 A. Okay. I have read it.

14 Q. Okay. Do you recall sending this email?

15 A. Yes.

16 Q. Okay. When was the last time you reviewed it
17 besides this morning?

18 A. I don't remember.

19 Q. Okay. Now, it says that -- well, first, does
20 this refresh your recollection as to when you had
21 the meeting with Jen Sievertsen and
22 Caitlin O'Connor?

23 A. I still don't remember exactly. I can assume
24 it was on Tuesday the 23rd but I cannot speak to
25 that exactly.

1 Q. Okay. Now, in the second paragraph, the
2 second-to-last sentence, you wrote: She seemed
3 nervous. That made it clear she needs us to make
4 this decision. She isn't going to self-select out.
5 What did you mean by that?

6 A. She did not resign.

7 Q. Did you ask her to resign?

8 A. No, we did not.

9 Q. And then in the third paragraph, it says: We
10 met with HRC today. Who did you meet with on the
11 HRC?

12 A. I don't remember who was in that meeting.

13 Q. Was it in person?

14 A. I would assume so because I sent him that
15 with HRC.

16 Q. Okay. Had the decision already been made to
17 terminate her when the email was received on
18 June 19th?

19 A. The decision was made shortly thereafter.

20 Q. Okay. Who was the final decision-maker, or
21 was this another situation where the entire HRC had
22 to agree?

23 A. This decision was made by the HRC.

24 Q. If you could turn to Exhibit Number 9 for me,
25 please.

1 MS. SANDERS: I'm handing the witness a
2 document that was marked Exhibit Number 9 in Armando
3 Lopez's deposition.

4 THE WITNESS: Yes, I have it.

5 WHEREUPON, a document was presented,
6 previously marked as Exhibit Number 9.

7 BY MS. COLLINS:

8 Q. Okay. Do you recall sending this text
9 message to Caitlin O'Connor?

10 A. Yes.

11 Q. Did you send her any other text messages
12 around the time frame in June of 2020?

13 A. I don't recall.

14 Q. Have you looked to see if you received any or
15 sent any?

16 A. I have turned over all that was asked of my
17 attorneys. I do not recall if I had any other text
18 conversations with her.

19 Q. Okay. Did you talk with Caitlin O'Connor on
20 this day, June 19th?

21 A. I don't remember exactly when we spoke.

22 Q. Did you text with anyone else about Caitlin
23 O'Connor's situation?

24 A. I don't remember.

25 Q. Have you gone to check your text messages to

1 see if you did?

2 A. I have turned over all text messages,
3 anything that was asked of me, to my attorneys. I
4 don't recall any specifics.

5 Q. Okay. How many text messages did you turn
6 over?

7 A. I don't remember.

8 Q. But you did turn over text messages that had
9 to do with Caitlin O'Connor?

10 A. This one for sure I did. I don't recall if
11 there were any others.

12 Q. Did you know that it was illegal to terminate
13 a qualifying employee when they notify you that they
14 need FMLA?

15 MS. SANDERS: Object to the form. You
16 can answer it.

17 THE WITNESS: Yes. And that is not why
18 we terminated Caitlin O'Connor.

19 BY MS. COLLINS:

20 Q. Okay. But part of the reason why she
21 notified Ramsey Solutions of her pregnancy was in
22 the context of requesting FMLA, correct?

23 A. She did request to speak about FMLA in her
24 initial email to Human Resources.

25 Q. Do you know if she was provided a notice of

1 her rights under the FMLA?

2 A. I do not know for sure.

3 Q. As a member of the HRC Committee, did you ask
4 as to whether or not she was provided a notice of
5 her rights?

6 A. No. That would be our Human Resources
7 Department obligation.

8 Q. Do you know what I mean by notice of rights?

9 A. Not exactly.

10 MS. COLLINS: Okay. Let's take a quick
11 break. Off the record.

12 (Short break.)

13 BY MS. COLLINS:

14 Q. Ms. Simms, would you agree with me that the
15 prohibition against premarital and extramarital sex
16 is not written down anywhere at Ramsey Solutions?

17 A. To my knowledge -- I can't speak for certain,
18 but to my knowledge it's not formally written down.

19 Q. And what is your understanding as to how it's
20 communicated?

21 A. We communicate in multiple ways with our team
22 that we do not want them engaging in sex outside of
23 marriage, from the interview process, to the
24 on-boarding, to regular communication from our staff
25 meeting with our entire team.

1 Q. Is all of that verbal?

2 A. Yes.

3 Q. Okay. Would you agree with me that most
4 important things should be reduced to writing?

5 A. I do not agree with that.

6 Q. Okay. Why not? What do you disagree about
7 that?

8 A. I feel we are very clear and very effective
9 in our communication of all our core values.

10 Q. But y'all just don't put some of them down in
11 writing, correct?

12 A. We did not put in formal writing the
13 specifics around the sex outside of marriage.

14 Q. Has that ever been considered?

15 A. I don't know for sure.

16 Q. Have you been a part of any conversations
17 where that's been considered?

18 A. Not that I recall.

19 Q. Do you know of an employee named

20 [REDACTED]?

21 A. I am aware of [REDACTED].

22 Q. Why was [REDACTED] terminated?

23 A. [REDACTED] was not terminated.

24 Q. Did [REDACTED] quit?

25 A. If I am remembering the correct person, [REDACTED]

1 resigned from our organization.

2 Q. Do you know why?

3 A. My memory is that she resigned because she
4 very respectfully told us she disagreed with some of
5 our core values.

6 Q. Which core values?

7 A. I don't remember specifically which ones.

8 Q. Was Caitlin O'Connor's situation brought up?

9 A. I'm sorry, can you repeat the question? It
10 faded out.

11 Q. Sure. Was Caitlin O'Connor's situation
12 brought up?

13 A. I don't recall if it was in that
14 conversation.

15 Q. Did she sign an NDA or severance agreement?

16 A. I don't recall.

17 Q. Was she asked to resign?

18 A. No.

19 Q. Did she work in your department?

20 A. At the time she resigned, I do believe she
21 worked in a department that reported up to me.

22 Q. Do you recall who her immediate supervisor
23 was?

24 A. No, I don't recall exactly who it was.

25 Q. What did you do to prepare for your

1 deposition this morning?

2 A. What do you mean by prepare?

3 Q. Did you talk to anyone? Did you review any
4 documents?

5 MS. SANDERS: Objection to the extent it
6 calls for attorney-client privileged communication.
7 But you can answer other than that.

8 THE WITNESS: I mean, as far as
9 formal -- there was no formal preparation for this
10 deposition.

11 BY MS. COLLINS:

12 Q. Okay. Did you review any documents during
13 the course of your deposition?

14 A. The documents that you asked for us to review
15 only, yes.

16 Q. Okay. Did you send or receive any text
17 messages or emails during the course of the
18 deposition?

19 A. No.

20 Q. Did you communicate with anyone during the
21 course of the deposition?

22 A. No.

23 Q. XXX
24 XXX
25 XX XXXXXXXXXXXXXXXXXXXXXXX

1 XX XXX
2 XXXXXXXXXXXXXXXXXXXXXXX
3 XXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
4 XXX
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15 XXX
16 XX XXX

17 MS. COLLINS: Okay. Okay. Let me just
18 have one second. I think I'm done.

19 MS. SANDERS: Sure.

20 (Short break.)

21 BY MS. COLLINS:

22 Q. Okay. Let's go back on the record. Does the
23 company hold weekly devotionals?

24 A. Yes.

25 Q. Okay. Are those required attendance?

1 A. We ask our employees to all attend, but
2 there's no way to take roll.

3 Q. Are most of those devotionals faith based?

4 A. Yes, most of them are.

5 Q. Do they open and close with prayer?

6 A. Sometimes.

7 Q. And by faith based, are they Christian? Are
8 they based on the Christian faith?

9 A. Most of them are.

10 MS. COLLINS: Okay. That's all I have.

11 MS. SANDERS: Thank you. Nothing from
12 us.

13 THE REPORTER: Ms. Collins, would you
14 like to order this transcribed?

15 MS. COLLINS: Yes, please.

16 THE REPORTER: And would you like to
17 order a copy, Ms. Sanders?

18 MS. SANDERS: Yes.

19 THE REPORTER: Reading and signing?

20 MS. SANDERS: Yes. Sorry. I couldn't
21 understand you. We will be reviewing and signing.

22 FURTHER DEPONENT SAITH NOT

23 (Proceedings concluded at 11:36 a.m.)
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E R R A T A P A G E

I, SUZANNE SIMMS, having read the foregoing videoconference deposition, pages 1 -28, 31 - 33, 34 - 49, 50 - 51, do hereby certify said testimony is a true and accurate transcript, with the following changes (if any):

PAGE	LINE	SHOULD HAVE BEEN
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SUZANNE SIMMS

Notary Public

My Commission Expires: _____

Reported by: Deborah H. Honeycutt, LCR

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, Deborah H. Honeycutt, Licensed Court Reporter, with offices in Hermitage, Tennessee, hereby certify that I reported the foregoing videoconference deposition of SUZANNE SIMMS by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me. I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

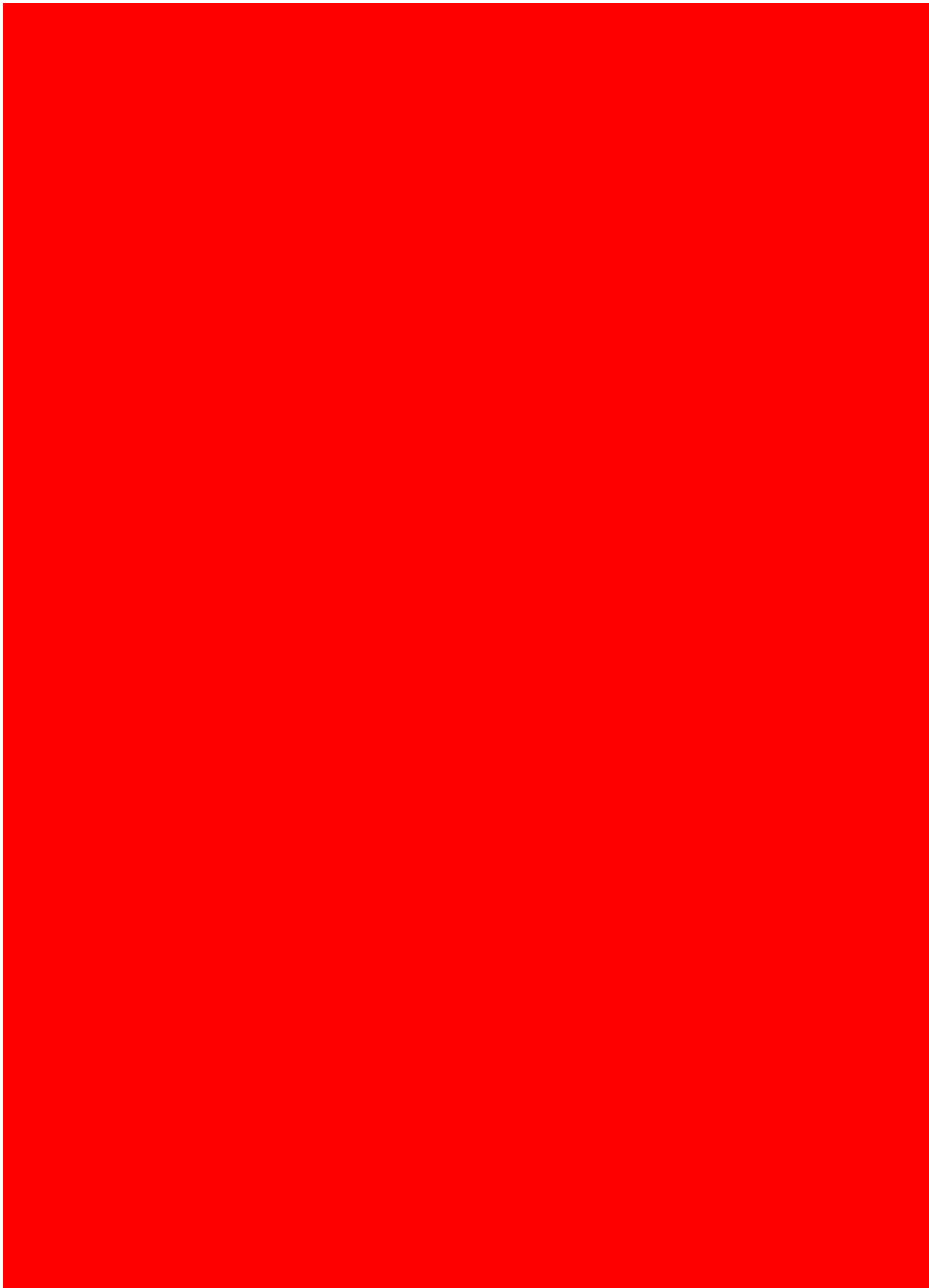
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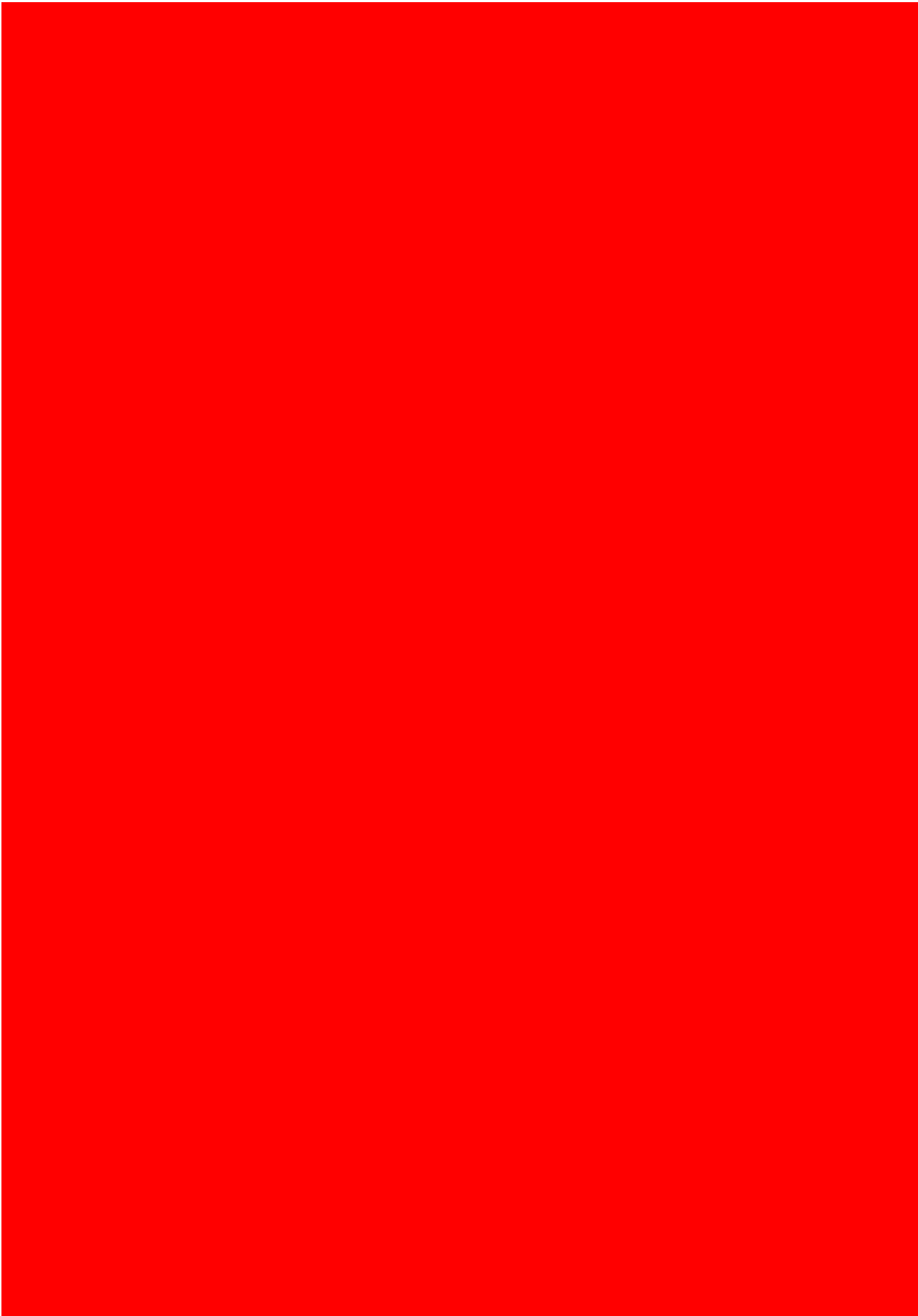
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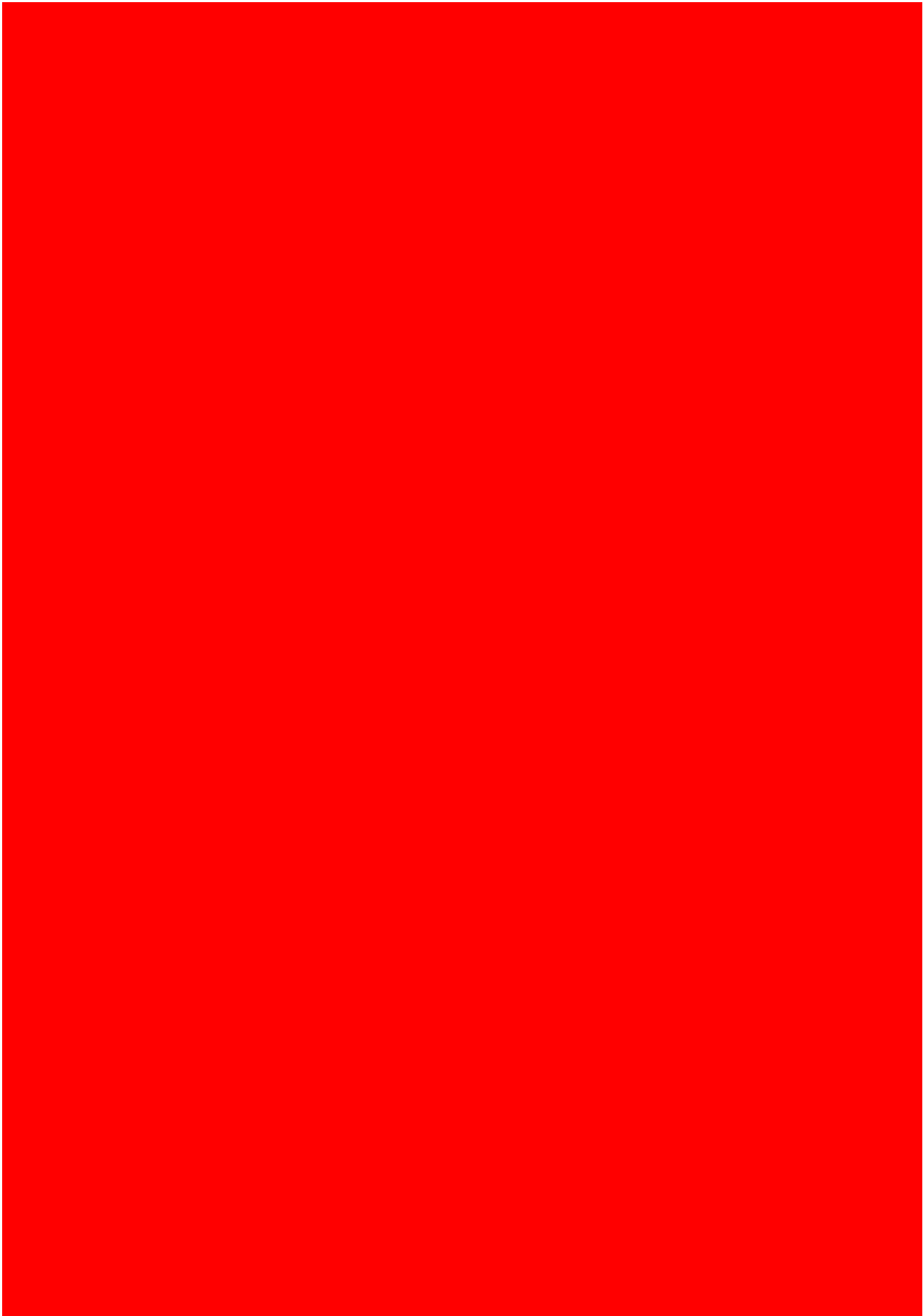
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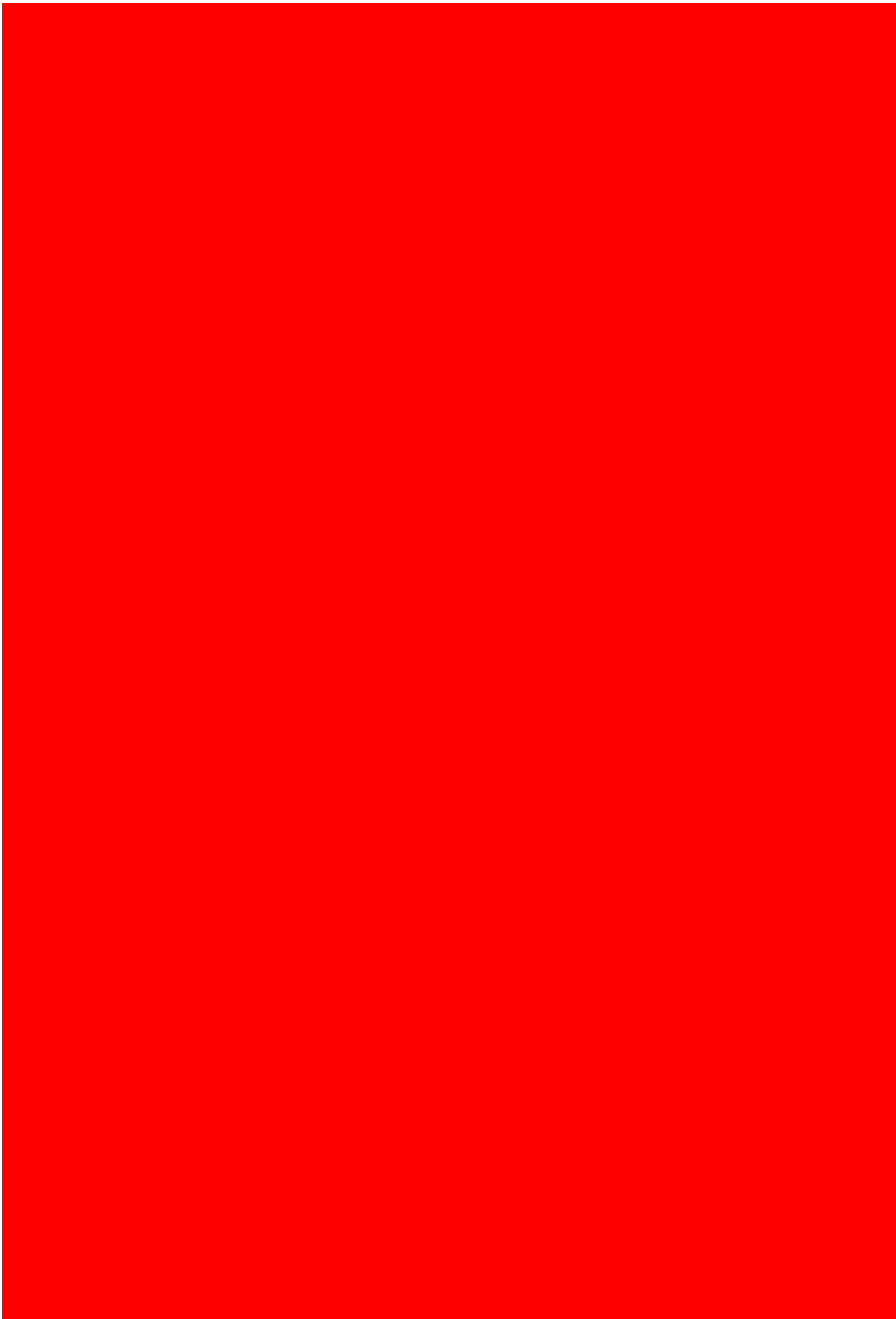


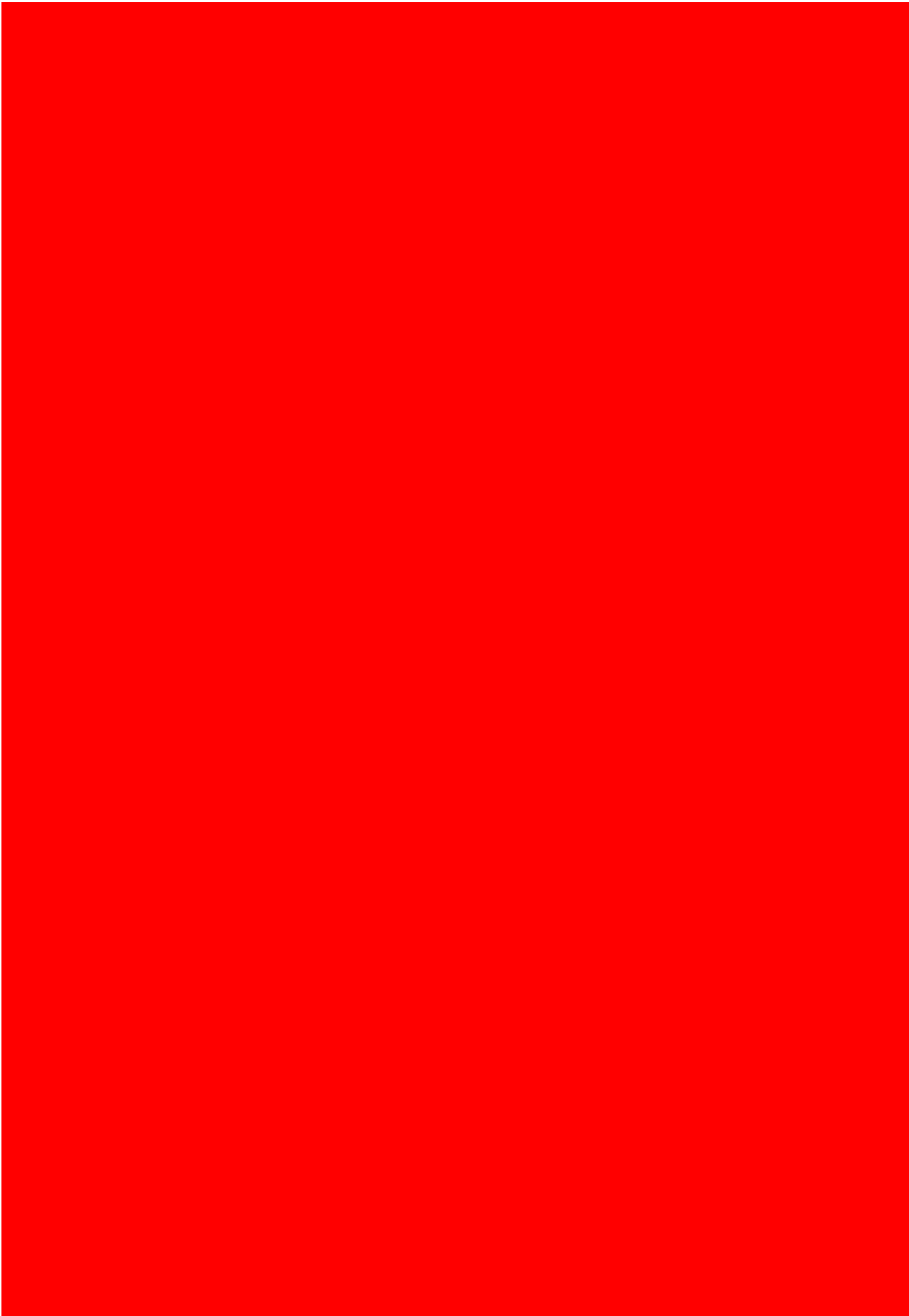
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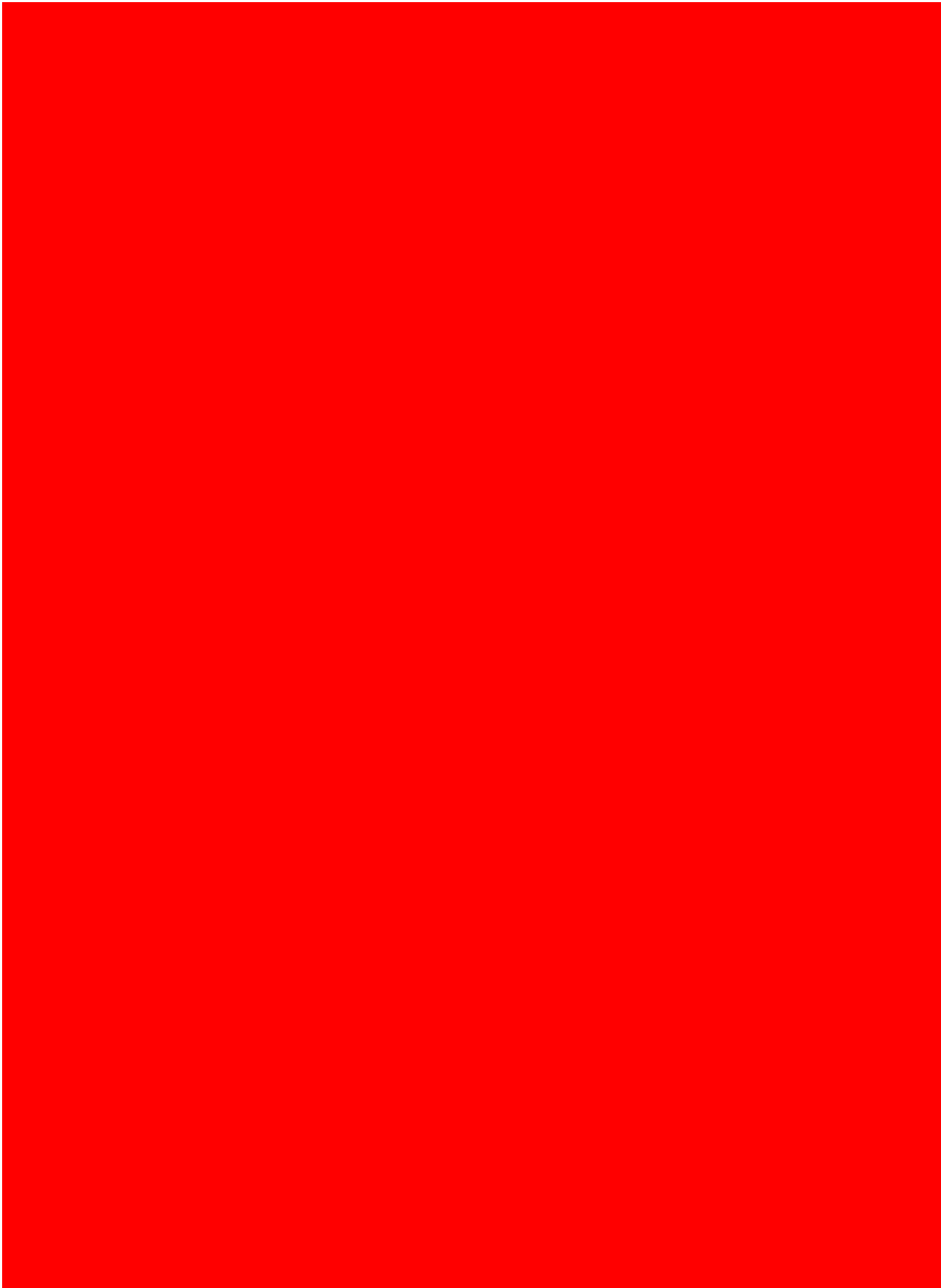


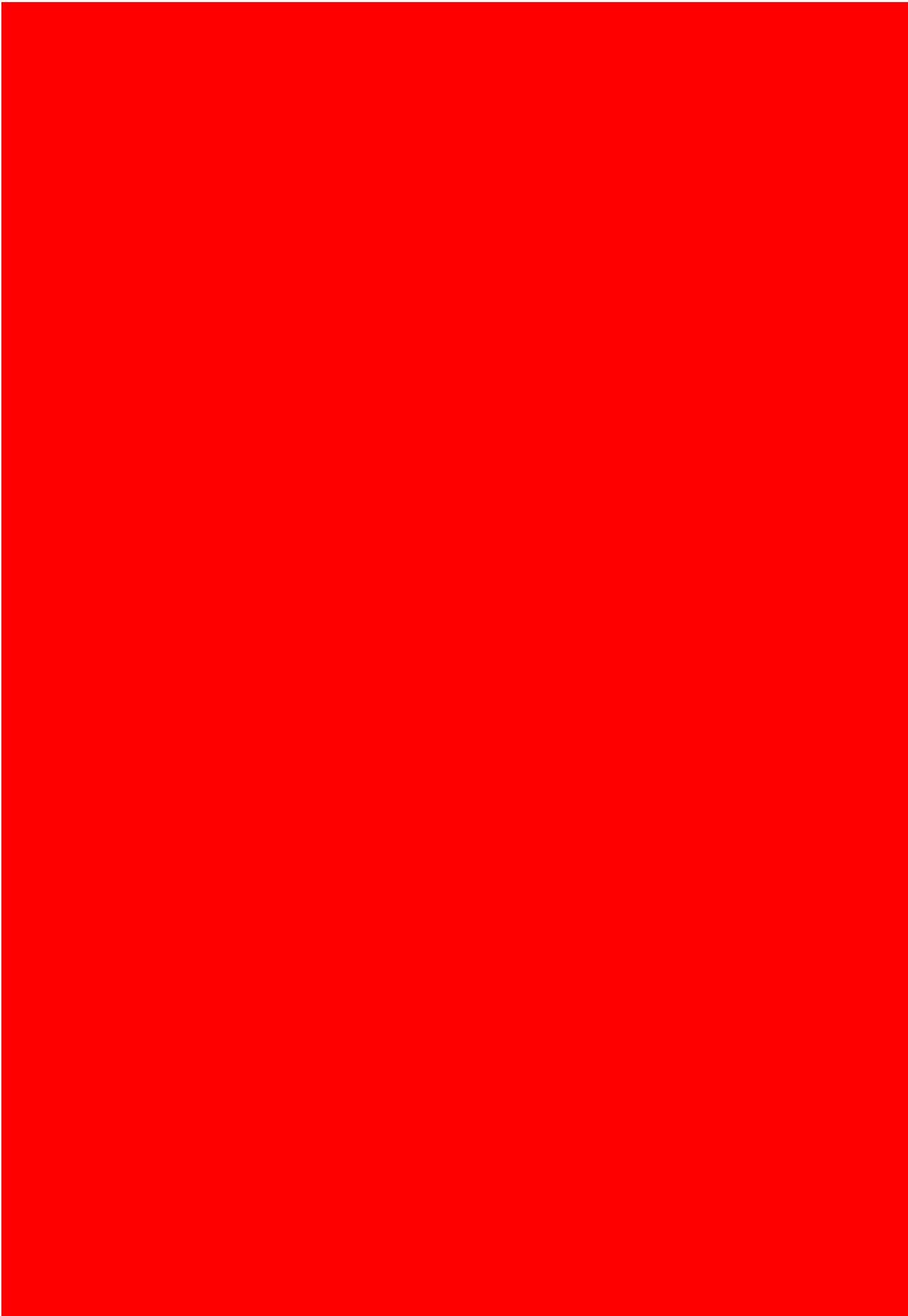


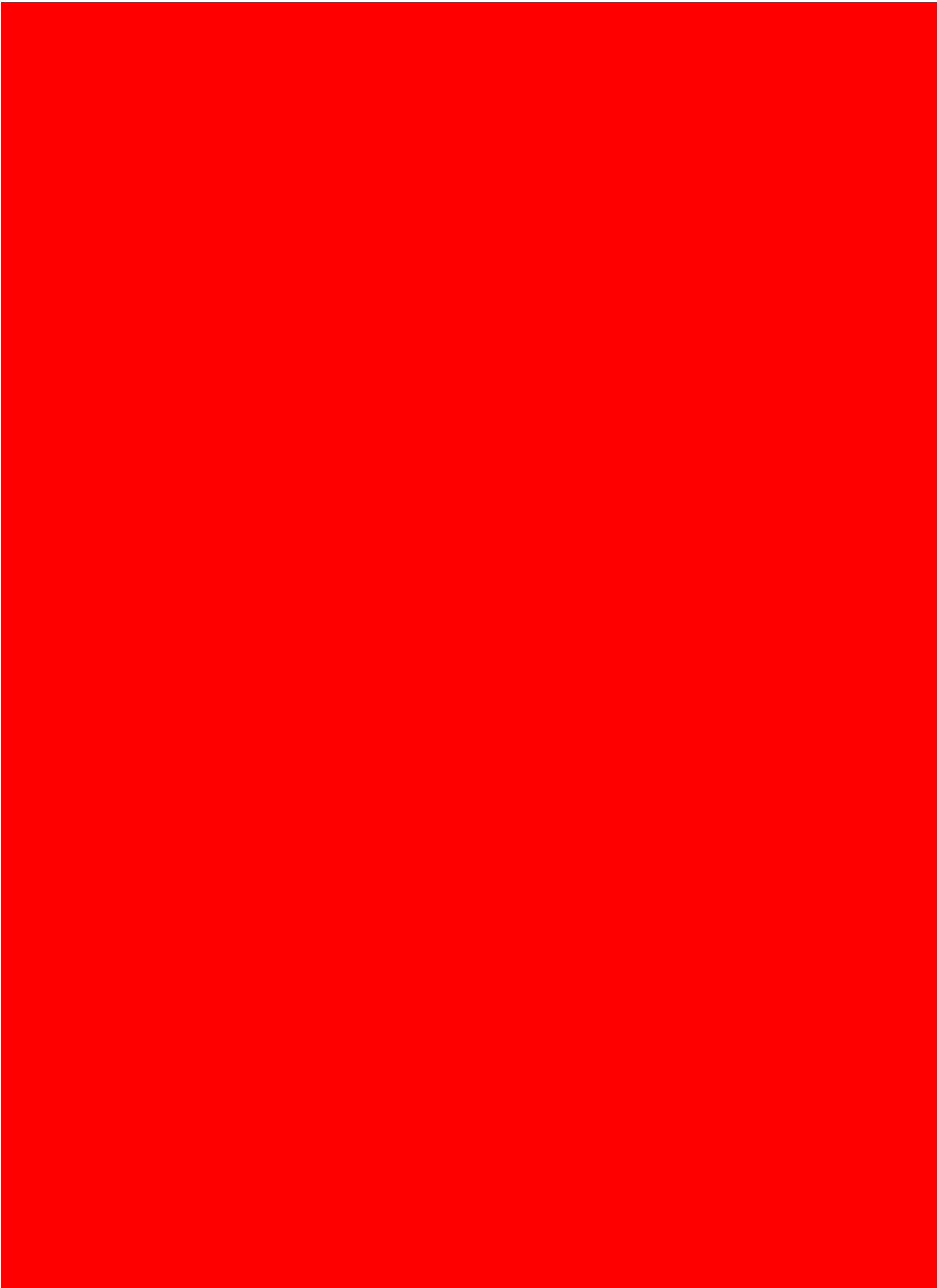












CAITLIN O'CONNOR

VS.

LAMPO GROUP

Attorneys Eyes Only

SUZANNE SIMMS

September 10, 2021



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

4 CAITLIN O'CONNOR,

5 Plaintiff,

 No.: 3:20-cv-00628

6 vs.

 JUDGE RICHARDSON

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

 MAGISTRATE JUDGE
 FRENSLEY

9 Defendant.

 JURY DEMAND

10
11 *CONFIDENTIAL PORTIONS*
12 *ATTORNEY'S EYES ONLY - SUBJECT TO PROTECTIVE ORDER*

13 Videoconference Deposition of:

14 SUZANNE SIMMS

15 Taken on behalf of the Plaintiff
16 September 10, 2021

17 Commencing at 10:01 a.m.

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21
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A P P E A R A N C E S

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Also present:

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MR. ARMANDO LOPEZ

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(Confidential portion begins:)

17
18 Q. Do you have any recollection as to a
19 situation where that came up, that an employee would
20 not be terminated if they engaged in premarital or
21 extramarital oral sex but not intercourse?

22 A. There was one instance of that, yes.

23 Q. Okay. Tell me about that.

24 A. That was [REDACTED].

25 MS. SANDERS: Just a reminder, this

1 entire deposition is marked confidential until
2 further notice, and anything about [REDACTED] is
3 attorney's eyes only.

4 MS. COLLINS: I disagree with the
5 blanket statement that the entire deposition is
6 confidential because I don't think that it is. If
7 you want to state for the record that discussions
8 with respect to [REDACTED] particular employment
9 circumstances are attorney's eyes only, that's fine.
10 We'll certainly deal with that later with the court
11 and with respect to filing deadlines.

12 BY MS. COLLINS:

13 Q. So you said that that came up with [REDACTED]
14 [REDACTED]. What were the circumstances where it was
15 deemed that oral sex was not a terminable offense
16 but intercourse was?

17 A. The circumstances in that case was it was
18 something that had happened so far in the past and
19 we had never encountered that type of situation
20 before.

21 Q. Who was involved in that decision?

22 A. Our Operating Board.

23 Q. Who was on the Operating Board at the time?

24 A. We have had some turnover. I don't remember
25 exactly all of the names.

1 Q. Was Dave Ramsey involved in that decision?

2 A. Yes. He is on the Operating Board.

3 Q. So is there a biblical basis that oral sex is
4 a form of premarital sex that is okay but not
5 intercourse?

6 A. I don't know.

7 Q. And you would agree with me that a person
8 typically can't get pregnant through oral sex,
9 right?

10 A. As far as I know, that is correct.

11 Q. But when this situation came up with [REDACTED],
12 with respect to [REDACTED], you mentioned that it
13 was something that occurred so far in the past and
14 y'all had never encountered it before, what do you
15 mean by that?

16 A. We had never been made aware of a situation
17 that was not happening in realtime. And he and his
18 wife agreed they wanted to restore their marriage.
19 And because it had happened so far in the past, we
20 decided to partner with them in that.

21 Q. So was there discussion if y'all would have
22 known about it in realtime he would have been
23 terminated for engaging in oral sex?

24 A. That is a possibility.

25 Q. So your recollection was that there was no

1 recent form of sex being engaged in, whether it was
2 oral or intercourse; is that correct?

3 A. That was our understanding at that time.

4 Q. And for that reason [REDACTED] remained in his
5 job, right?

6 A. Yes. Because of that decision, yes.

7 (Confidential portion ends.)

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3 (Confidential portion begins:)

4 Q. With respect to the [REDACTED] situation,
5 how far removed in time was your understanding as to
6 when he last engaged in a sex act with someone
7 outside of his marriage?

8 (Simultaneous talking.)

9 MS. SANDERS: Object to the form.

10 MS. COLLINS: Okay.

11 THE WITNESS: I don't remember the exact
12 time frame.

13 BY MS. COLLINS:

14 Q. Okay. Do you remember generally? Like, was
15 it a few weeks? A few months? A few years?

16 A. It was at least over two years. I don't
17 remember the exact time frame.

18 (Confidential portion ends.)

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(Confidential portion begins:)

23 Q. Have you reviewed a declaration that was
24 provided by [REDACTED] in this case?

25 A. I don't recall.

1 Q. Do you recall referring [REDACTED] to a
2 divorce attorney?

3 MS. SANDERS: Could you repeat that,
4 Heather? You're cutting out just a little bit.

5 THE WITNESS: Yeah.

6 MS. SANDERS: It almost sounds like the
7 microphone is covered up.

8 BY MS. COLLINS:

9 Q. Do you recall referring [REDACTED] to a
10 divorce attorney?

11 A. Yes.

12 Q. Okay. Why did you do that?

13 A. He requested that I do.

14 Q. Is this the company's practice to get
15 involved in its employees' marital problems?

16 A. We don't have a company practice around that.

17 (Confidential portion ends.)

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E R R A T A P A G E

I, SUZANNE SIMMS, having read the redactions of the foregoing videoconference deposition, pages 28 - 31, 33, 49 - 50, do hereby certify said testimony is a true and accurate transcript, with the following changes (if any):

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SUZANNE SIMMS

Notary Public

My Commission Expires: _____

Reported by: Deborah H. Honeycutt, LCR

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REPORTER'S CERTIFICATE

STATE OF TENNESSEE
COUNTY OF DAVIDSON

I, Deborah H. Honeycutt, Licensed Court Reporter, with offices in Hermitage, Tennessee, hereby certify that I reported the redactions in the foregoing videoconference deposition of SUZANNE SIMMS by machine shorthand to the best of my skills and abilities, and thereafter the same was reduced to typewritten form by me. I am not related to any of the parties named herein, nor their counsel, and have no interest, financial or otherwise, in the outcome of the proceedings.

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